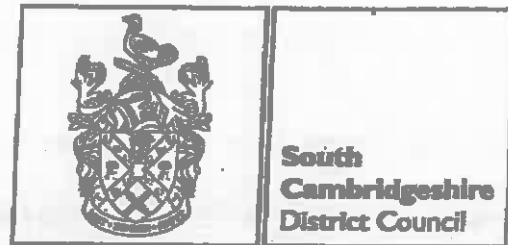


South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge,
CB23 6EA
www.scambs.gov.uk
0345 045 5215



Kathryn Wiseman,
Linton Parish Council Clerk
Village Hall
15, Coles Lane
Linton
Cambridge
Cambridgeshire
CB21 4JS



Planning and New Communities
Contact: Sumaya Nakanya
Tel: 03450455215
Email: planningcomments@scambs.gov.uk
Our Ref: S/1719/19/FL
Your Ref:
Date 03 July 2019

This letter (with no plans attached) has been emailed to the Parish Council prior to sending out in the post, and for information, to the Ward Members

Dear Sir/Madam.

Proposal: Retrospective planning application for a fence and canopy.
(resubmission of S/0429/19/FL)
Application Ref: S/1719/19/FL
Location: 17, Green Lane, Linton, Cambridge, Cambridgeshire, CB21 4JZ
Applicant: Mrs Pamela Phipps

Attached is a copy of the above application for your retention.

We welcome any comments your Parish Council wishes to make, but would ask that they are made using either the online web form available, or on the form below and returned no later than 21 days from the date of this letter. After the expiry of this period, the District Council may determine the application without receipt of your comments.

Below is a link for your convenience to view all copies of documents, plans and forms in respect of the above proposal. As the website updates overnight, these will be available to view the following day from the date of this letter. Please note your comments will be placed on the website.

<http://plan.scambs.gov.uk>

Should the Parish Council wish to request that the application be considered by the District Council's Planning Committee, please state the material considerations and planning

EXPLANATION OF APPLICATION SUFFIX

OL	Outline	LD	Lawful Development Certificate
FL	Full	PA	Prior Notification of Agricultural Development
RM	Reserved Matters	PD	Prior Notification of Demolition Works
LB	Listed Building Consent	PT	Prior Notification of Telecommunications Development
CA	Conservation Area Consent	HZ	Hazardous Substance Consent
AD	Advertisement Consent	DC	Discharge of Conditions
VC	Variation or Removal of Condition		

reasons. Examples of material considerations can be found below. The Chairman of the District Council Planning Committee will respond to all reasonable requests.

The Parish Council: - (Please delete appropriately)

Supports

Objects

~~Has no recommendation~~

Comments:

PLEASE SEE ATTACHED COMMENTS

The Parish Council ~~does/does not~~ request that the application be referred to the District Council Planning Committee *(please delete)

Planning reasons:

Note: Where a Parish Councils requests that an application is determined by Planning

Committee there is real value and importance in Parish Council representatives attending Planning Committee to support their comments. Please note that the Parish Council can be represented at Planning Committee by any of it Councillors or the Parish Clerk (with the approval of their Parish Council).

Signed.....



Date.....

15/7/19

Clerk to the Parish Council or ~~Chairman of the Parish Meeting~~

Guidance:

What are Material Considerations?

A material consideration is a matter that should be taken into account in deciding a planning application or appeal against a planning decision.

Examples of material considerations can include (but are not limited to).

- Overlooking /loss of privacy
- Loss of light/overshadowing
- Highway Safety

EXPLANATION OF APPLICATION SUFFIX

OL	Outline	LD	Lawful Development Certificate
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S/1719/19/FL – Mrs Pamela Phipps – 17 Green Lane, Linton – Retrospective planning application for a fence and canopy. (resubmission of S/0429/19/FL).

LPC Comments: Whilst we understand the need for privacy in the cottage garden, this could have been achieved by simply replacing a similar fence in its original position. There is no necessity to extend the boundaries in this way, nor for a fence so conspicuously out of character with the Outstanding Conservation Area.

- The erection of the fence and canopy is unauthorised and speculative, setting an unacceptable precedent for unlawful construction.
- The application form is inaccurate and misleading. The fence line has been moved forward from the redline of the cottage boundary, neither was there a porch or canopy to be replaced "exactly as before".
- As before, LPC affirms that as the site is within Linton's Outstanding Conservation Area, the application for the fence is out of keeping with the character of the area, which has a light, open aspect.
- Maps of 1971 (attached) show the area that was to be designated as a Conservation Area. They show that the view from the open space south of number 17 as the start of a significant view. These proposals compromise that open space and view.
- The fence is set ahead of the building line of the cottage, and does not continue the linear layout. It has poor relationship to other boundaries in the area, and the effect on the Conservation Area has not been assessed.
- This fence encloses part of the green - a distinctive part of this area, which is, after all *Green Lane*. The area was probably part of the former group around the entrance to The Beeches, split when access to what is now Beech Way was created.
- The position of the new fence is an enclosure of a long-standing area of open space in a sensitive and historic area, changing the setting and street view of a listed building.
- The fence is prominent in public view and disrupts the character of the street scene.
- Erection of this fence, in this position, has resulted in significant and adverse impact upon the character of the existing building and is an obtrusive addition to the street scene, impacting upon the character of the area.
- To quote an earlier refusal, this would prejudice the area and setting of buildings that make an important contribution to the village scene.
- The canopy is out of keeping with the vernacular and previous status of the cottage.
- There is no evidence that there ever was a porch or canopy there. It serves no practical purpose and the original fabric should be restored
- The original door was facing Green Lane and, like the other cottages, was without a canopy.
- The effect of the canopy on the Conservation Area has not been assessed.
- There is no proper Heritage Statement or assessment for the canopy or fence
- The quality of design of the canopy does not meet the standards necessary to meet policy HT1 and should be removed.
- CCC Highways should probably reclaim the whole of this area. Their department has only reviewed Land Registry details after the time that Possessory Title ("squatters' rights") was claimed. Earlier maps (such as for s/0030/91/0) would show that prior to that it was open land and road verge.

LPC Decision: To oppose and refer to SCDC planning committee.

LPC notes that there are several inaccuracies in the application:

Description of proposal:

The fence has not been erected in "exactly the same place as the original fence". The original fence was in line with the front of the cottage, part of the linear boundary to the row of cottages, with a flowerbed/hedge in front of that.

The new fence is some 4 or 5 ft. in front of the original position, now well ahead of the building line of the cottage, with a new flowerbed and pyracantha hedge in front of that. See enclosed before/after photographs and Google Earth.

The area of the flowerbed/hedge, in front of the old fence, has been enclosed and another flowerbed/hedge added in front of the new fence, so diminishing the open green area. Some 6ft depth of land has been removed from the original greens pace

The old fence had rotted, but was supported by ivy and no obvious danger to those on the open green space; It had been demolished by the builders (see application photographs).

The ivy "undermining the property" would have been part of that hedge and confirms if the original fence was in the same position as the new fence the ivy roots would also have been some distance away from the house. The new fence has clearly been repositioned by the applicant.

The original fence was around 3-3¹/₂ ft high with a trellis on top. This is clearly seen in the pictures supplied as additional information by the applicant. The current fence is solid close-board fencing, around 1.8m/6ft in height, not a simple replacement of the original.

The porch: There is no evidence of there ever being a canopy or porch over the door on this house. The holes in the original material could have been anything; quite possibly for the brackets of the hanging baskets and the outdoor light.

Generally these canopies are only built where thatch overhangs a door to prevent dripping water on the entrance - see historic pictures, including in "Linton - The story of a market town", page 12).

"Linton in Pictures", page 26 shows the row of cottages all without porches or canopies, when this house had its door at the front. On the gable end there appears to be a lean-to shed or privy. There is a gate leading to what might be the farm yard or garden, but this had gone by 1971 when the area was designated as part of the Conservation Area and described as an open area.

There is no "original" canopy so the design is unknown.

Listed Building Alterations

The addition of a canopy over the door is an alteration and addition to the building.

Materials

There is now a wooden close boarded fence as boundary treatment, not a low fence plus trellis, and taller than the original, so this is not described correctly.

Existing use

These are not the same as the original; there is no evidence of the existence of any original canopy or porch. Work on the fence was completed long after canopy erected and not as stated.

Trees and hedges.

There are mature Birch Trees on the site (planted by LPC). The mature hedge has been removed. The trees and hedges are an important part of the character of the site and the Outstanding Conservation Area.

Biodiversity.

An existing mature hedge was taken down at bird-nesting time. In itself, this removal is against regulations as it is an offence under the Countryside Act to disturb nesting birds.

A mature mixed hedge, including ivy, has been replaced by pyracantha, which supports fewer species.

Non-residential space.

This application, by erecting a 1.8m wooden fence along the outer border of the original hedge and flower bed, has effectively enlarged the private garden by moving the boundary into a grassy open area which was originally open land.

Ownership.

The applicant does not own the land but holds the Possessory Title ("squatters' rights") to the land, registered in 2009: it is too early for the applicant to claim that she now has Title Absolute, as the required 12 years have not yet passed.

Since possessory title is a weak claim, it can be contested by anyone who can make a counterclaim demonstrating the right of someone else to the land. This right might be CCC, as part of the highways verge, or as common land (i.e. the village of Linton) or as curtilage of Beech House.

Heritage statement.

This admits that the curtilage of the listed asset will be affected, as it will partially obscure views of the southern gable. The linear boundary of the row of cottages has also been disrupted. The statement does not comment on the effect on the wider area and this special part of the Conservation Area.

The privacy of the applicant would have been simply provided by replacing the original design of fence in the original position. After all, like the applicant, we all like the privacy of our own garden when we return from work to our peaceful village.

We note that the structure of the fence means that it is an easily reversible change.

There is no heritage statement regarding the canopy, the quality of design nor whether it is appropriate.

Block Plan.

This is the same as the withdrawn application, showing the enclosure of almost the whole of the green area, not the position of the erected fence and the subject of this application. This also shows the garage, access and drive of the neighbour as being part of the applicant's property (it is not).

Title Plan.

The official copy of the title plan submitted as part of the application does not include the green area that the applicant now wishes to enclose, but ends in line with the cottage walls. This confirms that the applicant does not own the area which is now behind the newly erected fence.

Existing and proposed elevations.

These do not show the original line of fence and hedge, nor that the current line of fence and hedge is well forward of the original line.

Fencing and front door statement.

The fence is not exactly the same; it was a low fence with trellis. The fence had been demolished, after having been supported by the ivy, posing no obvious hazard.

How does the applicant know the original (if any) design of a previous canopy? See photos of the area in 1900.

History - including comments of former owners

The green area appears to have been part of the road verge cut by CCC or their delegated contractor. Previous owners had taken over mowing as they were not happy with the standards. Throughout their time, Mr Plumridge mowed and looked after the strip of grass as the Pobereskins had done before them.

The possessory title was obtained just before 2009 when the correct procedure was followed and both Linton Council and South Cambs were contacted. The intention of the then owner was never to enclose the land but to confirm the right of way over it to the garage and rear entrance. The chain link fence went up to discourage people from parking on the edge of the grass as happened a couple of times and try and put off some of the local teenagers who had a habit of sitting and drinking there (especially when the resident was quite ill as it was upsetting). This fence was not a statement of ownership.

The green area might be registered with Possessory Title, (formerly known as "Squatters Rights") but Absolute Title has not been granted, so this can be challenged. As such, the applicant does not own this land and he statement that they own the land can be disputed. (LPC are aware that planning applications can be made for land not owned by applicants).

According to previous residents, the garden fence was never more than 3.5-4 foot tall - they remember helping repair it on a couple of occasions. The trellis was put on the top to give a bit more 'open' privacy - the fence was never as high as it is now. As it was a conservation area, it was understood that the solid part of the fence could only be as high as it was - under 4 foot. They confirm that the fence line has now been moved out considerably.

To local knowledge, there was never a porch on the property at all (see photographs of 1900), certainly not since the 1980's - just a light above the door.

In about the 1960s the two-storey gable end was added to number 17 Green Lane on the site of the ground floor timber lean-to shown in the old photograph. This extended the property in a Southerly direction and the front door was relocated to its present position in that extension. Hence the name Gable End Cottage. The extension has a tiled roof as opposed to thatch on the original farmhouse - and still no porch above the door.

Some of the points made might be minor but they are material; the application displays a lack of concern for accuracy, veracity and the law. When you buy a house in a conservation area there is an unwritten commitment to maintaining what has gone before, and to retain the historic nature of the area. It is unacceptable to allow this process to be disregarded.

LPC has concern that if consent is given for either development it will encourage others to flout the rules regarding Listed Buildings and Conservation Areas in the hope that retrospective applications will be approved. It will also discourage the public from spending time objecting to proposals where they think the decision makers will not back them up.

Allowing this fence and canopy to remain would set an unfortunate precedent for the Conservation Area, as it would indicate that changes made without permission would be allowed to remain without any sanction. The privacy of the applicant would be maintained by simply replacing the rotted fence on the same lines as the original; we strongly recommend that this should be the case.

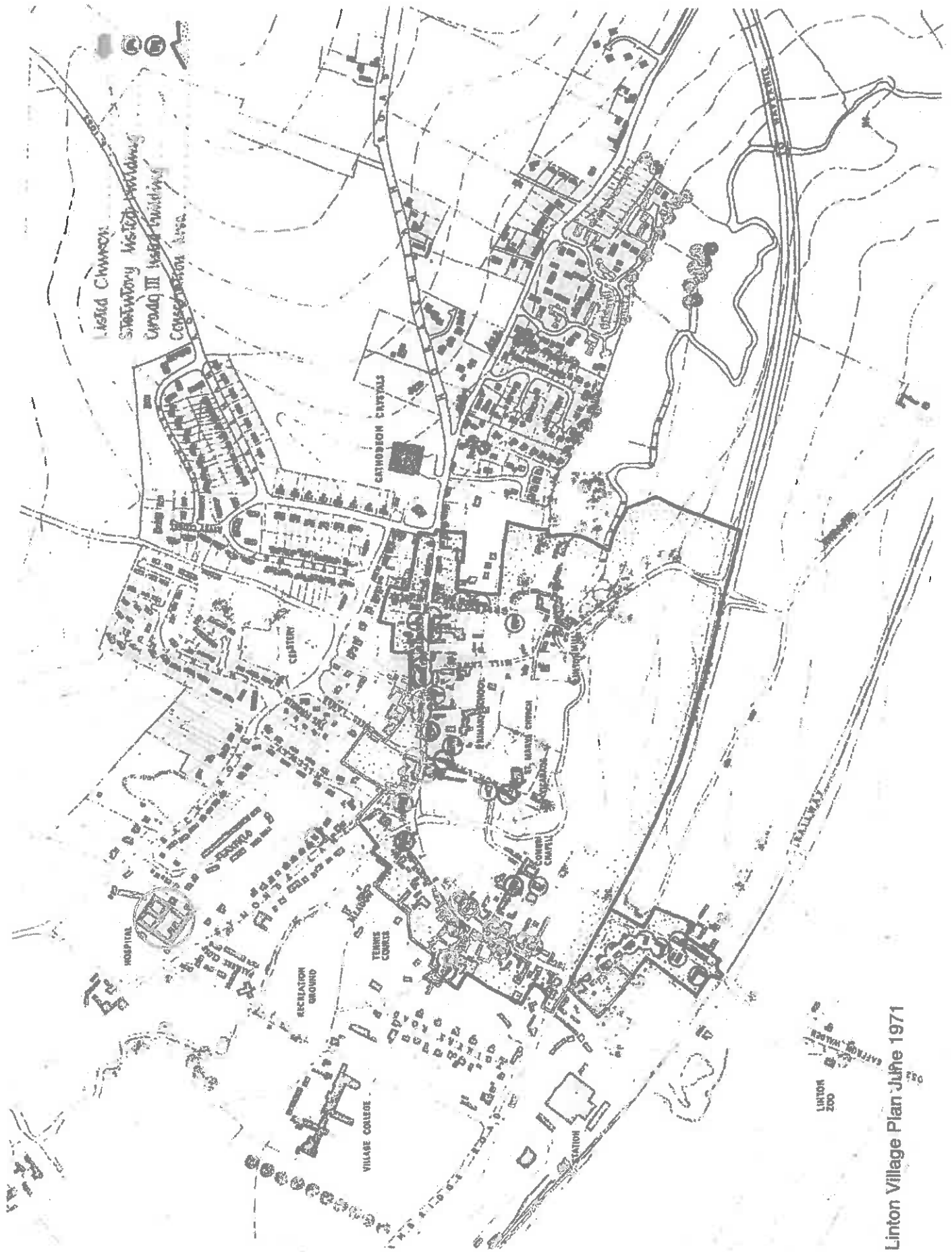
LPC Decision: Object and request this is referred to SCDC Full Planning Committee



Above. Green Lane in the 1860s, one of Linton's oldest photographs.

Below. Green Lane in 1900. The chimney on the extreme left was part of the smoked fish business of Horace Morley.

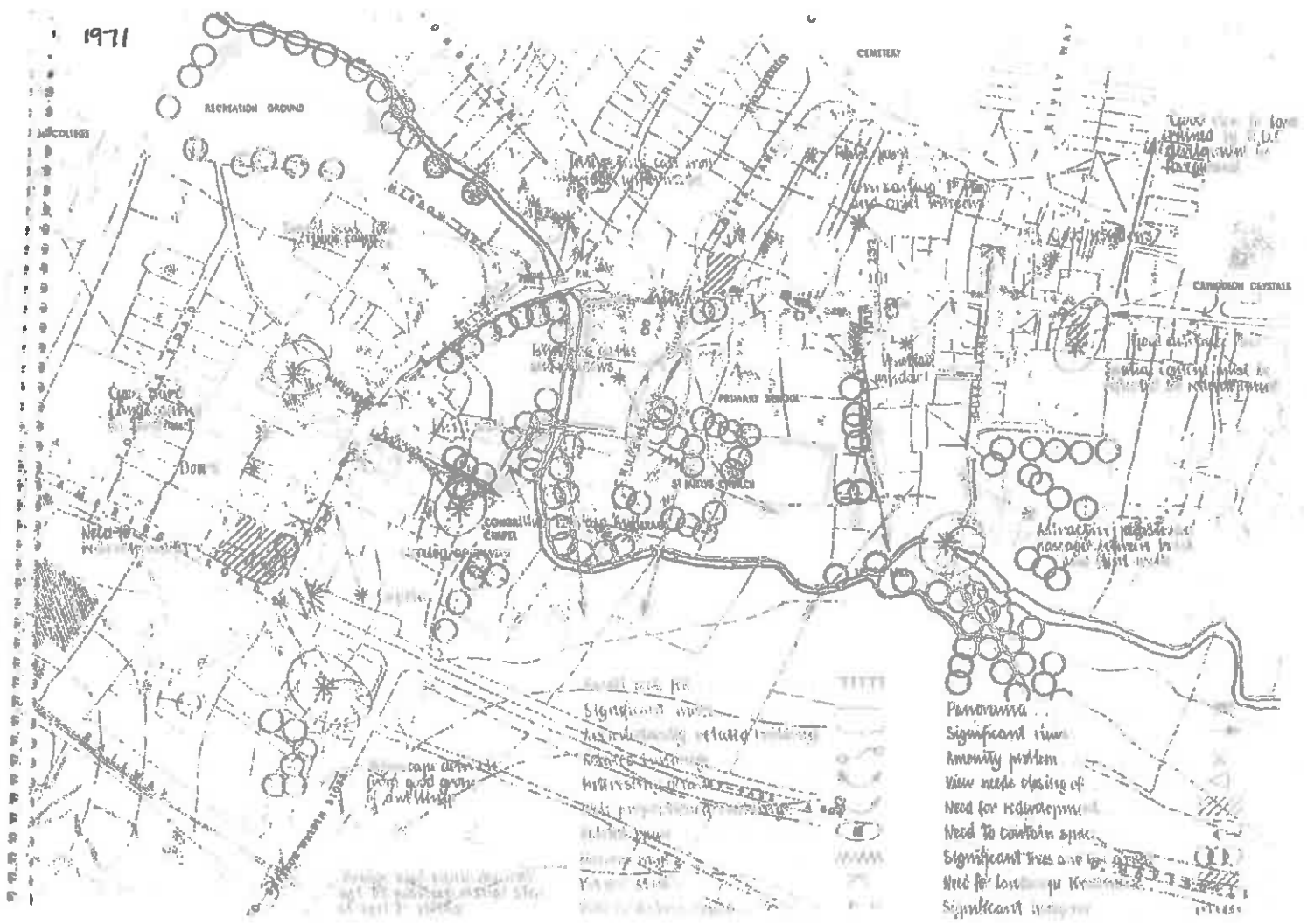




Linton Village Plan June 1971

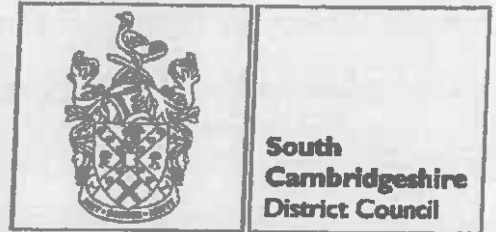
LINTON ZOO
CARRON WALKER
1971

1971



- Panorama
- Significant view
- Amenity problem
- View needs closing off
- Need for reorientation
- Need to contain space
- Significant trees are to be preserved
- Need for low vegetation
- Significant

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Kathryn Wiseman,
Linton Parish Council Clerk
Village Hall
15, Coles Lane
Linton
Cambridge
Cambridgeshire
CB21 4JS

Planning and New Communities
Contact: Sumaya Nakanya
Tel: 03450455215
Email: planningcomments@scambs.gov.uk
Our Ref: S/1719/19/FL
Date: 22 January 2020

Dear Sir/Madam

Proposal: Retrospective planning application for a fence and canopy.
(resubmission of S/0429/19/FL)
Application Ref: S/1719/19/FL
Location: 17, Green Lane, Linton, Cambridge, Cambridgeshire, CB21 4JZ
Applicant: Mrs Pamela Phipps

Please click on the link <http://plan.scambs.gov.uk> to view the amended documents/plans in respect of the above proposal.

Amended plans and heritage statement

As the website updates overnight, these will be available to view the following day.

Please note any comments you wish to make on the planning application will be uploaded onto the Councils website prior to the case officer reviewing them. Please see our privacy notice below. Please contact the case officer directly if you have any concerns with this or if certain information needs to remain private and confidential.

I would appreciate any comments that you may have within 21 days of the date of this letter.

Yours faithfully

SJ Kelly

Stephen Kelly
Joint Director for Planning and Economic Development for Cambridge and South Cambridgeshire

LINTON PARISH COUNCIL - OBJECT

-PLEASE SEE ATTACHED COMMENTS

LINTON PARISH COUNCIL - DOES REFER TO SCDC FULL PLANNING COMMITTEE

SIGNED *U. Reach* (ASST CLERK TO LINTON PARISH COUNCIL

CLERK (MS KATHRYN WISEMAN) TO THE PARISH COUNCIL

DATE: 7/2/20

Please use the details at the top of this letter if you wish to contact the relevant case officer.

S/1719/19/FL – Mrs Pamela Phipps – 17 Green Lane, Linton – Amendment: Amended plans and heritage statement. Decision Required

LPC Comment:

- Again, LPC notes that the application form is inaccurate - see previous comments.
- Misleading statements include the status of the canopy, which is a new addition.
- The revised block plan is inaccurate and seriously misleading. The applicant only owns the cottage and garage, shown by the red line. The area within the blue line is not within the ownership of the applicant, but is an open grassy area of common land, held by possessory title and not title absolute.
- The green area enclosed by the blue line is a distinctive part of this area, which is, after all *Green Lane*. The area was probably part of the former group of cottages and farmyard around the entrance to The Beeches, split when access to what is now Beech Way was created. The green then became the highway verge, remaining public property.
- There are mature Birch Trees on the open area (planted by LPC), so it was public land at the time of planting.
- We welcome the return of the fence to its original position.
- Whilst we understand the need for privacy in the cottage garden, this could have been achieved by simply replacing the original fence in its original position. We agree with the Officer that there should be no gravel board and the height limited to 1.8m maximum (solid fence plus trellis).
- *According to previous residents, the garden fence was never more than 3.5-4 foot tall. The trellis was put on the top to give a bit more 'open' privacy - the fence was never as high as it is now. As it was a conservation area, it was understood that the solid part of the fence could only be as high as it was - under 4 foot.*
- The canopy is a new feature recently erected, without planning permission, and out of keeping with the character, age and style of the cottage.
- Houses of similar age, but higher status, sometimes have flat canopies the width of the door. This is a row of farmworkers cottages, always known as a poor area of the village, so would not have had canopies.
- "Linton in Pictures", page 26 shows the row of cottages all without porches or canopies, when this house had its door at the front. The original door was facing Green Lane and, like the other cottages, was without a canopy.
- On the gable end there appears to be a lean-to shed or privy. There is a gate leading to what might be the farm yard or garden, but this had gone by 1971 when the area was designated as part of the Conservation Area and described as an open area.
- *In the 1960s the two-storey gable end was added on the site of the ground floor timber lean-to shown in the old photograph. This extended the property in a southerly direction and the front door was relocated to its present position in that extension. Hence the name Gable End Cottage. The extension has a tiled roof as opposed to thatch on the original farmhouse - and still no porch above the door.* Photographic evidence shows previous holes in the wall, but these were for hanging baskets, a light, or similar, never a canopy. LPC previously submitted illustrations to prove there was never a canopy there.
- The effect of the canopy on the Conservation Area has not been assessed.
- There is no proper Heritage Statement or assessment for the canopy or fence
- The quality of design of the canopy does not meet the standards necessary to meet policy HT1 and should be removed.
- The dimensions of the canopy confirm it would be ineffective for the stated purpose and detracts from the simple lines of the cottage and the row in which it stands.
- The design of the canopy would only serve to direct rainwater into the foot well of the door, flooding the hall.

- This site is within Linton's Outstanding Conservation Area where the protection of our historic buildings and their setting are of utmost importance. This porch is a pastiche, without function and inappropriate on these workers cottages.
- The plans previously submitted by LPC regarding the Conservation Area indicate that the canopy impacts upon a significant view, as does the fence.
- The works affect the special interest of the building given its prominence in the Conservation Area. To retain the significant view and character of the cottage, the canopy must be removed and the fence returned to its original place with limited height.
- Previous comments stand, and need to be taken into account when considering this application.

LPC has serious concerns that if consent had been given for the re-positioned fence or for the new canopy it would encourage others to flout the rules regarding Listed Buildings and Conservation Areas in the hope that retrospective applications will be approved or allowed to remain without any sanction.

LPC Decision: Object and refer to SCDC Full Planning Committee

