



Appeal Decision

Site visit made on 25 June 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/H0520/W/24/3339897

Land to the north of 11 and 11a Fen Street, Stilton, Peterborough, Cambridgeshire PE7 3RJ

- 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 permission in principle.
 - The appeal is made by Mr Aaron Edlington against Huntingdonshire District Council.
 - The application Ref is 23/02241/PIP.
 - The development proposed is described as erection of 1no detached dwelling on land to the north of 11 and 11a Fen Street, Stilton, Peterborough, PE7 3RJ. Access from the highway to be along the line of the existing driveway of 11 Fen Street, continuing to the proposed development site at rear of the garden. This will require demolition of the existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage (PiP)) establishes whether a site is suitable in principle and the second (technical details consent (TDC)) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. The PiP procedure requires the minimum and maximum number of dwellings to be specified. My assessment is based on one dwelling as applied for.
4. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.

Background and Main Issues

5. From the evidence before me the Council issued its decision on the same day that the appeal was lodged for non-determination. The Council's reasons for refusal are clearly stated in their decision notice and statement.
6. I have therefore defined the main issue as whether the site is suitable for residential development, having regard to its location.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615.

Reasons

7. The appeal site comprises an area of land accessed between two existing detached two-storey dwellings. The site currently forms part of the rear garden of the properties and would extend across the rear of Nos 11, 11a and 11b Fen Street. Whilst the scale, design and architectural detailing of the dwellings in the vicinity of the site vary considerably dwellings are predominantly arranged in a linear manner fronting the highway.
8. It is not disputed between the parties that the appeal site lies within the settlement which benefits from a range of services. I have no reason to reach a different view.
9. The appeal site would not directly address a street frontage. However, I observed examples of backland type developments in the vicinity of the appeal site within elongated plots. Accordingly, such development cannot be discounted as entirely uncharacteristic of the area.
10. Nevertheless, being set back significantly within the site would result in the built form protruding into an otherwise relatively open space to the rear of properties which front Fen Street. Notwithstanding the absence of plans for how the site could be developed, it is clear that the area of the appeal site that would accommodate a dwelling would be short in its depth and would be at odds with the predominant linear pattern of development.
11. Views of the proposal would likely be limited from the street scene. However, as a separate plot, its limited size and shape would be out of character with the majority of properties in the surrounding area. This, when combined with the appeal site's position set back within the plot, would be at odds with the prevailing character and appearance of development in the locality.
12. Whilst I have had regard to the presence of Nos 17a and 25A Fen Street, which the appellant cites as a precedent for the appeal scheme, the overriding character of the locality is of dwellings set within elongated plots. From the information before me these examples were approved before the adoption of the current development plan. Furthermore, in the case of No 17a the limited information before me indicates that the proposal related to a change of use of builders office/store to residential and therefore there were different matters to consider. In respect of No 25A I have limited information regarding the circumstances of this proposal and so cannot draw any meaningful comparisons to the appeal before me. In any event, I have determined this appeal on its own individual planning merits.
13. The appellant has sought to suggest that the site could be considered as an infill plot. The Framework does not define infill development. However, to my mind, despite the site having built form adjacent to it, given the location of the plot and that the proposal would not complete a gap between an otherwise continuous and contiguous frontage, I do not consider that the proposal could be considered as an infill plot.
14. Whilst my attention has been drawn to historic mapping, I have no substantive evidence of the nature of historic buildings along 'Fen Alley'. In any event, any previous development is not determinative to the appeal before me.
15. For the reasons stated above, I conclude that the proposal would not be an appropriate location for development. Accordingly, I find conflict with Policies

LP9, LP11 and LP12 of the Huntingdonshire Local Plan, the National Design Guide and Section 12 of the National Planning Policy Framework. These require, amongst other things, that residential development should be compatible with the character of the area having regard to the layout and spaces around buildings.

Other Matters

16. The Highway Authority do not have any highway safety concerns and from my observations I have no reason to reach a different view. I am satisfied that the appeal site could accommodate the quantum of development proposed. The scale and design of the proposed dwelling is a matter for the technical details consent and there is no evidence before me to suggest that a dwelling could not be designed in a manner in-keeping with the external appearance of other properties within the locality. However, this does not overcome the harms identified.
17. The appeal site is proximate to a number of listed buildings, including Nos 2 and 6 North Street, No 8 Fen Street and The Bell Inn public house. Given the physical and visual relationship of the appeal site to these listed buildings, including the presence of intervening buildings I have no reason to find harm to their setting. As such, there is no conflict with policies which seek to protect heritage assets or my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990.
18. The appeal site lies outside of the Stilton Conservation Area (CA) and is viewed in the context of the more recent suburban housing. Accordingly, the appeal site has a neutral impact on the significance of the CA. Based on the plans before me, and as observed at my site visit, I do not consider the proposal would have an adverse impact upon the setting of the CA.
19. The proposed development would make a contribution towards the local housing supply and there would be benefits arising from the construction period and future spend of occupants giving support to the local services and facilities. However, as construction benefits would be short term and given the scheme is for 1 unit, the weight I give these factors is limited. Overall, there are no other considerations, including the Framework, that outweigh the conflict with the development plan in this case.
20. I note the evolution of the proposal from a previously refused scheme. However, I have considered the appeal proposal on its own merits based on the evidence before me.

Conclusion

21. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

R Gee

INSPECTOR