



Appeal Decision

Site visit made on 18 June 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2024

Appeal Ref: APP/V0510/W/23/3328247

Land West of 22 Station Road CB8 9UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Tompkins against the decision of East Cambridgeshire District Council.
 - The application Ref is 23/00201/FUL.
 - The development proposed is erection of a two-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has not identified harm would be caused to the setting of the Grade II listed barn to south west of Dullingham House (the Barn). However, the heritage statement identifies the site as falling within the setting of the Barn. Therefore, in accordance with my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have considered the effect of the proposal on the Barn as well as the listed heritage assets referred to on the decision notice. In making my decision, I have also borne in mind my statutory duty in relation to Conservation Areas (CA), as set out in Section 72(1) of the Act.
3. As part of their submission, the appellant has provided an amended drawing which alters the layout of the proposed parking area. The revised plan seeks to address the Council's concerns about the effect of the proposal on trees. However, the guidance set out in the Procedural Guide: Planning Appeals – England (Updated 11 January 2024) states that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. Whilst, the Council has had the opportunity to comment on the revised plan as part of the appeal process, it has stated that it is unable to assess the amended proposal in the absence of other supplementary information. Therefore, in the interests of fairness, I have not had regard to the revised plan.
4. A proposal for the erection of a single storey 2bed dwelling, linking onto rear of Grade II listed boundary wall on the appeal site was considered and dismissed at appeal in 2020¹. The previous appeal decisions at the site are referred to in the evidence from both parties. The scheme has evolved since 2020 to relocate the dwelling within the site and to alter its design and appearance. I have had

¹ Appeal Refs. APP/V0510/W/20/3249440 and APP/V0510/Y/20/3249441, dated 28 August 2020.

regard to the previous appeal decisions insofar as they are relevant to the proposal. However, I have considered the appeal scheme on its own merits.

5. Since the planning application was determined, the Council has undertaken a single-issue review of the East Cambridgeshire Local Plan April 2015 (LP). The review related to Policy GROWTH1 of the LP, which is not directly pertinent to the main issues in this appeal. My references to the LP in this decision shall refer to the version as amended in 2023.

Main Issues

6. The main issues are:

- whether the site is suitable for the proposed development, having regard to the spatial strategy in the development plan;
- the effect of the proposal on (a) the character or appearance of the Dullingham CA, (b) the Grade II listed Dullingham House registered park and garden (Park and Garden), and (c) the setting of nearby listed buildings; and
- the effect of the development on trees.

Reasons

Whether the site is suitable

7. Policy GROWTH2 of the LP states that the majority of development will be focused on the market towns of Ely, Soham, and Littleport. Some more limited development is provided for within the defined envelope of villages. However, outside defined development envelopes, Policy GROWTH2 limits development to certain categories, including specific allocations in the LP. To that end, Policy GROWTH4 of the LP refers, amongst other things, to land being allocated for dwellings on the edge of villages. The appeal site does not lie within an allocated site at the edge of a village, and therefore this exemption does not apply to the proposal.
8. The Dullingham Parish Plan (2011) considered the appeal site to fall within the village. However, it nonetheless lies outside of the village boundary as defined in the adopted LP, contrary to the spatial strategy set out in Policy GROWTH2.
9. I have been referred to an appeal decision on a site nearby at land associated with Dullingham Park Stud², where a dwelling was permitted outside of the development boundary. The National Planning Policy Framework (the Framework) has been revised since the Dullingham Park Stud appeal was determined. Amongst other things, it now supports the location of rural housing where it will enhance or maintain the vitality of rural communities whilst also recognising the intrinsic character and beauty of the countryside. Policy GROWTH2 of the LP is broadly consistent with these aims.
10. Whilst the site lies outside of the development boundary, it nonetheless has a close relationship with other buildings that have established along Station Road. It is also located close to the village core, where services, facilities, and transport connections are within walking distance.

² Appeal ref. APP/V0510/W/20/3249240, dated 3 September 2020.

11. Given it is located next to and opposite other residential buildings, the proposal would not elongate the ribbon development along Station Road and, consequently, it would not lead to the encroachment of built form into the open countryside. Therefore, the proposal would support the underlying objectives of Policy GROWTH2 of the LP, which include the protection of the countryside and the wider setting of towns and villages.
12. Therefore, notwithstanding the conflict with Policy GROWTH2 of the LP, I conclude that the site would be suitable for the proposed development, having regard to the spatial strategy set out in the development plan.

Heritage assets

13. The appeal site lies to the north of Station Road, within the grounds of the Park and Garden and the Dullingham CA. It comprises a sloping bank of open space, positioned behind a boundary wall, which is a Grade II listed building (Boundary Wall). The site is predominantly laid to grass and contains a number of trees. However, the site also includes part of the access track serving The Old Dairy and the Grade II listed Stables to Dullingham House to the west (The Stables). The eastern boundary of the site is marked by landscaping and a wall, beyond which are Numbers 22 and 20 Station Road (Nos 20 and 22), both Grade II listed cottages. The Grade II listed Barn lies to the southeast of the site, on the other side of Station Road.
14. The Park and Gardens cover an extensive area that is bisected by Station Road. It includes Dullingham House, itself a Grade II listed building, along with pleasure grounds and parkland considered to date from the 18th and 19th Centuries. The significance of the Park and Garden originates, in part, from its formal landscaped gardens, which were designed by the renowned landscape architect Humphrey Repton.
15. The CA boundary was extended in 2010 to incorporate the Park and Garden with parts of the ancient village, including buildings and spaces along Station Road, Brinkley Road, and Stetchworth Road, which are noted for their architectural features. The significance of the CA is partly derived from this rich architecture and the layout of the streets and spaces, which reflect the evolution of the village. The Park and Garden covers a large proportion of the CA, and it has a significant positive impact on its character and appearance. Therefore, the presence of the formal gardens and their physical relationship with the village is undoubtedly central to the significance of the CA.
16. The listed Boundary Wall extends along a large part of Station Road, including to the east and west of the appeal site. It therefore provides continuity in the walled frontage along this part of the street. The wall is predominantly constructed with flint and red-brick dressings and is well-preserved. It is an exemplar of a flint wall from the early 19th Century, and this architectural and historical interest contributes to its significance.
17. The Stables is a substantial building constructed contemporaneously with Dullingham house in the early 18th Century. It comprises a red brick building with rich architectural detailing, including an impressive dome arched wooden bell cote with iron weathervane finial. The Stables have been converted for residential use, and today its immediate setting has a domestic character. Its significance and special interest is informed, in part, by its age and surviving historic fabric, as well as its former association with Dullingham House.

18. Nos 20 and 22 are thatched cottages with flint and brick facades, dating from the early 19th Century. The significance of the cottages is partly taken from their age and decorated appearance, as well as their relationship with the historical settlement of Dullingham. The listing description for the Barn also notes its architecture and materials, which date from the 17th Century. The significance of the Barn is partly derived from the historical interest of its architecture, which reflect the era in which it was constructed.
19. The character and appearance of the area has changed over time, including through the construction of additional buildings within the Park and Garden and CA. Such developments include dwellings on Brinkley Road, Elms Close, and to the north of the appeal site. Indeed, the northern side of Station Road comprises a mix of building types and styles, which reflect the development of the village over a long time period.
20. The site is not specifically identified in the Dullingham Conservation Area Supplementary Planning Document (January 2010) as important open space. However, its undeveloped nature nonetheless reveals the historic connection between the site and the buildings and structures that were formally associated with Dullingham House. In particular, the Boundary Wall in this part of Station Road is a prominent structure that can be experienced without undue distraction due, in part, to the openness of the appeal site.
21. The Stables cannot be readily observed from Station Road due to intervening vegetation and buildings. However, the splayed access in the Boundary Wall creates an intriguing gateway which, once inside the site, reveals views of the bell cote and parts of the surrounding structure. Moreover, when approaching from the west, views across the site towards the thatched roofs of Nos 20 and 22 can be gained over the appeal site. Similarly, due to the local topography, the thatched roof of the Barn can be observed from the appeal site.
22. Therefore, the open nature of the site serves an important function in enabling the nearby listed buildings to be experienced as grand and notable structures from both public and private vantage points. It also provides clear separation between the buildings to the west, including The Stables, which were once associated with Dullingham House, and the thatched cottages to the east.
23. Overall, the appeal site has a positive impact on the character and appearance of the CA and the Park and Garden. Consequently, it contributes positively to the significance of each of these designated heritage assets, and to the settings of the nearby listed buildings.
24. The proposed development would introduce a detached dwelling onto the appeal site. The dwelling would be relatively modest in height and scale and would have a similar set back from the road as No 22. However, although space would be retained around the new building, it would nonetheless occupy a large proportion of the plot and would introduce significant bulk and mass to a site that is currently devoid of buildings. Therefore, even as a single storey structure, the proposed development would significantly diminish the open character of the appeal site.
25. The design of the proposed dwelling has sought to reduce its impact on this sensitive historic setting, including through its shallow roof pitch and the proposed materials, which would reflect some other dwellings in Dullingham that I observed on my site visit. However, when juxtaposed with the ornate

and decorated character of neighbouring properties, the simple form and appearance of the dwelling would be discordant in this location.

26. Views of the proposed dwelling from Station Road would be largely obscured by the tall and long Boundary Wall. However, the development would be prominent when observed through the site access, and its roof would be visible from the dwellings on the other side of Station Road. Moreover, due to the topography, the development would be observed from within the parkland opposite the site to the south. Whilst additional landscaping could soften the appearance of the development to some degree, it would not mitigate the loss of undeveloped space that is an important feature in the local character.
27. Due to its appearance, form, and siting, the dwelling would be overly dominant on the approach route to and from The Stables. This would be particularly acute to the north of the site, where parked vehicles, bin storage, and other domestic paraphernalia, would introduce visual clutter to this green land parcel. The loss of openness would also interrupt the spatial relationship between The Stables and the Boundary Wall, thus detracting from the experience of the site as an integral part of the historic Dullingham House grounds.
28. Given its length, the Boundary Wall covers a large area of the street frontage, and I observed its proximity to existing buildings, including a detached bungalow at 66 Station Road, and outbuildings in the grounds of 44 Station Road. I do not have sufficient information before me to be certain of the full circumstances that led to those developments becoming established. However, their existence does not alter my view about the importance of the openness on the appeal site to the setting of the Boundary Wall. Therefore, whilst views of the Boundary Wall from Station Road would be retained, the loss of openness on the appeal site would cause harm to its setting.
29. Given the single storey height of the proposed dwelling, it is likely that views of the thatched roofs at Nos 22 and 20 would continue to be gained over the appeal site when approaching from the west, and there would be little impact on views of the cottages from the east. Moreover, due to the sloping land profile, the development would not detract from views of the Barn. Consequently, the architectural and historic interest of these buildings would continue to be fully experienced, and the development would preserve the setting of the listed cottages and barn.
30. I note that no substantive objections have been made by Historic England or the Garden's Trust. However, the lack of objection does not indicate express support. Nevertheless, due to the loss of openness on the site, and the incongruent form and appearance of the proposed dwelling, the development would cause harm to the setting of the listed Boundary Wall and The Stables. It would also fail to preserve or enhance the character or appearance of the CA, and it would fail to preserve the listed Park and Garden. It follows that there would be harm caused to the significance of these designated heritage assets.

Trees

31. The evidence shows there are existing well-established trees on the site, including a White Oak, Norway Maple, and Cedar trees. The trees can be observed above the Boundary Wall and through the site access, and they are particularly prominent from within the site and along the approach road to The Old Dairy and The Stables. The trees therefore make a positive contribution to

the character and appearance of the CA and the Park and Garden, as well as the settings of the Boundary Wall and the Stables. By virtue of their location within the CA, the trees are protected.

32. The submitted plans show the proposed dwelling and areas of hardstanding, including the driveway would not encroach onto the root protection areas (RPAs) for any of the above trees. However, given the relatively modest size of the site, the RPAs cumulatively cover a large proportion of the land around the proposed dwelling. Moreover, the proposed driveway would be constructed very close to the RPA of the White Oak tree, limiting the space available around it for the installation of protection measures.
33. The construction of the development would be likely to entail the siting of a construction compound as well as the movement of heavy vehicles over a large area of the site. This could lead to harmful compacting of soils, which, if not managed effectively, could cause harm to the RPAs below the surface. Moreover, given the height of the plant and machinery that is typically required for the construction of a dwelling, there could be implications for the tree canopies. In the absence of any definitive evidence to the contrary, I cannot be certain that the re-profiling of the site and utility connections would not involve digging within the RPAs of trees.
34. Therefore, in the absence of an Arboricultural Impact Assessment (AIA) or other authoritative technical evidence, I do not have sufficient certainty that the trees could be adequately protected from harm during the construction period. Given the importance of the trees to the character and appearance of the CA and Park and Garden, it would not be appropriate to delay the submission of an AIA until after planning permission is granted as part of a pre-commencement condition. That this approach may differ from the requirements of the East Cambridgeshire District Council Natural Environment - Supplementary Planning Document (SPD) (Adopted 24 September 2020), or the approach taken by the Council on other sites, does not alter my view.
35. Consequently, the trees would not be safeguarded from unacceptable harm through the construction period. Therefore, the proposal would be contrary to Policy ENV7 of the LP which, amongst other things, expects development to minimise harm to or loss of environmental features such as trees. Their loss or deterioration would also cause unacceptable harm to the character and appearance of the CA, the Park and Garden, and the settings of the Boundary Wall and The Stables.

Heritage balance

36. Owing to the scale and nature of the proposal, the degree of harm to the significance of each of the designated heritage assets would be less than substantial. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm. Paragraph 208 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
37. The proposal would undoubtedly offer social, economic, and environmental benefits that are also public benefits.
38. The Council does not have a shortfall in its housing land supply (HLS). However, the HLS position does not represent a ceiling to housing delivery, and

the proposal would contribute towards the national objective to significantly boost the supply of homes. In that regard, the Framework highlights the importance of small sites in meeting housing requirements. Indeed, the Council relies upon windfall sites, such as this, to contribute towards its HLS position.

39. As a two-bedroomed dwelling, the proposal would also help to diversify the mix of housing in Dullingham, and it could feasibly be marketed at a more affordable price than larger properties in the area. Given local circumstances indicate a need for smaller properties, its further enlargement through permitted development rights could reasonably be restricted through condition. However, planning permission usually runs with the land, and I have not been directed to any policy basis that indicates it would be necessary to limit the occupancy of the dwelling to the local community. Even without an occupancy condition, the small size of the dwelling could help to achieve a more balanced community in the local area.
40. There would also be economic benefits relative to the jobs created in the construction phase. Additionally, future occupants of the proposal would support the viability of local services and facilities in Dullingham and nearby villages through increased spending. Supplementary landscaping and energy efficiency measures would also offer environmental benefits to the site.
41. However, the social, economic and environmental benefits, which are also public benefits, associated with the delivery of one open-market dwelling would be modest, and they cumulatively carry moderate weight in support of the proposal. This would not be sufficient to outweigh the great weight that the conservation of a designated heritage asset carries. That some technical consultees have not objected to the proposal is a neutral consideration.
42. Overall, whilst I have not identified harm in respect of the settings of Nos 20 and 22, and the Barn, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA, and it would cause harm to the significance of the Park and Garden. It would also cause harm to the significance of the listed Stables and Boundary Wall through development within their settings. The harm to these designated heritage assets would not be outweighed by the public benefits of the scheme.
43. It follows that there would be conflict with Policies ENV1 and ENV2 of the LP insofar as they expect development to relate sympathetically to the surrounding area. Conflict would also arise with Policy ENV11 of the LP which expects proposals in a CA to be of a particularly high standard of design. The development would also be contrary to Policy ENV12 and ENV15 of the LP, which, taken together, seek to ensure there would be no harm to the setting of a listed building and to the significance of a Historic Park and Garden. The development would also fail to accord with the historic environment protection policies in the Framework.

Planning Balance and Conclusion

44. I have found no undue harm would arise in respect of the site's position outside of the development boundary. However, whilst the Framework encourages the effective use of land, and for rural housing to be located where it would support the vitality of rural communities, it also expects decisions to take account of the desirability of sustaining and enhancing the significance of heritage assets. I have found unacceptable harm would arise in this respect, to which I attach

great weight in accordance with the Framework. I am also not satisfied that the trees could be adequately protected through the construction works.

45. Therefore, the proposal conflicts with the development plan when read as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be dismissed.

E Catcheside

INSPECTOR