



Appeal Decision

Site visit undertaken on 29 November 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/H0520/W/24/3345360

The Cross Keys, High Street, Upwood PE26 2QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hayley Huskinson against the decision of Huntingdonshire District Council.
 - The application Reference is 22/00077/FUL.
 - The development is described as the 'Erection of 3no. attached dwellings.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the submission of the appeal, the 2023 version of the National Planning Policy Framework (the Framework) has been superseded by the 2024 version which was published on the 12 December 2024. The wording of the relevant paragraphs of the new Framework to this appeal remain unchanged from the 2023 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. I have considered the appeal on this basis and refer only to the updated 2024 Framework within my decision.
3. During the appeal process, a Unilateral Undertaking¹ (UU) was submitted by the Appellant in order to accompany their Statement of Case (SoC) and to address Reason for Refusal No.4 that seeks developer contributions for the provision of wheeled bins in compliance with Huntingdonshire Local Plan (LP) Policy LP4 and accompanying Developer Contributions Supplementary Planning Document. Additionally, a Supporting Arboricultural Survey² has been submitted during the appeals process in order to provide further information to Reason for Refusal No.3. The appeal documents have been reviewed by the Council who in their Statement of Case (SoC) have confirmed that these Reasons for Refusal are withdrawn and not contested. I have no reason to dispute this view from the Council and as such will only deal with Reasons for Refusal No.s 1 and 2. As both remaining reasons relate to character and appearance, which is intrinsically linked to the significance of the Upwood Conservation Area (CA) and surrounding heritage assets, and for the avoidance of doubt, I will deal with both reasons for refusal within the same matter.

¹ Dated 1 May 2024

² Dated 29 April 2024, By Argenta Tree Surveys

Main issue

4. On the basis of the above, the main issue is the effect of the proposed development upon the character and appearance of the site and the locality, with special attention as to whether the proposal would preserve or enhance the character and appearance of the Upwood Conservation Area.

Reasons

5. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision maker to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in the determination of a planning application.
6. With regards to undertaking development, relevant policies of the LP are Policy LP9 (which seeks that developments in small settlements is sustainable in relation to the effect on the character of the immediate locality and the settlement as a whole); and Policies LP11 and LP12 which are design-led policies that seek developments respond positively to their context and from key characteristics of its surroundings, such as the historic environment, responding to character and identity and streets and spaces shaped by buildings, amongst others. Additionally LP Policy 34 relates to the historic environment specifically and seeks that development sustain and enhance the significance of heritage assets and any contribution made by their settings by responding to their context, reinforcing local distinctiveness, and sustain those features of elements that have been identified as making a positive contribution, amongst others. The design policies are supported by the Huntingdonshire Design Guide which provides further guidance and interpretation of the design policies in terms of character, identity, context and successful integration of development, amongst others.
7. The CA is not supported by a Conservation Area appraisal, however based upon the descriptions as part of this appeal and from observations on site, the CA boundary follows the historic core of the village which is a linear development that is situated predominantly along the main roads of High Street and Church Lane. Along these roads there are a number of historic buildings including listed buildings and a historic listed wall diagonally opposite to the appeal site. There is an emphasis on spaciousness, visual gaps and well vegetated spaces in and around dwellings, with glimpses between dwellings to vegetation and open countryside beyond which reinforces the relationship and identity of the settlement between the rural location and the countryside beyond. Dwellings tend to be two storeys tall, predominantly detached with examples of semi-detached dwellings. The dwellings have a functional design and appearance and contain larger setbacks to no setback from the road edge and utilise traditional building materials of brick (some painted), with timber fenestration and brick chimneys and slate rooves with brick boundary walls which reinforces their authenticity with construction techniques of the local area. Large trees are present in front gardens with views to the tops of trees visible between gaps which assists in reinforcing the green and leafy experience of the area. There has been limited infilling of the historic core with much of the newer development of the settlement occurring towards the south-west and south which lies outside of the boundaries of the CA.
8. The appeal site displays a number of positive characteristics which contribute to the significance of the CA. Whilst the appeal site provides car parking on a

gravel surface, the undeveloped nature of the site represents a positive visual break in the built form of the village, which makes a significant contribution to the settlement, and which reinforces the relationship between the rural village and the countryside beyond. I note that in the Appellant's SoC that there is a large emphasis and discussion placed on the Officer Report which states that the appeal site is a visual gap that is 'uncharacteristic' of the CA which has been applied by the Appellant in the negative sense meaning in their opinion that the space is detrimental to the significance of the CA. I do not take the same view, particularly as wording in the Officer Report states how welcome the space is and the site's positive contribution to the area. To me, in this context the word 'uncharacteristic' is used to describe something that is unusual or untypical in this context, in that many of the visual gaps between dwellings in this CA are only a few metres wide, compared to the expanse of this visual gap. It is the presence of the large undeveloped gap which provides a welcome break in built form and is significant to the character and appearance of the locality and the significance of the CA in that the gap reinforces the relationship between the historic origins of the CA and the relationship with the greater countryside.

9. The appeal site would propose a terrace of three two storey dwellings in a quasi-Victorian style that would be positioned 1 metre from No.s 43 and 45 a pair of semi-detached dwellings. Whilst the proposed dwellings would be positioned so that their front wall is aligned to these adjoining dwellings, they would have a small front garden space with no detail as to boundary treatment; and small rear garden spaces compared to surrounding dwellings. Parking for the development and for the adjacent public house would be to the rear. Given the surrounding spaciousness of the dwellings in this particular location, the development would have a cramped appearance with minimal setback to the adjoining semi-detached dwellings, which would not embrace the qualities of local distinctiveness in this particular area.
10. Neither of the dwellings addresses the street with appropriate boundary and front garden or relates well to the dwellings surrounding, in terms of their positioning, context, or layout with rather small gardens with a built-up and cramped appearance compared to the character of the CA. There are also concerns with regards to the overall design of the scheme, with the blank façade of the flank wall to Plot 1 not having articulation or treatment in accordance with the principles suggested in the Huntingdonshire Design Guide. I agree with the Appellant that this would be a relatively easy matter to address through a redesign of the scheme, however as assessed the blank flank wall in combination with the additional elements as discussed contribute to an overall poor relationship to the locality and site context.
11. Despite the issues with the overall design of the proposed scheme, there is a clear policy emphasis around preserving and enhancing the character and spaces that significantly contribute to the character and appearance of the settlement and the significance of the CA. As a result of the proposal there would only be a small gap to either side, the loss of the large visual gap, the scale of built form combined with the residential paraphernalia from the three dwellings would erode a large part of the significance and sever the current relationship of open countryside entering the rural village and the reinforcement of views in, out and through the CA. Whilst I appreciate comments made through a Heritage Impact Assessment (HIA) with regards to the visual gaps being present, there is a lack of emphasis or consideration of

this in relation to the significance of the CA and therefore the report does not take into account the Evidential, Historic or Aesthetic value of the space which contributes to the significance of the CA, which elevates the impact of the proposal beyond the 'no harm' as viewed within the HIA.

12. In conclusion of this matter it is clear to me that the proposal would unacceptably harm the character and appearance of the locality, and erode an open visual gap that is important to the significance of the CA thus failing to preserve the character and appearance of the wider CA and the duty under s72 of the PLBCA. The proposed scheme would therefore conflict with Paragraph 215 of the Framework, and LP Policies LP9, LP11, LP12 and LP34 as described previously.
13. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 215 of the Framework. Paragraph 213 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 215 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. There are some public benefits, such as the development of small sites for 3 dwellings; contributing to housing needs of the area and the government objectives of boosting the supply of new homes; socio-economic benefits from increased local expenditure as a result of new residents, and the economic benefits from short term employment opportunities from the construction of the proposed scheme which attracts low-medium weight. However, these benefits are not sufficient to outweigh the harm caused to the CA, in which I attach great weight. I also note that the Appellant has described the loss of uncharacteristic visual gap as a public benefit, however as discussed previously I consider this to be an incorrect interpretation of the Officer Report.
15. I therefore find that the public benefits arising from the proposed development would not outweigh the harm I have identified. The scheme therefore conflicts with the Framework, which directs, at paragraph 212, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'

Other Matters

16. Section 66 of the PLBCA prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building or its setting. It is noted that the Council did not consider that the proposal impacted the significance of nearby listings from development within their setting. I have no reason to doubt this assessment, and conclude that the proposal would cause neutral harm to the significance of surrounding listings.

Conclusion

17. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR