

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9th May 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0300/07/F – LITTLE ABINGTON Fence (Part Retrospective Application) at 40 High Street for Miss V Nason

Recommendation: Approval

Date for Determination: 13th April 2007

Notes:

This Application has been reported to the Planning Committee for determination upon the request of District Councillor Mr Orgee

Members will visit this site on Tuesday 8th May 2007

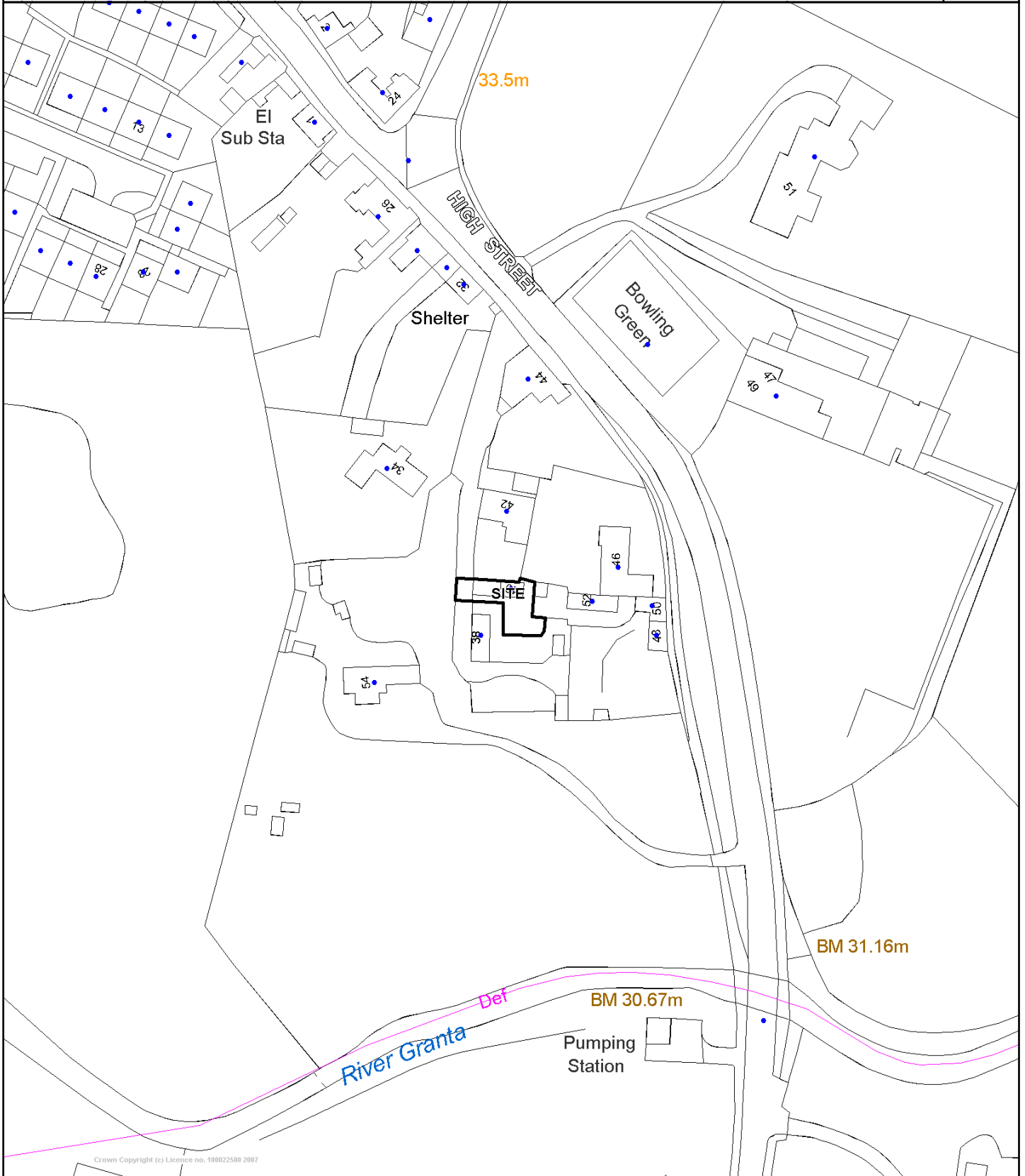
Conservation Area and Adjacent to a Listed Building

Site and Proposal

1. The application site is occupied by a narrow spanned two storey dwelling located within the heart of the village and inside the Conservation Area. To the south, and at right angles to No.40, is a Grade II listed thatched cottage (No.38) whilst, beyond a bungalow at No.52 to the east, are two further Grade II listed dwellings, Nos. 46 and 48/50 High Street.
2. The full application, submitted on 16th February 2007, seeks consent for the erection of a fence along part of the boundary to the rear garden area. A 1.725 metre high black feather edged boarded fence has been erected along the part of the garden that adjoins No.52 High Street's southern boundary, as well as along part of the site's eastern and southern boundary with No.38 High Street. This has replaced an approximately 1.2 metre high brown, panelled fence that previously ran along the boundary. This fence stops just short of the south-western corner of the site, at which point a section of the old fencing still remains. Retrospective consent is sought for the 1.725 metre high fence that has been constructed. In addition, the application proposes to replace a 1.22 metre high panel fence that forms part of the western boundary of the site adjacent to No.38's rear/east facing elevation, with a 1.485 metre high dark stained close boarded fence. Furthermore, although this is not clear within the plans, I am aware that the small section of fencing between the retrospective and new elements would be replaced with a 1.725 metre high close boarded fence to match the retrospective section.

Planning History

3. **S/1432/03/F** – Application for two storey extension on south elevation of dwelling at 40 High Street measuring 1.1m deep x 3.5m wide, approved.



Crown Copyright (c) Licence no. 100022500 2007



Reproduced from the 2006 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/1250 Date 30/4/2007

Centre = 553339 E 249088 N

Planning Committee May

Planning Policy

4. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.
5. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 requires development to protect and enhance the quality and distinctiveness of the historic built environment.
6. **Policy EN28** of the South Cambridgeshire Local Plan 2004 states that the District Council will refuse applications which would dominate a listed building in scale, form, massing or appearance; damage the setting, well being or attractiveness of a listed building; or would harm the visual relationship between a listed building and its formal or natural landscape surroundings.
7. **Policy EN20** of the Local Plan relates to extensions to Listed Buildings and sets criteria against which applications will be assessed.
8. **Policy EN30** of the Local Plan requires development in a Conservation Area to either preserve or enhance the special character and appearance of the area, in terms of scale, massing and appearance. Permission will be refused for schemes which do not specify traditional local materials and details and which do not sit comfortably into their context.

Consultations

9. **Little Abington Parish Council** makes no recommendation but states:
 - a) "There are concerns about the effect on the listed building and on the open aspect of the Conservation Area
 - b) The layout of the small group of cottages is unusual and worth preserving
 - c) SCDC is encouraged to check the application carefully against its agreed criteria".
10. **The Conservation Manager** raises no objections, stating the fence does/will not have a harmful impact upon the setting of adjacent listed buildings. The Conservation Manager has also advised verbally that the impact on the openness of the Conservation Area is also considered to be acceptable.

Representations

11. A letter of objection have been received from the occupiers of No.38 High Street to the south. A copy of this letter is enclosed as Appendix 1. The letter raises a number of general issues about No.40 High Street but the main points of relevance to this application are:
 - a) Over the last 3 – 4 years, there has been a gradual despoliation of the setting of No.38 High Street, arising from the extension approved to No.40 in 2003, the fencing, a shed that has been constructed, lighting on No.40's southern elevation and landscape design;
 - b) The Conservation Area is gradually being broken up and enclosed. Historically and at the time of their listing, the listed cottages were linked and open to their

then extant curtilages. Until relatively recently, the cottages shared various facilities including a well, allotments (which were split up without fences), a public right of way etc. It was a historical landscape of openness and communality, rather than an emphasis on privacy and security. In the 20's, the area between No.38 and the High Street was an open field and even in the 50's the area was still known as The Green with cottages on all three sides. Ownership changes have started to make way for boundary treatments which could destroy that open character;

- c) The fencing, both the retrospective and new elements, enclose the listed building and sever its relationship with its cultural historical curtilage at the time the listing was made. The importance of the openness and feathered style of the previous fencing should not be underestimated;
- d) The fencing (together with the lighting and shed) are significantly below the standards required to enhance the Conservation Area and Listed Buildings;
- e) The newly erected fencing is of a much heavier and coarser texture than the lower and more traditional, horizontal, feathered texture of No.38's adjacent fencing. As a result, the relationship between No.38's garden and the rest of its garden when it was listed has been changed such that the previous cottage garden has been partly severed from the cottage itself;
- f) The cumulative impact of the fence and shed (which is in excess of 10m³ and used as a pottery studio) should be assessed;
- g) The proposed increase in fence height would have a detrimental impact on daylighting to No.38's eastern elevation and further enclose and sever the cottage from its curtilage. The aspect from the dining room in the middle of the cottage would be 100% fencing because of the sunken floors, almost obliterating daylighting and presence of the sky;
- h) The plans are unclear in respect of how the remainder of the southern boundary with No.38 will be treated (ie - the small section between the retrospective element and the new element of fencing);
- i) The creosoted weather boarded fencing, pottery studio and operation of a fired kiln in the pottery studio increase fire risk to No.38's thatched roof;
- j) The development would contravene Policies EN20, EN28 and EN30 of the Local Plan.

Representation by District Councillor, Mr Orgee

District Councillor, Mr Orgee, states:

12. "I am writing to you in my capacity as the district councillor for Little Abington. The purpose of this letter is to request that this planning application is taken to the Planning Committee. I also request that there is a site meeting prior to the Planning Committee's consideration of this case. My reasons for requesting the above course of action are that the application is within the village Conservation Area and that strong views have been expressed locally both for and against this application. In my view it would be better if the decision were to be made at an open public meeting rather than under delegated powers."

Representations by the applicant's agent

13. Two representations have been submitted by the applicant's agent, in response to the discussion at the Parish Council meeting and to the representation received from No.38 High Street. These are enclosed (excluding photographs) as Appendix 2.
14. Detailed aerial photographs that are estimated to be in excess of 20 years old have been submitted in response to concerns expressed at the Parish Council meeting about the openness of the site around the property. These purport to show that the site has not been an open area for a long time and that No.38, in particular, was very secluded and still was around 3 years ago. When the question of 'openness' was raised at the Parish Council meeting, it referred to the 1930's or 1940's when the cottages were bought from a larger Estate, at a time when land was haphazardly shared. In the 21st Century, some degree of privacy and security is desirable. The proposed fencing will divide the area much less than it has been over the last decades.
15. In response to the letter received from No.38 High Street, the following points are made:
 - a. The fact that the occupiers of No.38 feel their cottage has been separated from its curtilage is not the result of anything that has happened at No.40 over the last 3 years. The land was divided as it is now in the 1980's. Any changes to Damson Cottage and its curtilage took place long before they or the applicants took up residence in the area;
 - b. No boundaries have been changed. The application seeks, part retrospectively, to erect a handcrafted fence made from traditional upright featheredge boards as opposed to mass produced modern fence panels. This boarding has been used to clad ancient barns in the area;
 - c. Guidance was sought from Conservation officers at the District Council before work commenced;
 - d. The proposed section of fencing is 3.5 metres from the rear wall of No.38 and is not considered to interfere with their light;
 - e. The recently erected shed is not a pottery studio. It was mistakenly built marginally oversize (10.15m³). This has now been rectified and the building now measures 9.77m³;
 - f. The fence has not been creosoted, but has been treated with Tanalith E preservative and Creol which neither enhance nor diminish fire risk.

Planning Comments – Key Issues

16. The key issues to consider in the determination of this application are:
 - a. Impact upon the character of the Conservation Area and upon the setting of nearby Listed Buildings;
 - b. Affect upon the amenities of adjoining residents.

Impact upon character of the conservation area and upon the setting of listed buildings

17. The fence requires planning permission as it forms part of the boundary of the site with a listed building, No.38 High Street. The applicant's agents approached this Authority prior to erecting the fence and were advised that planning permission was not required on the basis that No.40 High Street is not a listed building. Discussions still took place between the applicant's agent and the Council's Conservation department in order to ensure that the proposed style of fence would be appropriate.
18. Complaints were received by this Authority after construction commenced and, after a site meeting with the applicant's agents, it was established that part of the fence did form part of the enclosure to and curtilage with No.38 High Street (a listed building) and a planning application was therefore requested. Construction ceased immediately, thereby explaining why there is a small section of lower, older panelled fencing between the new section of fence for which retrospective consent is sought and the proposed new fencing along the western boundary with No.38 High Street.
19. It is not presently clear within the application that the proposal seeks to continue the 1.725 metre high fencing along the remainder of the southern boundary with No.38. Amended plans to clarify this have been requested.
20. The Conservation Manager considers the design of the fencing, both the as built and proposed sections, to be appropriate and does not consider the development harms the setting of the adjacent listed building at No.38 High Street or harms the character, appearance or openness of the Conservation Area.
21. A copy of the letter from No.38 has been forwarded to the Conservation Manager and I am presently awaiting further comments which will be reported verbally at the Committee meeting.

Residential amenity

22. There is an existing 1.22 metre high panelled fence that forms part of the western boundary of No.40's garden and lies approximately 4.5 metres away from No.38's rear/east facing elevation. Within this elevation facing the fence are a bathroom window, a window and door to the hall area and a window serving a hall/dining/sitting area. The main lounge, which also has an east facing window looking straight down the garden area, is at the southern end of the house.
23. I have visited No.38 High Street. The principal area that would be affected by the application is a hall/dining/sitting area, a large open but quite dark area. The main front door/entrance into the property has steps down into this area, which has a bench style seat directly underneath the east facing window and a fireplace against its southern wall. Its appearance/use at the time of my visit was as a hall and secondary sitting area but the occupant explained that it was intended to be used as a dining area in the future. What is not apparent from the site plan, but will be clear to Members after the site visit, is that the floor levels in the house are lower than the outside ground levels. This room is some 0.5 metres lower than the patio area on the east side of the house, meaning that the existing panelled fence along the boundary with No.40 is, I would estimate, some 1.8 metres above No.38's floor level. I accept that the proposed increase in height of this section of fence will have an impact upon the outlook from this east facing window, as well as cutting out some early morning sunlight. However, as the proposed increase in height is minimal, I do not consider the impact upon the amenities of the occupiers of No.38 High Street to be seriously harmful enough to justify refusing the application on this basis.

Other Issues

24. The occupiers of No.38 High Street have raised other matters that are not strictly part of this application. However, I can confirm that the shed that has been constructed, on the basis that its volume does not exceed 10m³ as stated within the agent's letter, does not require planning permission. I measured the shed on site soon after it had been constructed and its volume was 10.15m³. It has since been reduced in size to avoid the need for permission.
25. The neighbour has also referred to lighting installed under the eaves of No.40's roof, which Officers have previously advised does not require planning permission. I can confirm that consent is not required for this lighting given that it is attached to the building. If this lighting is causing a nuisance, however, the neighbour may have some recourse under environmental health legislation.

Recommendation

26. Approval:

Conditions

1. Standard Condition A (Reason A)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
P7/6 (Historic built environment)
 - **South Cambridgeshire Local Plan 2004:**
EN28 (Development within the Curtilage or Setting of a Listed Building)
EN30 (Development in Conservation Areas)
2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Impact on character of conservation area;
 - Impact on setting of adjacent listed buildings;
 - Residential amenity.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Refs: S/0300/07/F and S/1432/03/F.

Contact Officer: Lorraine Casey – Senior Planning Assistant
Telephone: (01954) 713251