

Appeal Decision

Site visit made on 29 November 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th December 2024

Appeal Ref: APP/H0520/W/24/3338112

Land at Church Lane, Hartford, Huntingdon, Cambs

- 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 Ely Diocesan Board of Finance against the decision of Huntingdonshire District Council.
 - The application Ref is 21/01100/FUL.
 - The development proposed is erection of dwelling and alteration of access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of dwelling and alteration of access at Land at Church Lane, Hartford Huntingdon, Cambs, in accordance with the terms of the application, Ref 21/01100/FUL, subject to the 14 conditions in the attached schedule.

Applications for costs

2. An application for costs was made by the Ely Diocesan Board of Finance against Huntingdonshire District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The fifth reason for refusal refers to Huntingdon Conservation Area when the site is located within Hartford Conservation Area. I have dealt with the latter not the former. The address of the site is taken from the application form.

Main Issues

4. The main issues are the effect of the proposed development on (a) the character and appearance of the area, including trees; (b) the significance of Hartford Conservation Area and the significance and setting of nearby listed buildings at 4-6 Church Lane and the Church of All Saints; and (c) the living conditions of future occupiers of the development, with regard to internal and external levels of light.

Reasons

Character and appearance, including trees

5. The appeal site comprises the bottom half of the rear garden to the south of the former vicarage at 4 Longstaff Way. It is entirely undeveloped and

- contains many trees including several mature specimens that are subject to a Tree Preservation Order (TPO 12 1998). Due to its backland location, the site forms part of the character and appearance of Church Lane which runs to the south of the site parallel to the River Great Ouse. There is an existing gate access into the site from the lane which is a narrow tarmacked road.
6. There are several existing properties on Church Lane, many of which are large modern buildings dating from the late 20th and early 21st centuries. They are mostly clustered to the west of the site, but there is also a pair of mid-20th century semi-detached properties and a similar aged chalet bungalow immediately to the east. Further to the east are the listed buildings known as 4-6 Church Lane and the Church of All Saints.
 7. There is considerable vegetation along sections of Church Lane, including where the lane turns eastwards towards the site, where modern properties are screened behind mature trees, and past the site itself where there is no existing development. This gives these parts of the lane an enclosed and green feel. However, the lane is also punctuated by more open sections at some of the existing properties and nearer the church as well as by a small car park next to the river. Consequently, the character and appearance of the area is informed by a mixture of spaces along the lane.
 8. The proposed development would be a large, detached property, but no greater in scale than existing modern houses on the lane. There would be some tree removal to allow for a vehicular access onto Church Lane and for the property itself. However, only minor specimens would be removed except for one larger tree and a significant tree screen would remain along the lane. The property would be nestled amongst the existing trees but as set out below, there would not necessarily be any pressure to remove more trees. Thus, the green and enclosed feel of this part of Church Lane would prevail.
 9. The design would incorporate large areas of glazing particularly in the end gables at first floor, but a recently built property to the west has similar levels of glazing with little vegetation screening in comparison to this site. The proposed materials, utilising orange/red brick with oak weatherboarding and slate and zinc roofs, would provide an attractive and sympathetic building. The chimney would be in proportion with the roof and not overly large or tall or out of keeping with its surroundings.
 10. Consequently, the proposed development would not be visually prominent along Church Lane but would have an appropriate and acceptable effect on the character and appearance of the area. Therefore, the development would accord with Policies LP2, LP11 and LP12 of Huntingdonshire's Local Plan to 2036 (LP) which, amongst other things, seek to protect local character and secure good design that responds to context. It would also accord with Policy BE2 of the Huntingdon Neighbourhood Plan 2018-2026 (NP) which requires development to reinforce local distinctiveness.
 11. The proposed development would achieve well-designed places as advocated by Section 12 of the National Planning Policy Framework (NPPF). It would follow the key characteristics set out in the National Design Guide including understanding, valuing, and responding to local context and character with well-designed buildings and appropriate building types and forms. Finally, it would address the place making principles in the Huntingdonshire Design

Guide Supplementary Planning Document (SPD) 2017 including guidance on building form and detailing.

Heritage assets

12. Hartford Conservation Area covers the historic village of Hartford prior to its incorporation into the urban area of Huntingdon in the latter half of the 20th century. Main Street/Longstaff Way form the spine of the conservation area which contains several historic and listed buildings. The boundary extends as far south as the north bank of the river and encompasses all of Church Lane including the site. Unlike Main Street, which is a wide and busy thoroughfare, Church Lane is quieter and more intimate, with properties and green spaces dotted along its length as well as river views. This variety greatly informs the character and appearance of the conservation area, including its significance.
13. The Church of All Saints is listed Grade II* as a building dating back to probably the early 12th century with a late 15th century tower and 19th century restorations and rebuilding. As a medieval parish church with its distinctive tall tower, the building has considerable architectural and historic interest.
14. 4-6 Church Lane are listed Grade II as a terrace of three properties dating to the 17th and 18th centuries. The front elevations comprise white painted bricks and contain casement windows, dormers and clay tile roofs. Individually and collectively, they have special architectural and historic interest as domestic properties within the former village.
15. The significance and special interest of the church and Nos 4-6 are also informed by their picturesque location on the riverbank and at the eastern end of Church Lane. The approach to and from the listed buildings along Church Lane goes through areas of greenery as well as more open areas of modern properties. It is only from the eastern boundary of the site that the buildings become particularly visible. In the other direction, the lane stretches away from the buildings into the distance. Therefore, the listed buildings have a largely positive setting. However, the quality of the approach to and from them is mixed due to the range of building ages and designs, with no simple transition from modern to historic or enclosed to open.
16. The site contributes positively to the conservation area as green space and as part of the land and garden of the former vicarage, which is a historic building in its own right. The site also contributes positively to the significance and setting of the listed buildings as part of the approach to and from the west, albeit that you cannot see the buildings until you are past the site.
17. The proposed development would reduce the amount of green space within the conservation area and on the approach to and from the listed buildings and would be visible to some extent from the lane. However, there are several examples of modern properties along Church Lane to the west and east of the site, many of which have little screening from the lane. In contrast, the proposed development would retain mature boundary screening to soften its impact and would have a sympathetic architectural design.
18. Based on the above considerations, the proposed development would not detract from qualities of the conservation area and would be sufficiently screened and distanced from the former vicarage to avoid negative effects on

that building. The development would not adversely affect the approach to and from the listed buildings either. Therefore, it would preserve the character and appearance of the conservation area and the setting of the listed buildings, having regard to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also avoid causing any harm to the significance of these heritage assets.

19. In conclusion, the proposed development would have an acceptable effect on the significance of the conservation area and the setting and significance of the listed buildings. Therefore, it would accord with LP Policies LP2 and LP34 and NP Policy BE3 which, amongst other things, seek to conserve and enhance the historic environment with development that preserves conservation areas and the setting of listed buildings. It would also adhere to NPPF Section 16 which seeks to conserve and enhance the historic environment and avoid harm to the significance of designated heritage assets.

Future living conditions

20. The proposed dwelling would have a large garden to the side and rear. This garden would contain many mature tree specimens with large branches and canopies. However, the plans indicate some thinning out and removal of smaller specimens and the crown lifting of some larger trees. This would create areas of increased garden space and light. Most of the trees are also deciduous and so the levels of light would vary throughout the year. Therefore, the private external space would not be overly dark or unusable.
21. The appellant submitted an internal daylight and sunlight report with the appeal submission in February 2024. The report concludes that all habitable rooms would receive recommended levels of daylight and sunlight with the retained trees in place. Therefore, future occupants would have an adequate internal living environment. For the use of the property internally and externally, there is unlikely to be pressure to remove more trees, many of which, in any case, are protected by the TPO.
22. In conclusion, the proposed development would have an acceptable effect on the living conditions of future occupiers having regard to internal and external levels of light. Therefore, it would accord with LP Policies LP12 and LP14(a) which, amongst other things, seek usable private amenity spaces and adequate availability of daylight and sunlight.

Other Matters

23. The appellant has submitted a completed unilateral undertaking dated 28 October 2021 relating to a wheeled bin contribution for the proposed development. Such a contribution is required by LP Policy LP4 and the Developers Contribution SPD 2011. The obligation would meet the three tests for planning obligations set out in NPPF paragraph 57, and so I can take the unilateral undertaking into account.
24. Church Lane forms part of a route along the river and is evidently used for recreational purposes. However, the proposed development would generate little traffic and so would not inhibit the use of this route. Wildlife effects can be offset through mitigation measures secured by condition. The proposed

development would be in Flood Zone 1 which is at the lowest risk of flooding from fluvial sources.

25. The proposed development would be set back from neighbouring boundaries by a significant distance on each side with screening provided through existing and proposed fencing and vegetation. Therefore, there would be little overlooking of adjoining properties and gardens and no harm to living conditions in terms of privacy.

Conditions

26. Conditions 1 and 2 are necessary for clarity and compliance. Conditions 3 and 4 are necessary to safeguard existing vegetation on site in the interests of character and appearance. They are required to be pre-commencement conditions as tree protection measures need to be agreed and in place before work starts on site.
27. Condition 5 is necessary to conserve and enhance on-site biodiversity, while Conditions 6, 7 and 8 are necessary to safeguard the character and appearance of the area and biodiversity.
28. Conditions 9, 10, 11 and 12 are necessary in the interests of highway safety. I have merged two similar conditions on the vehicular access into Condition 11 and have clarified the highway authority's requirement for the visibility splays in Condition 12 based on their consultation response.
29. Conditions 14 and 15 are necessary to meet requirements set out in the LP relating to accessible and adaptable dwellings and water efficiency.

Conclusion

30. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of Conditions (14)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0197_PLN_001, 0197_PLN_002, 0197_PLN_003, 0197_PLN_004, 8591-D-AIA.
- 3) No development, demolition, clearance or preparatory operations (including excavations and archaeology), hereafter referred to as "the works", shall commence on site in connection with the development hereby approved, until a Tree Protection Plan has been submitted to, and approved in writing by the local planning authority. The approved Plan shall be implemented before any equipment, machinery or materials are brought on to the site in connection with the works, and the protection measures shall be retained intact for the duration of the construction works and only be removed or altered with the prior written approval of the local planning authority.

Any trees, shrubs or hedges covered by the agreed protection measures, which die or become severely damaged either from natural causes or as a result of the construction works, during the construction works or within five years from the completion of the construction works, shall be replaced with trees, shrubs or hedge plants of similar size and species, unless otherwise agreed in writing with the local planning authority. Replacement planting shall be undertaken by the end of the next available planting season.

- 4) No development, demolition, clearance or preparatory operations (including excavations and archaeology) shall commence on site in connection with the development hereby approved until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved Statement.
- 5) No development above slab level shall take place until a Biodiversity Method Statement which provides details of how the recommendations contained in the Preliminary Ecological Appraisal by Samsara dated May 2021 will be carried out has been submitted to and approved in writing by the local planning authority. The details shall include but not be limited to; specification, location, timing, an implementation programme, maintenance, and monitoring. The development shall be carried out in accordance with the approved details.
- 6) No development above slab level shall take place until details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development above slab level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: indications of all existing trees and hedgerows on the land and details of any to be retained; planting plans (which show the relationship to all

underground services); written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; boundary treatments indicating the positions, design, materials and type of boundary treatments to be erected; and a hard landscaping plan, indicating location, manufacturer, type, colour and size.

- 8) All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of the development or in accordance with a programme agreed in writing with the local planning authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place during the current or next planting season.
- 9) Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.
- 10) Prior to the first occupation of the development, sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear, and park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 11) Prior to the first occupation of the development, the vehicular access from Church Lane shall be laid out and constructed, including hard surfaced, sealed and drained away from the highway for a minimum length of 5m from the back edge of the existing carriageway, in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority.
- 12) Prior to the first occupation of the development, visibility splays shall be provided each side of the vehicular access. Minimum dimensions to secure the required splays shall be 2.4m, measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 25m, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall be thereafter maintained free from any obstruction exceeding 0.6m above the level of the highway carriageway.
- 13) The dwelling hereby permitted, shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' (or replacement standard), prior to first occupation. Such provision shall be maintained for the lifetime of the development.
- 14) The dwelling hereby permitted shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement for water efficiency, as set out in Approved Document G (or replacement standards) prior to first occupation. Such provision shall be maintained for the lifetime of the development.