

Appeal Decision

Site visit made on 10 July 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/H0520/D/24/3340087

Siberia House, 30 Cambridge Street, St Neots, PE19 1JL

- 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 Mr Andy Grannell against the decision of Huntingdonshire District Council.
 - The application Ref is 23/01298/HHFUL.
 - The development is described as 'erection of a single-storey timber-framed structure to house hot tub off concrete raft foundation base'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, it was evident on the site visit that the structure subject to appeal was in situ. As such, the appeal relates to the consideration of the structure on a retrospective basis rather than the 'erection of' the structure.
3. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). However, the proposed changes do not relate to the main issue of this appeal and are in any event at an early stage. As such, I have not sought the views of the main parties in coming to my decision.

Main Issues

4. The main issues are the effect of the development on the setting of the listed building and on the character and appearance of the St. Neots Conservation Area (CA).

Reasons

Significance of Heritage Assets

5. The appeal building is Grade II listed. I have therefore had regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6. Siberia House is listed¹ as '30, Cambridge Street' and is evidently of early-mid 19th century origin, although from the Council's evidence it may be older and was originally one larger building before being sub-divided in the early 20th century. It is of two-storey height and constructed of gault brick with sash windows to the front and large bay windows to the rear ground floor level. The building is set in generous grounds and has group value along with the adjoining No.28.
7. From my observations on the site visit, the significance of the listed building is derived mainly from its historic and architectural interests. Historic interest is drawn from its age and commercial function of the time period in the area. Architectural interest is mainly derived from surviving historic features, imposing form and use of traditional materials.
8. In addition, the space to the rear of the listed building provides a generally open and verdant setting with which the building is visually, physically, historically and functionally associated and within which the building can be appreciated. Evidently, before the host building and the adjoining were sub-divided, the space to the rear was one large area. In these regards, the listed building's setting positively contributes to its significance.
9. I have also had regard to section 72(1) of the Act which places a statutory duty to ensure special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
10. The CA covers a wide area and has been divided into smaller areas in the St Neots Conservation Area Character Assessment (October 2006) (CACA). The appeal site is situated within the St Neots locality. The significance of the CA derives in part from the architecture of its historic core, which demonstrates its importance as a trading and commercial centre from the 17th century onwards, and the generally high quality of its buildings typified by the high number of those which are listed. The CACA also divides into smaller sub-sections. The appeal site lies within the 'Medieval Core Settlement Area' and the host building, and its adjoining neighbour are highlighted as particular positive features of the character and appearance of the CA.

Effects of the Development

11. The structure is clad in dark timber with a tiled roof and is approximately 3.95m by 5.45m with a height to the ridge of 3.4m. The submitted site plan indicates it is located approximately 7m from the rear elevation of the host building.
12. There are a number of other structures of similar appearance in the garden area but are of difference sizes and are generally located to the rear of the boundary. I am informed one of these, a home office, has planning permission although have no details of this before me. The hot tub enclosure is located near the centre of the garden and much closer to the dwelling.

¹ List Entry Number: 1161866

13. This has further eroded the open nature of the garden area and negatively changed the association that the listed building has with its curtilage, altering how it is experienced and its significance is appreciated. As a result, it diminishes the contribution that the setting of the listed building makes to the significance of the heritage asset. I note the appellants arguments to the contrary, although there is no explanation as to how the structure enhances the listed building or conservation area.
14. Given the building's prominence in the CA and its positive contribution to its significance, the detrimental effects of the enclosure on the setting and thus significance of the listed building, it logically follows that it also has a harmful effect, albeit very modest, on the character and appearance of the CA as a whole.
15. Drawing the above together, I find that the proposal fails to preserve the setting of the Grade II listed building and fails to preserve or enhance the character or appearance of the CA. As such, it harms the significance of these designated heritage assets.

Public Benefits and Heritage Balance

16. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through development within its setting and that this should have clear and convincing justification.
17. Given the extent and form of the development, I find the harm to be 'less than substantial' in the parlance of the Framework. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight in the planning balance of the appeal. Although the appellant questions the need to demonstrate public benefits, paragraph 208 of the Framework is clear in stating that this less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. I appreciate that the hot tub may have therapeutic uses for the appellant, although I have no evidence before me of any requirements for it in terms of health issues. The structure itself offers privacy when using the hot tub and together these are of benefit to the appellant and his family. However, this is an inherently private rather than public benefit. While the property may be in private ownership, as paragraph 195 of the Framework states 'these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.
19. In the above respects, clear and convincing justification for the development has not been provided. In giving considerable importance and weight to the harm to the significance of the designated heritage assets, I find that this would not be outweighed by the public benefits arising from the development.
20. I conclude that the development does not preserve the significance of the Grade II listed building or the character or appearance of the CA. As such, it

fails to satisfy the requirements of sections 66(1) and 72(1) of the Act and aims of the Framework.

21. It also conflicts with policy LP34 of Huntingdonshire's Local Plan to 2036 (May 2019) and policies A3 and SS2 of the St Neots Neighbourhood Plan (February 2016). Together these seek, among other things, to ensure great weight and importance is given to the conservation of heritage assets and their settings. The statutory presumption of the avoidance of harm can only be outweighed if there are public benefits that are powerful enough to do so.

Conclusion

22. The development conflicts with the development plan, the Act and provisions of the Framework. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR