

Appeal Decision

Site visit made on 2 August 2016

by Jonathon Parsons MSc BSc (Hons) DipTP Cert (Urb) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 August 2016

Appeal Ref: APP/W0530/W/16/3149259

64 Barton Road, Comberton, Cambridgeshire CB24 7BP

- 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 Mr Mark Arnold against the decision of South Cambridgeshire District Council.
 - The application Ref S/0564/FUL, dated 2 March 2015, was refused by notice dated 18 February 2016.
 - The development proposed is the erection of a dwelling and ancillary access arrangements.
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Decision

1. The decision is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Arnold against South Cambridgeshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are (a) whether the proposal would preserve or enhance the character and appearance of the Comberton Conservation Area and (b) the effect of the proposal on the future occupiers of the proposed dwelling having regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises the rear garden of 64 Barton Road and is located within the Comberton Conservation Area. A small part of land in the south-west corner of the site lies within a Protected Village Amenity Area (PVAA) designated under the Council's Development Control Policies Development Plan Document (DPD) 2007 which extends beyond the south and west boundaries of the appeal site. Adjacent to these boundaries, there is mature vegetation and trees. In this regard, there are three oak trees protected by a Tree Preservation Order beyond the southern boundary of the plot. A Public Right of Way (PRW) runs parallel with the eastern boundary of the site and the dwelling at 64 Barton Road.
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5. As the site is within a Conservation Area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The Conservation Area comprises a older historical village centre and in the main, some 20th Century housing to the periphery which is interspersed by fields and paddocks, with vegetation and trees. As set out in the appellant's Heritage Statement (HS), the more recent housing lacks the historical and attractive traditional qualities and features within the village core. However, this housing is still generally set back from the road and set in spacious plots. Together with the fields and paddocks, these features give the Conservation Area a marked and attractive semi-rural quality. The dwellings of inferior quality within the Conservation Area are not so numerous as to affect the importance of this quality. Contrary to the appellant's HS, I find this to be of great significance to the character and appearance of the Conservation Area and provides special interest to it.
7. The appeal site comprises a generally open grass area used as garden for the occupiers of No 64. The area was formerly overgrown with vegetation and was very "green" in appearance. The southern part of the appeal site is located within a PVAA and the explanatory text of the DPD indicates such areas are important to the amenity and character of villages. Although the grassed area is not visible from the public domain, the site's open and largely undeveloped nature to the rear of the dwelling at No 64 is appreciated from the PRW to which I attach considerable importance and weight to by reason of its public use. From Barton Road and the PRW, there would also be a backdrop of trees and vegetation. For these reasons, the appeal plot adds positively to the identified semi-rural quality that is of significance and special interest to the Conservation Area.
8. The proposal would result in a contemporary styled dwelling with cedar cladding and slates. The first floor is accommodated partially within the roof which would result in a lower ridge compared to the existing dwelling. In relation to Barton Road, it would be sited behind the existing dwelling, garage and garden at No 64, and on a plot with a ground level that drops away from the road and the PRW as shown on drawing number 658-D-5 Revision B.
9. However the dwelling has an extensive footprint spreading across much of the width of its plot and despite the roof design, there would be extensive first floor facing walls by reason of height of the roof eaves. Such a design of dwelling would give rise to a considerable scale, mass and bulk. In this regard, there would be a garage with first floor accommodation above at a height of about 6.5m which would be only about 2 metres from the eastern boundary of the plot adjacent to the PRW. Consequently, this part of the dwelling would be visible from the PRW even taking into account the height of a close boarded fence and a drop in ground levels into the site. The proposal would also create a new vehicular access, with recessed entrance gates, further down the eastern boundary of the plot. Such a feature would further draw attention to the creation of a residential development on the site and open up views of the development at the very least when the gates are open.
10. As a result, the proposal would significantly erode the open and undeveloped nature of the appeal site and the identified semi-rural quality which is of

significance to the Conservation Area. The proposal would fail to preserve the character and appearance of the Conservation Area. The appeal dwelling would be sited outside of the PVAA. However, Policy CH/6 of the DPD states that the development will not be permitted within or adjacent to PVAA if it would have an adverse impact on the character, tranquillity, or function of the village. Here, the PVAA serves to confirm the importance of the semi-rural character of the area and for the reasons indicated, a new dwelling would adversely affect the character of the village. Furthermore, some hardsurfaced areas to be used to vehicle parking and garden areas of the dwelling would still be within the PVAA which with associated vehicles and domestic paraphernalia would adversely affect the site's open and undeveloped quality, and semi-rural character.

11. In the emerging local plan, there are proposals to reduce the PVAA and designate some of this land as 'local green space'. However, the Council has stated a number of objections have been raised to the emerging policy and the plan has yet to proceed to an Examination in Public, and therefore little weight can be given to the emerging policy.
12. A tree survey, arboricultural impact assessment and associated drawings have been submitted which show the relationship between the protected oak trees and the proposed development. By reason of the low branches overhanging hardsurfaced areas, there would be a need for some tree works. However, during construction, a temporary access could be created away from the trees minimising substantial removal of branches and planning conditions could be imposed to safeguard the health of the trees. Post construction, the area below the trees would be a hard surfaced area mainly used for vehicle parking. Whilst this may necessitate some tree works, I am not persuaded that the extent of such works would be so great as to adversely affect their public amenity value based on the evidence before me. Therefore this aspect of the proposal would not adversely affect the significance of the Conservation Area.
13. In terms of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm. Paragraph 134 of the Framework states where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as a Conservation Area), this harm should be weighed against the public benefits of the proposal. The dwelling would boost housing supply where there is an absence of a deliverable five year housing supply, providing accommodation for future generations. Nevertheless, such benefit would be limited by reason of the single dwelling proposed. In the balance, the benefits have to be weighed against the adverse impact on the character and appearance of the Conservation area for which considerable importance and weight has to be attached. Therefore, while the harm to the significance of the Conservation Area is less than substantial, the public benefits would not be sufficient to outweigh that harm.
14. For all these reasons, the proposal would fail to preserve the character and appearance of the Conservation Area as a whole. Accordingly, the proposal would conflict with Policies CH/5 and CH/6 of the DPD, which collectively and amongst other matters, require development proposals affecting Conservation Areas to be determined in accordance with legislative provisions and national policy and guidance, and not to be permitted within or adjacent to PVAAs

where there would be an adverse impact on character, amenity, tranquillity or function of the village.

Living conditions

15. The northern elevation of the proposed dwelling would be sited adjacent to the common boundary with 64 Barton Road. At first floor level, there would be a high level window to serve a bedroom and as such there would be little outlook provided to persons using this room. However, outlook from most of the other habitable rooms in the dwelling would not be restricted in this way, with the main daytime living and dining areas well served by openings and the affected bedroom in the main would be used as a place for sleeping.
16. Therefore, the development would not be harmful to the living conditions of the occupiers of the dwelling by reason of the loss of outlook. Accordingly, the proposal would comply with Policy DP/3 of the DPD, which amongst other matters, requires development not to have an unacceptable adverse impact on residential amenity. Additionally the development would result in a good standard of amenity for future residents complying with the Framework. I have not been able to comment on the proposal's purported conflict with Council's Design Guide SPD because the parts of the SPD referred to, do not relate to outlook.

Other matters

17. My attention has been drawn to two dismissed appeals for residential development on the site in 2007 and 2010. It has been indicated that the appeal proposal has taken into account previous Inspector's findings. The proposal has been revised following discussion with the Council, involving the Conservation Officer and the Council's Design and Enabling Panel. However, I have come to my own conclusion based on all the evidence before me and what I saw on my site visit. In terms of the two previous appeal proposals, there are differences with the current proposal and national planning policy has changed with the introduction of the Framework and therefore only limited weight has been attached to them in this appeal.

Conclusion

18. In conclusion, the proposal would conflict with Policies CH/5 and CH/6 because the proposal would adversely affect a Conservation Area and PVAA. It would fail to preserve the character and appearance of a Conservation Area for the reasons indicated. There are no other material considerations to outweigh the development plan conflict identified.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR