
Appeal Decision

Site visit made on 4 March 2025 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 JUNE 2025

Appeal Ref: APP/H0520/D/24/3357744

11 Ackerman Gardens, Eaton Socon, Cambridgeshire PE19 8HP

- 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 Miss Lynne Thornton against the decision of Huntingdonshire District Council.
 - The application Ref is 24/01379/HHFUL.
 - The development proposed is a double brick wall with six piers/pillars. 2 of the piers/pillars with steels to hold two wooden 5 bar entrance gates with closures at the front of the property.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The development has been undertaken. I am therefore considering the appeal retrospectively.
4. The second reason for refusal on the Council's decision notice refers to the effect of the development on 13 Ackerman Gardens. However, this address is incorrect. I observed on my site visit that the neighbouring property is 12 Ackerman Gardens. I have therefore referred to 12 Ackerman Gardens when discussing the effect of the development on this property within the recommendation.

Main Issues

5. The main issues are:
 - i) Whether the development preserves or enhances the character or appearance of the St Neots Conservation Area; and
 - ii) The effect of the development on the living conditions of occupiers of 12 Ackerman Gardens, in terms of outlook.

Reasons for the Recommendation

St Neots Conservation Area

6. The appeal site is located within the St Neots Conservation Area (CA) which is characterised as forming a large area which includes St Neots town centre and surrounding residential areas. The village of Eaton Socon is a gateway heading towards St Neots and offers a gentle approach into the town. Whilst the village is an integral part of the town, it retains its own identity with its parish church, village green, historic buildings and open spaces which together contribute to a rural feel in the village. This positively contributes to the character and appearance of the CA.
7. Ackerman Gardens is located off the village green in Eaton Socon, with some historic buildings on Ackerman Street a short distance away. The street scene along Ackerman Gardens contains dwellings which are of a consistent appearance. They generally feature similar design and materials and are typically sited behind small front gardens and driveways. The frontages of the dwellings on Ackerman Gardens are predominantly open. Where there are front boundary treatments in the area, these are predominantly formed of low brick walls and low wooden or chain link fences, as well as some hedges and planting. These similarities make a positive contribution to the character and appearance of the village, including to the wider setting of the CA and this adds to its significance.
8. Despite the location of the appeal property at the end of Ackerman Gardens, as well as its proximity to industrial developments beyond the CA, the brick wall and wooden gates are an incongruous feature in the street scene. The height and thickness of the brick wall and pillars form a bulky and excessive mass which unacceptably contrasts with the open frontages and modest front boundaries in the area. Even though the materials in the brick wall appear similar to those used in the host dwelling, the wall and gates together have a conspicuous and enclosing presence in the street. The development therefore detracts from the quality of the street scene on Ackerman Gardens, and it is harmful to the character and appearance of the area.
9. I also acknowledge that the appeal property was surrounded by a hedge of a similar height and roughly the same line of the installed wall. As demonstrated in the evidence, unlike the wall, such landscape features provide a softer and more natural appearance that does not have the same harmful impact on the character and appearance of the area as the solid wall.
10. Section 72(1) of the Act¹ requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
11. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance.
12. Having regard to paragraph 215 of the Framework, I find that as the development affects a limited part of the CA, the harm to the CA is relatively localised, and therefore the development causes less than substantial harm to the significance of the designated heritage asset. Under such circumstances the Framework advises that this harm should be weighed against the public benefits of the proposal. The

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

identified public benefits in the other considerations part of this decision below do not outweigh such harm.

13. In summary, the development has failed to preserve or enhance the character or appearance of the CA. It is contrary to Policies LP11, LP12 and LP34 of the Huntingdonshire Local Plan to 2036 (2019) (HLP), which require that developments minimise negative impacts on the townscape, retain and reinforce local distinctiveness and contribute positively to the area's character and identity.

Living conditions

14. 12 Ackerman Gardens (No 12) is a semi-detached dwelling which adjoins the appeal property. It has a ground floor window on its front elevation which is set in from the side boundary to the appeal property. Whilst I do not have any floorplans for No 12, given that it is a relatively large window, and is the only window on the ground floor of the front elevation, combined with my observations on my site visit, it is reasonable to assume it serves a habitable room.
15. However, whilst the brick wall at the appeal property is sited along the side boundary between the dwellings, it also already has a single-storey front extension which is closer to the window than the brick wall and it is also taller than the brick wall, thereby the extension already restricts outlook from No 12. Furthermore, as the window at No 12 is set in from the side boundary, this reduces the effect of the brick wall on the outlook experienced from No 12. I am also conscious of the photographic evidence provided by the appellant, which shows that there was a hedge of similar height to the brick wall along the boundary previously. Taking these factors together, the brick wall has not had a detrimental effect on the outlook experienced from the ground floor window at No 12, that would warrant dismissal of the appeal on this issue.
16. I conclude, the development does not cause harm to the living conditions of occupiers of No 12, in terms of outlook. On this matter, the development complies with Policy LP14 of the HLP, which requires that a high standard of amenity is maintained for all occupiers of neighbouring land and buildings.

Other Considerations

17. The appellant has referred to the need to improve security and privacy at the property, including in relation to a family member with disabilities and mobility issues. This is in the context of anti-social behaviour, amongst other matters, as are described by the appellant in their supporting documents. I have considered these matters in accordance with the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the rights conveyed within the Human Rights Act.
18. I therefore acknowledge the appellant's desire to enhance the security and privacy of the property. However, there are often other less harmful means to improve the security of a property. Furthermore, with regards to privacy, whilst the development blocks views of passersby into the windows, given the dwelling's proximity to the footpath and its location in a residential area, it is not uncommon for pedestrians to have an element of visibility into dwellings as they move along the footpath.

Overall, whilst I sympathise with the appellant particularly with regards to the desire to improve conditions for a family member with disability and mobility issues, these benefits amount to no more than a modest public benefit of positive weight, and they are not sufficient to outweigh the less than substantial harm to the CA and the great weight I must apply to the heritage asset in line with the Framework.

19. It therefore does not follow from the PSED that the appeal should succeed. I am required to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Therefore, whilst I have given weight to these matters, they do not outweigh the harm that would be created were the appeal to be allowed.
20. The appellant has referred to other walls and enclosures in the vicinity of Ackerman Gardens, albeit the specific addresses of these have not been provided. Whilst I accept that some properties in the area feature taller boundary treatments, some of which I observed on my site visit, these are limited in number, and they do not reflect the prevailing characteristics of the frontages on Ackerman Gardens and within the surrounding streets. Furthermore, I do not have the full planning background to these examples in order to give them significant weight.
21. The absence of harm in relation to highways safety, as well as the absence of neighbour objections and the apparent support for the development, albeit this is not substantiated by any detailed evidence, does not overcome the harm of the development identified under the first main issue. Furthermore, even if vehicles park near the window, this does not justify the development given that this is not the same scenario as the erection of a wall and gates at the appeal site.

Planning Balance, Conclusion and Recommendation

22. I have concluded that less than substantial harm is caused to the identified designated heritage asset, but that this is not outweighed by the identified public benefits. I afford great weight to the conservation of the designated heritage asset.
23. The development therefore conflicts with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
24. For the reasons set out above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR