



Appeal Decision

Site visit made on 8 May 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/H0520/W/23/3333921

Old Dairy Nursery, Luke Street, Eynesbury, St Neots, Cambridgeshire

- 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 AWJ Usher & Sons Ltd against Huntingdonshire District Council.
 - The application reference is 23/01164/FUL.
 - The development proposed is the erection of six bungalows and associated works.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matter

2. The appeal is made against the failure of the Council to determine the application within the prescribed period. I have drawn the main issues from the putative reason for refusal set out in the Council's statement of case.

Main Issues

3. The main issues are i) the effect of the proposal on the character and appearance of the St Neots Conservation Area (SNCA), and ii) whether the proposal would provide a suitable standard of accommodation, with respect to private external amenity space.

Reasons

Character and Appearance

4. The appeal relates to a plot of land to the rear of dwellings on Luke Street, from where it is accessed. Described as a former market garden, it is an irregular plot with a roughly rectangular main section behind Nos 31 to 45 and a narrow, triangular offshoot that extends westwards behind the longer rear gardens of Nos 47 to 65. Dwellings on Ferrars Avenue overlook the site at the rear, whilst to the east is a backland housing development, Sandy Court, which is accessed from the same point on Luke Street.
5. The site is located within the SNCA, which is a large conservation area covering the floodplain of the River Great Ouse and development on either side, including St Neots and Eynesbury on the eastern side, and Eaton Socon and Eaton Ford on the western side. The SNCA Character Assessment (October 2006) identifies Eynesbury as a formerly separate village with an irregular pattern of streets that has been subsumed into the urban area of St Neots. Eynesbury is noted as an area historically containing extensive allotment gardens, though few remnants of these remain. The appeal site, as a former market garden, contributes in part to this historic interest, albeit it is no longer

- in use, having been largely cleared and since used for ad hoc storage of building materials and waste.
6. The proposal is for six single storey dwellings, arranged as two pairs standing perpendicular to the dwellings on Luke Street, and two detached dwellings to the rear of the site, all set around a central courtyard providing vehicular access, parking and turning areas.
 7. The site has been subject to several recent applications for development, three of which have been taken to appeal. These proposals in 2017¹, 2019² and 2022³, for nine, eight and seven dwellings respectively, were all dismissed. The current proposal has therefore reduced the number of dwellings by one again.
 8. The Inspectors in each appeal raised similar concerns regarding the quantum of development resulting in a cramped layout, alongside the amount of hard surfacing and corresponding lack of space for soft landscaping. Further concerns related to the lack of harmony with the prevailing linear development pattern and long, verdant gardens within this part of the SNCA.
 9. The appellant has revised the layout to omit a dwelling close to the entrance point, with an area of soft landscaping in its place. This would remove the sight of a blank side elevation on approach into the site and instead provide an open area with space for planting, which would go some way to reducing the sense of enclosure and cramped feeling upon entering the site, as described by previous Inspectors.
 10. However, the proposal would otherwise retain a number of elements previously found to be harmful. The layout would still be dominated by hard surfaced areas for vehicular access and parking through the centre of the site. In particular, the parking and turning arrangements to the rear appear convoluted and prone to indiscriminate parking that would potentially create a cluttered environment dominated by parked cars.
 11. Plots 1 and 2 would stand very close to the boundaries of the site. Plot 1, despite having the largest footprint, would have just one metre of clearance to the side boundary, a similarly narrow strip of grass to its northern side and no external space to the western side, where it would directly abut the communal parking/turning areas. Plot 2 would fare worse, being located within the narrow rear offshoot of the site where it would be severely hemmed in on both sides. Plots 3 to 6 would stand slightly further away from the site boundary, but would still have short rear gardens and minimal external space to the sides and front that would allow for only a modest strip of planting. In these respects, the layout would still create a sense of an excessive quantum of development being squeezed onto the site in a cramped manner.
 12. I acknowledge that the dwellings would share similar designs to their façades and would use matching materials, but their varied shape and markedly differing footprints and alignments within the site would nevertheless result in a development lacking visual harmony. Moreover, it would differ significantly from the established pattern of linear housing along the streets both in front of and to the rear of the site. The extensive use of hardstanding would also jar with the generous, verdant rear gardens of properties on Luke Street.

¹ APP/H0520/W/17/3178014

² APP/H0520/W/19/3227941

³ APP/H0520/W/21/3282319

13. Although there would be limited visibility of the dwellings from the public realm on Luke Street, the cramped layout and extent of hard surfacing and parking on the site would be readily visible from the upper floors of several surrounding properties. It would form a conspicuous development that would fail to respect the prevailing characteristics of the surrounding built form or positively reference the historic use of the site or its longstanding open character.
14. I acknowledge that backland development exists nearby, most obviously that immediately next to the site at Sandy Court. However, Sandy Court includes a more regular linear pattern and provides for more landscaping to the front of the dwellings to offset the hard surfaced areas. I also observed Pawley Court a short distance away which achieves a more ordered layout with two dwellings to each side of the access and well-located landscaping to offset the prominence of parking areas. As such, whilst these developments support the principle of backland development, they are not identical in terms of layout and design and do not justify a proposal which I have identified as having a number of shortcomings in these respects.
15. For these reasons, therefore, I conclude that the appeal scheme fails to achieve a high standard of design, and would consequently cause harm to the character and appearance, and heritage significance, of the SNCA. This would conflict with Policies LP11, LP12 and LP34 of the Huntingdonshire Local Plan to 2036 (the HLP), which together support development which responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places, and which preserves heritage assets in a manner appropriate to their significance.
16. The harm identified to the significance of the SNCA would be less than substantial, in the language of the National Planning Policy Framework (the Framework). Having regard to Paragraph 208 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. The proposal would deliver housing in an accessible location, which would align with the Framework aim of boosting the supply of housing nationally. However, the modest scale of the proposal means this would be a public benefit of limited weight. There would also be economic benefits from the construction of the development and from engagement by future residents in the local economy. Again, in view of the scale of the proposal, these are benefits of limited weight.
18. The site is in a state of some disrepair, and I recognise that the proposal would represent development of a small site and previously developed land, for both of which there is support in the Framework. However, any benefit to be gained in this respect would be nullified by the adverse visual impacts of the proposal. Given this, the proposal would not make effective use of the land and this would not amount to a benefit weighing in the scheme's favour.
19. These identified benefits, taken cumulatively, would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight. Consequently, the Framework indicates that this provides a clear reason for refusing the proposal.

Standard of Accommodation

20. The Council's concerns relate to the size of the private external spaces to be provided for the dwellings. It points to the change in house type from two storey to bungalows resulting in larger footprints and a corresponding reduction in the size of the garden areas to be provided. The Council specifically identifies Plots 3 and 4 as having inadequate garden space, but also raises concerns with Plots 1, 5 and 6.
21. The Council has confirmed that it does not have published private amenity space standards, but Policy LP12 of the HLP requires development to ensure that public and private amenity spaces are clearly defined and are designed to be inclusive, usable, safe and enjoyable and that functional elements including refuse and recycling, cycle storage and car parking are successfully integrated into the development to minimise their dominance.
22. Plot 3 is stated to have a garden measuring some 4.5 metres deep. Plots 4, 5 and 6 are marginally deeper owing to the slanted alignment of the site boundary, Plot 6 having a maximum depth of 5.8 metres. Each garden would have some space to the side, behind the parking spaces, where bin and cycle storage is shown. Plot 6 would have the most space in this respect.
23. Plots 3 to 6 are smaller, two-bedroom units and a more modest garden size would not be wholly unsuitable given that occupancy is likely to be lower. However, at just 4.5 metres, the garden to Plot 3 would be exceptionally short and would provide very limited space for any meaningful activity. It would also require bin storage within the rear garden and close to the patio area that would severely detract from the enjoyment of the space for occupants. Plot 4, being only marginally more spacious, would also provide a cramped space of limited utility. Plots 5 and 6 have better arrangements with bin storage capable of being further from seating areas and are, on balance, acceptable.
24. Plot 1 is proposed as a three-bedroom unit and is therefore capable of family occupation. The garden area is noted as having been enlarged from the previous scheme, but at some 5.35 metres deep and next to the southern boundary where it would be overlooked by dwellings on Ferrars Avenue, it would present a cramped, enclosed space that would be disproportionately small compared to the living space of the dwelling, and would fail to offer a high standard of private external space for occupants.
25. For these reasons, I conclude that the proposal would fail to provide a satisfactory standard of accommodation for future occupants in terms of the private external space to Plots 1, 3 and 4. This conflicts with the aforementioned requirements of Policy LP12 of the HLP and also with Policy LP14, which supports proposals where there is a high standard of amenity provided for all users and occupiers of the proposed development, and with the similar aims for high standards of amenity set out in the Framework.

Other Matters

26. The Council has not raised objection to the proposal in any other respect. I have had regard to the Council's assessment of other matters, including highway safety, parking provision, flood risk, biodiversity, providing accessible and adaptable dwellings and water efficiency. I have also had regard to comments from interested parties, particularly in respect of parking and traffic

on Luke Street. However, I do not have sufficient evidence in these matters to depart from the Council's conclusions. Whilst I have not identified additional material harms in these respects, they are neutral considerations in the planning balance weighing neither for nor against the development.

27. The appellant has submitted a unilateral undertaking which commits to making a contribution towards the provision of wheeled refuse bins to serve the development. I am satisfied that this contribution is necessary to ensure proper waste disposal is provided for the development, in accordance with Policy LP4 of the HLP and the Planning Obligations Supplementary Planning Document (2011) and so meets the tests for planning obligations under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and as expressed in the Framework.

Planning Balance and Conclusion

28. There would be significant harm arising to the character and appearance of the area and adverse effects on the significance of a designated heritage asset. There would also be shortcomings in the standard of accommodation proposed. As a result, the proposal would conflict with the development plan, taken as a whole. I afford significant weight to this conflict.
29. I have had regard to the public benefits weighing in favour of the proposal in conducting the heritage balance of the Framework above, the result of which is a clear reason for refusing the development proposed, pursuant to Paragraph 11(d)(i). This is a significant material consideration in the overall planning balance.
30. Given the outcome of the heritage balance, it follows that the benefits of the proposal would also not be sufficient to outweigh the broader totality of harm identified in the overall development plan conflict.
31. Consequently, there are no material considerations, including the Framework, which indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons set out, I conclude that the appeal should be dismissed and planning permission refused.

K. Savage

INSPECTOR