



Appeal Decision

Site visit made on 18 June 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2024

Appeal Ref: APP/H0520/W/23/3333900

**Land at Dunstall Close, High Street, Offord Cluny, St Neots,
Cambridgeshire PE19 5AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Bewick Homes Ltd against Huntingdonshire District Council.
 - The application Ref is 23/00324/FUL.
 - The development proposed is erection of a one-and-a-half-storey three-bedroom property and associated works.
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Decision

1. The appeal is dismissed, and planning permission is refused for erection of a one-and-a-half-storey three-bedroom property and associated works.

Preliminary Matters

2. As the proposal is in a conservation area and relates to listed buildings, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The Council has confirmed that if they had been in a position to determine the proposal, they would have recommended refusal of the application. In light of the three putative reasons for refusal set out within the Council's appeal statement, the main issues in this appeal are:
 - Whether the proposal would be in a suitable location, having regard to the local development strategy;
 - The effect of the proposal on the character and appearance of the local area, with particular regard to the desirability of preserving the setting of Grade II listed buildings and the extent to which it would preserve or enhance the character or appearance of the Offord Cluny Conservation Area; and
 - The effect of the proposal on the living conditions of the occupiers of no 208 High Street, with regard to daylight, sunlight, and outlook.

Reasons

Whether in a suitable location

4. The appeal site forms part of an undeveloped parcel of land associated with a recent housing development. The site fronts onto the High Street and its

southern boundary meets the flank wall of no 208. There are dwellings on the opposite side of the High Street and beyond the rear of the site. The site therefore adjoins the village's built area.

5. The village of Offord Cluny is defined as a small settlement by Policy LP9 of the Huntingdonshire Local Plan 2019 (LP). Development within the built-up area of a small settlement is generally supported. However, the LP's definition of 'built-up area' excludes undeveloped land that affords important views from a public vantage point to or from a listed building or conservation area connecting the building or area to its countryside setting. Such land is excluded from the built-up area to protect its role in providing a transition between the settlement and the countryside.
6. The site is located within the Offord Cluny Conservation Area (CA) and next to Grade II listed building, no 208 High Street. The site affords views of this listed building and the CA entering the village from the north. Beyond the junction of Dunstall Close and the High Street lies agricultural land. On approaching from the south, the site allows views from the CA to open, undeveloped countryside, and no 208 is viewed against a backdrop of agricultural land and hedgerows. Consequently, the site comprises undeveloped land which affords important public views to and from the listed building and CA to the countryside setting.
7. In a previous appeal decision¹ the Inspector concluded the site lies outside the built-up framework of the village. The site's context has changed through the construction of the new housing development to the west of the site, and the former decision pre-dates the current LP. Nonetheless, due to its relationship to important views between heritage assets and the countryside, the site must be considered to be excluded from the built-up area.
8. The LP's policies for development in the countryside are therefore applicable. Policy LP10 generally limits development in the countryside to protect its intrinsic character and beauty. The proposed development would comprise one market dwelling. There are no policies which expressly support a development of this type in the countryside.
9. I have considered the effects of the proposed development on the character and appearance of the area in the following section. However, the proposed development would interrupt the visual relationship between heritage assets and the countryside, and therefore would be harmful to its intrinsic character and beauty. Therefore, having regard to the development plan, the proposed development would not be in a suitable location.

Character and appearance

10. The site comprises mown grass and young trees, with a hedgerow along its frontage, and is situated at the northern end of the CA. The CA encompasses the built area surrounding the High Street, adjoining lanes, and open land such as the grounds of the manor house and meadow beyond the churchyard. The significance of the CA is derived from its history as a farming community dating back to the medieval period. The Offord Cluny Conservation Area Character Statement 2003 indicates the CA's character is defined by its buildings, street pattern, open spaces, and trees.

¹ APP/H0520/A/08/2083550/WF

11. No 208 High Street abuts the site's southern boundary and is a Grade II listed building. No 208 was constructed in the 17th century, with a timber frame, render, and a half-hipped thatched roof, ridge stack, gabled dormer, and casement windows. No 208 traditional, rural character and historic and architectural interest contribute to its significance.
12. In addition, the site is prominent within views along the High Street and Dunstall Close of Grade II listed buildings nos 213-215 and 207 High Street. Nos 213-215 is a two-storey 17th century partly timber-framed building with splayed bay windows and gabled dormers. No 207 is a rendered, timber-framed, early-17th century cottage. The significance of the listed buildings arises from their age, scale, style, construction, layout, materials, and High Street location, and therefore are of historic and architectural value.
13. As discussed above, the site allows views of no 208 from the north. From the south, the site provides a visual connection between the group of listed buildings at the High Street and the countryside. Consequently, the appeal site falls within the setting of the group of listed buildings and contributes positively to the buildings' special interest.
14. The site provides separation between modern housing development to the west and development within the CA, including the listed buildings. The CA Character Statement identifies the presence of open space between buildings as distinctive in this northern end of the High Street. The site's open, undeveloped, and green appearance therefore contributes positively to the character of the CA.
15. The dwelling would front onto the High Street and would be visually prominent in the street scene on entering the CA from the north. The proposed dwelling would be of substantial size which, along with hardstanding, domestic paraphernalia, and boundary treatments, would have an urbanising effect on the site. The siting of the proposed development would therefore result in a loss of open space that is characteristic of this northern end of the CA.
16. The appellant asserts the dwelling would act as a transition between historic and modern developments, enabling the area's character to be more easily appreciated. The proposed dwelling would sit uncomfortably close to no 208 and would appear out of keeping with the low density, historic street pattern of development within the CA, and would erode the separation between historic and modern development thus harming the legibility of the CA.
17. The National Planning Policy Framework (the Framework) defines a heritage asset's setting as the surroundings in which a heritage asset is experienced. The appellant asserts the design of the scheme has sought to recognise the importance of existing views of no 208, with the proposed dwelling set back a modest distance from the immediate road frontage. However, views of no 208 would not be maintained but would be obstructed, particularly from the north, and would compete visually with the building within the street scene.
18. The proposed dwelling would be constructed using sympathetic materials including a red mix local brick. However, the proposed dwelling's asymmetric design would comprise a main and secondary wing with a perpendicular linking section and a flat-roofed projection. The sections would comprise differing roof heights, and dormer sizes, and would incorporate a variety of external materials. The proposed design and form of the dwelling would appear overly

dominant and out of keeping with the character of buildings within the CA, including within views of group of listed buildings 208, 213-215, and 207.

19. For these reasons, the proposal would harm the character and appearance of the area and would fail to preserve the setting of listed buildings nos 208, 213-215, and 207 and character of the CA.
20. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the harm would be through the loss of undeveloped land within the CA and setting of listed buildings, I find the harm to be less than substantial in this instance, but nevertheless carries great weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
21. The appellant is of the view the proposal would be beneficial as the dwelling would maximise energy efficiency, mitigate resource consumption, encourage alternative means of transport for shorter journeys, and provide economic and social advantages associated with new housing. However, since the proposal is for one dwelling, its public benefits would be small.
22. The public benefits of the proposal would not be of sufficient magnitude to outweigh the harm to heritage assets. Therefore, I conclude the proposal would fail to preserve the special interest of Grade II listed buildings nos 208, 213-215, and 207, and would harm the character and appearance of the CA. On this basis, the proposal would fail to satisfy the requirements of the Act.
23. The proposal would conflict with LP Policies LP11 and LP12 which require development respond positively to its context and draw inspiration from the key characteristics of its surroundings including the historic environment and contribute positively to the area's character and identity. The proposal would also be contrary to LP Policy LP34 which requires development protect the significance of designated heritage assets and their settings by protecting and enhancing architectural and historic character and views both from and towards the asset, and not harm or detract from the significance of the heritage asset and its setting and any special features.
24. In addition, the proposal would not satisfy the National Design Guide 2021 which requires proposals understand and relate well to the site and its context including local heritage and respond to existing local character and identity.

Living conditions

25. The first-floor bedroom window located at the gable end of no 208 provides this habitable room's only source of natural light and outlook.
26. Despite being set back from the front elevation of no 208 to create a stepped appearance, the proposed dwelling would be close no 208's gable with a separation distance of two metres. Consequently, the proposed dwelling would appear overbearing from no 208's first-floor bedroom, thus harming outlook for its occupants.

27. The Huntingdonshire Design Guide Supplementary Planning Document 2017 applies a 25-degree test to check the impact of overshadowing of a proposed development to the lowest window of a habitable room, including bedrooms. Since the siting of the proposed dwelling would breach the 25-degree line, as measured from the centre point of the first-floor bedroom window of no 208, the SPD requires submission of a daylight and sunlight assessment prepared in accordance with BRE guidance. No assessment has been provided and therefore the proposal fails to demonstrate it would not result in a harmful loss of daylight and sunlight.
28. As set out above, the proposal would harm outlook and fails to demonstrate that it would not result in a harmful loss of daylight and sunlight. The proposal would therefore harm the living conditions of occupants of no 208 High Street.
29. The proposal would conflict with LP Policy LP14 which requires development proposals maintain a high standard of amenity for users and occupiers of neighbouring land and buildings, including ensuring adequate availability of daylight, and that the separation of buildings is not oppressive or overbearing.
30. In addition, the proposal would be incompatible with the National Design Guide which requires proposals respond positively to its context, promote quality of life for users of buildings, and be carefully integrated with their surrounding external space, and paragraph 135 of the Framework which requires proposals provide a high standard of amenity for existing users.

Conclusion

31. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. For the reasons given the appeal should be dismissed and planning permission be refused.

E Dade

INSPECTOR