

F.A.O. Loran Carey

SOUTH CAMBRIDGEShire

7 APR 2004

3 emails sent  
last week so I  
remain my office.  
John Parry

Dear Sir or Madam, 0300

**Re: Planning Application (part retrospective) for Garden Fence  
40 High Street, Little Abington, Cambridgeshire CB21 6BG from  
Miss V Nason**

I would like you to consider my response to this application under three headings:-

- i) **The Gradual and Incremental Despoliation of Damson Cottage despite its Grade 2 Listed Building Status in a Conservation Area;**
- ii) **Minor Technical Deficiencies of this Application**
- iii) **Evaluation of the current application and reasons for objection**
- iv) **District Plan and other Policy Considerations**

### **Incremental Despoliation of the Listed Building**

This has happened over the last three to four years partly as a result of a land ownership change, separating the cottage from its "curtilage," but more particularly because of continual decline in environmental standards from the adjacent property over the last three years.

It is also because of the questionable planning permission issued for the conversion and refurbishment of the Ark on 15<sup>th</sup> August 2003 on which conditions to safeguard the privacy, overlooking, amenity of Damson Cottage were not drafted in the decision notice, as well as the completion of that development, which in detail is not in line with the permission's detailed drawings. More recently changes have been made on the basis of the planning authority's advice on *permitted development rights* which have conflicted with a range of District Plan aspirations and in two cases there has been incorrect advice. Such has been my concern about this incorrect advice, that I was forced to instruct specialist environmental solicitors Richard Buxton. There has been absolutely no consultation on any of these proposals, despite the Nasons having written twice assuring me that this would happen. The fencing now the subject of a retrospective application; the pottery studio, which has been completed such that I gather planning permission is required, lighting on the Ark's southern elevation and landscape design should have all involved planning consent, but unfortunately your officers have seen fit now several times to advise the Nasons that they do not need consent and in effect have advised them several times how to proceed in such a way as to avoid the need for planning consent. This is despite your own authority's policies to try and exercise as much influence as possible,

5/4  
copied letter  
to next Mrs

where *permitted development rights* may apply, in order to safeguard and enhance the qualities of Listed Buildings and Conservation Areas. I would like you to relate for instance the relevant statutory Regulations on lighting and permitted development rights in Conservation Areas and your policy ES3. Both the fencing and the pottery studio already erected are significantly below standards required to enhance the Conservation Area and Listed Buildings and in addition we in Damson Cottage have recently been visited by a lighting scheme along the roof eaves of the Ark extension, which puts the cottage under a glare of almost airport runway level. This lighting scheme, which your assistants have consistently refused to examine because there are no external fittings projecting beyond the built structure are excessive in relation to the domestic needs of the Ark, spill all over and above the horizontal, have an intense and have an adverse impact on us and the cottage, and I wish to challenge your officer's suggestion that this is beyond your control or influence. Please advise on this by return, before I have to spend more money on expensive solicitors.

As a result a part of the Little Abington Conservation Area, which has had a uniquely open character since the Conservation Area was designated and Damson Cottage was listed is now 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. We can refer to a large range of evidence that the cottages until relatively recently shared various facilities including a well, allotments which were split up without any hard and fast demarcations or fences, facilities for rubbish disposal, a public right of way etc. Cooperation and informal coordination supported a cultural historical landscape of openness and gentle communality, rather than an emphasis on privacy and most of all security fencing and devices. In the 20's the area between Damson Cottage 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. This quality was still very much in being when listing and Conservation area designation took place. Ownership changes have now started to make way for boundary treatments, which could ultimately destroy that open character. The Grade 2 Listed Building and other listed cottages are now subject to fencing which has started to enclose them and reduce Damson Cottage's cultural and historical links to its former cottage garden. The rest of the space across to the High Street still has a fully unified continuity, because all owners and tenants have so far taken decisions in relation to fencing which preserved this quality rather than prioritising security between the five gardens involved. The resulting communality is at the root of its charm and this is now compromised and under threat as a result of the

proposals before you and other changes already started on and around the Ark.

Even if one takes the position that the Nason's proposals are of a limited scale, they certainly neither protect, nor enhance, the distinctive character of the Conservation Area as required by Government Guidance, Regional Guidance, Structure Plan and your own District Plan and Design Guides. All too often it is the incremental process of mediocre or small scale but unsuitable changes which leads to notorious deteriorations, as I will demonstrate in photographs to be sent to you shortly. Please note in particular PPG15 paras 2.16, 2.17, 2.20, 3.30-3.36 and various section in section 4.

### **Retrospective Application and Technical deficiencies of the Application**

This is for fencing on the boundary between 40 High Street (The Ark) and 52 High Street and that already constructed on the north edge of our garden to a point defined by the left most arrow in Drawing Number 314/A3/006A. A 1725mm weather boarded fence has been erected just behind the common boundary, such that our lower existing lower fence with its much more spontaneous and feathered texture remains.

The newly erected fencing is of a much heavier and coarser texture than the lower and much more traditional refined, horizontal, varied and feathered texture of the existing fencing some of which is lower than a meter. As a result of the fencing recently erected, the relationship between the garden of Damson Cottage, and the rest of its garden when it was listed, has been changed radically such that the previous cottage garden has been partly severed from the cottage itself. The resulting environmental quality of the cottage-garden relationship is compromised by the retrospective application. The map accompanying the application is only partially useful because it does not show the whole of no 38, which is Damson Cottage, such that you receive an incomplete impression only of the enclosing impact of the fencing particularly on the southernmost parts of Damson Cottage. A site visit involving local councillors is recommended before decision is taken. There are other technical weaknesses, namely nothing is said about the fence west of the existing completed part on the plan next to the now additional proposed new fence indicated in red and running only 2 metres and parallel to the eastern elevation of Damson Cottage. Presumably Mr Nason intends to complete this but at present it seems to have been forgotten on this map, as part of the application. I have also been advised that the architect whose drawings are used is unhappy about the use of maps produced by him three to four years ago, when he was retained to design the extension

of the Ark. He is no longer retained to advise on this fencing application and does not wish to be associated with it. There may therefore also have been infringements with the Ordnance Survey Copyright. Strictly speaking therefore you should reconsider the registration of this application and ask the Nasons to amend and/or resubmit their application, so that the full extent of the proposed new fencing is shown. This suggestion has now been given additional weight following the pottery studio's completion at just over 10 cu.metres and the fact that following the provision of high voltage cables to the shed to power the kiln and other equipment both adjacent gardens are now subject to continual industrial noise. The cumulative impact of the two proposals, fence and pottery studio on the open space and listed building should be assessed. The pottery studio has been completed using a weatherboarded cladding, windows and pantile roofing, which do not enhance the Grade 2 Listed Building. Furthermore the proposed use as pottery studio with a large electric kiln, possible clay mixing equipment and inevitable provision for pollution extraction and waste materials will require arrangements for dealing with smoke and other effluents which will not enhance the Grade 2 Listed Building and its curtilage. We wish to see the cumulative impact of the two developments on the Conservation Area and the Listed Building taken together against national Planning Policy Guidance and your own District Plan policies requiring such changes to enhance rather than despoil these.

Finally the drawings, montages and written material required where a Listed Building in a Conservation Area by government (PPG15) and your own local plan etc have not been submitted.

### **Evaluation and Potential Sources of Objection**

Notwithstanding these technical limitations, we have reflected at length on this application as residents of Damson Cottage and in my case as a qualified professional planner, architect and environmental conservationist for thirty years. We have never sought a dispute with the Nasons and offered on several occasions a chance to cooperate and consult one another. Both I, and my partner, wish to respect Tolly Nason's efforts to develop her business as an artist, so long as this enhances the conservation of the surrounding buildings and area. One perspective is that both the pottery studio and fencing are relatively modest additions with a relatively modest impact on the garden areas of all four properties affected and that they should not be refused given the Nason's expressed needs for the art studio business and presumably greater sense of security. We can understand this, especially as the planning permission for the Ark refurbishment, granted in 2003, exposes

us intensely in several ways to loss of privacy and intrusion. The window constructed on the south elevation above the front door is placed exactly opposite the bedroom window of Damson Cottage and the possibility of overlooking and loss of privacy is intense. It appears that the decision notice makes no provision as was suggested by the previous owners of Damson Cottage in 2003 to mitigate this. The large windows on the extension of the same elevation support both extensive and intense overlooking of both our cottage and more particularly garden. The current proposals, now before you, however do nothing to reduce our loss of privacy and the overlooking arising from the placing of the windows on the southern elevation of the Ark. The now proposed heightening of the fencing only two metres away from the cottage, which is sunken would have a detrimental impact on daylighting and further enclose and sever it from its curtilage at the time of listing. For instance with the additional height, the aspect from the cottage dining room in the middle of the cottage, would be 100% fencing because of the sunken floors and you cannot enclose and sever the cottage, much more than that. It simply does not pass the test of enhancement and in a number of ways leads to deterioration.

The qualities of the Listed Building and Conservation Area are paramount and I submit the following planning reasons suggesting that you refuse this application and more especially that for development not yet already completed:-

- 1) The proposed new fencing, not yet erected would significantly reduce daylighting of the eastern elevation of the cottage and from one sunken room of the cottage only two metres from the fence, daylighting and presence of the sky would be almost obliterated;
- 2) The proposed fencing, both the retrospective application and the new application in particular, do enclose the Grade 2 Listed Building and its relationship with its *cultural historical curtilage* at the time that the Listing was made. The importance of the openness and feathered subtleties of the previous fencing allowing the building its historical breathing space should not be underestimated. Appreciation of its architectural and historical qualities and similar "open" fencing" across the rest of the space between numbers 38/40 and the other cottages and the particular qualities of informality should be protected rigorously. The openness, as well as a sense of the historical common land system, which once applied to this space, should not be diluted or compromised;
- 3) Severance of the cottage from its historical cottage garden is involved. In such cases the recent land ownership changes, which have created the possibility of such severance, should not be

accepted as material planning considerations (note: this means that planning rather than property disposal considerations are afforded the highest priority in such cases);

- 4) The application does not meet Government Circular's advice that applications with effects on Listed Buildings in Conservation Areas should meet a test involving the "enhancement" of the Listed Building and the Conservation Area, rather than simply the Maintenance or deterioration of the status quo;.
- 5) The Ark represents an interesting "post modern" entry into a 14<sup>th</sup>-17<sup>th</sup> Century precinct, which has several listed buildings. It should be noted that many of the details such as windows have not been implemented in accordance with the planning application and that the result is questionable and somewhat suburban, rather than rural in character. The fencing application and the extant and recently completed pottery studio continue this trend. Neither have the fineness of texture and informality of the surrounding cottages and cottage gardens. The introduction of a rigid and predominantly straight line vertical geometry based on the 200mm wide boarding may be superficially tempting but completely lacks integrity. Any fencing needs to have lightness and texturing and juxtaposition of a coarse textured fencing and small scale detailing of the cottages is spurious. I will suggest appropriate fencing later this week if appropriate.
- 6) The proposed creosoted weather boarded fencing, pottery studio and the operation of a fired kiln in the pottery studio significantly increases the fire risk to Damson Cottage's thatched roof. The proposals are therefore incompatible with both Planning, Conservation and Building Regs, which recognise thatched roofs provide a high fire risk spread between properties. They are generally required to be at least 12 metres away from the property boundaries. The Building Regulations impose limits on the amount of combustible materials that may be applied to external walls and timber weatherboarding can be affected by these requirements which are becoming increasingly rigorous due to increased number of thatched roof fires. The proposed fencing not yet executed will be 2 metres from the thatched roof of the listed building.

### **Development Plan considerations**

Since I have been away on business for two weeks I have not yet had time to fully consult the Statutory and Non Statutory frameworks like the District Plan and Design Guides.

However a quick look suggests emphasis on avoiding compromising the character of some villages like Little Abington, protecting, nay enhancing, the qualities of the area surrounding Cambridge; “development” of the highest quality and enhancement of the built environment as the key aspirations. Special combinations of materials and styles for tiles, walls and fences are seen as key issues. Ensuring detailed alterations are wholly sympathetic suggests rigorous implementation. Page 155/6/7 and page 162 of the Local Plan seem very relevant and cover development within Curtilage or Setting damaging that setting and in relation to the attractiveness of Listed Buildings, avoidance of harm to the visual relationship between building and formation of natural landscape surroundings as well as the enhancement of the special character and appearance of Conservation Areas, especially in terms of the scale of wall materials; high standards of design and detailing for landscape in open public and private spaces in Conservation Areas, weathering, retention of trees and hedges and all the policies and standards on P162. I note that in all your Village Design Statements boundary treatments such as garden fences, walls, railings and hedges are required to relate in scale and material to the overall streetscape and as indicated earlier the overall streetscape involves little and transparent fencing.

There is also much of relevance in Design Guides and Environment and Conservation documents. The proposals are not consistent with them as out of character with the pattern of development in the immediate vicinity (no listed cottage in Abington has such a crude and inappropriate enclosure; boundary treatment does not pass acceptable visual amenity standard. Retention of historic hedge and landscaping setting would be compromised. The issue is with what subtlety and refinement do the authority apply to their interpretation...

Most relevant are policy EN28 and by inference EN20 which suggest refusal of planning permission harming the setting of adjacent Listed Buildings, proposals which might start to dominate the Listed Building, damage the setting and attractiveness of a Listed Building and harm the visual relationship between the Building and its landscape surroundings. EN31 suggests a high standard of design and materials and if this is judged as “high” I cannot think what would be low or even medium. Finally I must return to the issue of precedent and cumulative impact and the useful and appropriate references to restriction on permitted

development to safeguard elements of the character of Listed Building cottages in South Cambs. I will be listing a series of cases suggesting that much more rigour is required in this fencing and small backland buildings next week.

EN30 seems relevant since the proposals do not enhance the special character and appearance of this special part of the Abington Conservation Area in terms of scale and walling materials such that it "fits comfortably into its context"

---

Please acknowledge receipt of this Email and expect confirmation and photographs and other material in the post next week.

Best regards

John Popper  
26<sup>th</sup> March 2007

So by way of conclusion this development does not pass the test of enhancing either the Grade2 Listed Building or this delightful part of the Conservation Area. Given the incremental nature of development and the role of precedent permission here would send a signal that other lovely Cambridgeshire cottages can be surrounded and enclosed by weatherboarded fences. For me the decisive scenario is that all the boundaries between numbers 38, 40, 48-52 High Street receive similar treatment as the quest for security and privacy in an insecure world grows. A beautiful space would simply be converted to suburbia and fundamentals of relationship between cottage and cottage garden ruined.

Very best regards

John Popper and Joan Graham



The White House  
46 High St.  
Little Abington  
CAMBRIDGE  
CB1 6BG

South Cambs. Planning Services  
S. Cambridgeshire Hall, Cambourne Business Park  
CAMBOURNE, Cambs. CB3 6EA  
Att: Ms. Lorraine Casey

27.03.07

Dear Lorraine,

Re. The Ark, 40 High Street, Little Abington

I meant to mention in our conversation of yesterday that the shed in the Ark garden has now been reduced in size by considerably more than the 6 cubic inches so is now for sure well within the limits given!

To address the most recent comment regarding the 'openness' of the site around the Ark garden I enclose 3 photographs in our possession which give aerial views which may be of interest. These were taken approximately 24 years ago. We moved into the White House in 1981 so have known the area intimately for 26 years.

The photographs show clearly that the site has certainly not been an 'open' area for a very long time, the emphasis has been quite the reverse in fact, individual households working to protect their privacy and security. As is evident from the photographs, Damson Cottage enjoyed a very secluded spot and was almost totally obscured then - and still was when we bought and started work on the Ark 3 years ago, photo also enclosed.

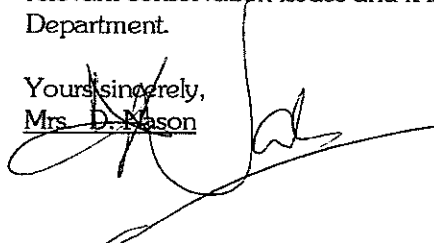
When the member of the public brought up the question of 'openness' at the Parish Meeting, she was speaking as the local historian and referred to when the cottages were bought from a larger Estate in the 1930s or 40s. Many village houses and farm workers' cottages were of course more tightly packed together then and land was haphazardly shared as would have been the case all that time ago in Abington, not altogether workable in the 21<sup>st</sup> Century. The wish for Damson Cottage and its environs now to reclaim that open aspect fifty years or so on, is not shared by ourselves at the Ark who have been used to, and wish to maintain, some degree of security and privacy from our neighbours.

The small length of fencing proposed will divide the area much less than it has been over the last decades. The 'open view' from Damson Cottage would have, by choice, been limited to two or three metres until very recently when they removed a very large fir tree and high winds brought down a Damson tree, which demolished the existing fence and came across the Ark garden.

What was also mentioned at the start of the Parish Council meeting, but not necessarily reported to yourselves, was that the tenant in No 52 High Street, owned by The Cambridge Cottage Housing Society Ltd. did say she was pleased with the privacy the new fencing afforded her.

The other point raised and discussed at some length at the Parish Meeting was that each planning application should be viewed individually and on its own merits. Your experienced Conservation Officer attended the site personally and we believe made an informed judgement regarding relevant conservation issues and it is hoped her personal findings will be upheld by the Department.

Yours sincerely,  
Mrs. D. Mason



SOUTH CAMBRIDGESHIRE PLANNING DEPARTMENT 29 MAR 2007 File Ref: ..... Letter No: .....
---

LC

The White House  
46 High Street  
Little Abington  
CAMBRIDGE  
CB21 6BG

South Cambs. District Council  
S. Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
CAMBRIDGE CB3 6EA

SOUTH CAMBRIDGESHIRE  
PLANNING DEPARTMENT  
13 APR 2007  
File Ref:.....  
Letter No:.....

11.04.07

Dear Sirs,

Re: Fence (Part Retrospective Application)  
The Ark, 40 High St., Little Abington for Miss V. Nason

We would just like to address certain issues, incidental as they may be to the consultation in hand, as our neighbour, Mr. Popper has raised them. Whilst we support Mr Popper's absolute right to comment and object to any planning application we do not think that it is correct or indeed fair to make wrong assertions, grossly over-exaggerate and not to be totally honest about the current situation in a bid to influence the outcome.

We would therefore like to clarify some points for the Committee:

1.  
The fact that he is feeling his cottage has been separated from its curtilage is not the result of anything that has happened here over the last 3 years as suggested. The land was divided as it is now back in the 1980s when Mr Joshua Taylor, who owned 3 adjacent properties, sold off Damson Cottage and retained The Ark, as a studio for his wife.

Clause 3 of the Conveyance dated 25.5.84 eludes to the "full and unrestricted use" of neighbouring land. Most clauses it would appear were aimed at preserving rights for the continued use of the Ark which had been used as a studio since the 1960s and retained until very recently, rather than the other way round.

When Mr. Popper moved into his house last July, we gave him a copy of a letter from Mrs. Joshua Taylor, dated December 1986, in which she describes the village as it used to be in 1932, detailing such shared facilities as a well and allotmented gardens (and the rats which abounded) - it is unfair to infer that we have made any change to Damson cottage and its curtilage, these changes took place long before he or we took up residence here!

2.  
What we feel is important is that we have certainly not changed any boundaries, we have merely applied, part retrospectively, to erect within our boundary, a handcrafted fence made from traditional upright featheredge boards as opposed to cheap mass produced modern fence panels.

We enclose some photographs taken in neighbouring villages over the weekend showing the very same type of boarding blending very agreeably on and next to listed

buildings and indeed used to clad ancient barns in the immediate vicinity. Indeed this 8" boarding is traditional throughout East Anglia.

We were at pains to enlist the help of the South Cambs. Planning and Conservation officers before work started on the fence and have been guided by their experience and grateful for their careful consideration.

The 'lower than a meter' existing fence that Mr. Popper refers, is in fact old garage doors, complete with hinges, (is this what Mr. Popper is referring to as "spontaneous & feathered texture"?) - the old fencing which has not rotted away is actually already 1.220m in height, i.e. 4 ft. and consists of mass produced panels.

3.

The proposed fencing is not "less than 2 metres" from Damson Cottage, it is 3500mm i.e. 3<sup>1/2</sup> metres from the wall! It would not interfere with light and when we, also owners of an adjacent listed building, were notified of a planning application which could affect us, we were advised that loss of a private view did not constitute a material planning consideration and "the visual relationship between the building and its landscape surroundings" is a view, howsoever couched!

4.

Early photographs show there always was a window opposite the gable end of Damson cottage but it had been rendered over, we simply reinstated that window. We took great care in our 2003 application to consult with the then owners of Damson Cottage and made adjustments to the window to their satisfaction - we top hung the window and installed obscure glass for absolute privacy. There is no question this works well and provides maximum privacy for both parties.

Furthermore the new extension replaced a bay window and above the bay window was also existing a quite large window, the view from the new extension has not changed very much at all from the way that it was.

Additionally 3 months ago we installed dayblinds and blackout blinds, which afford a great deal more privacy to both properties.

5.

Mr Popper is correct in that we have been unable to consult with him, having said that we would do, the reason is simple: Mr Popper's reaction to not being in total control of his surroundings has been staggeringly unpleasant - to us, our family, friends and visitors, rudely destroying any relationship that might have been with a constant string of demands and menacing threats.

6.

Mr. Popper has been told many times that the Ark garden shed is not a 'pottery studio'. So no clay, no pollution extraction requirement, no mixing equipment, no "smoke or other effluents" etc. - just a small electric glass kiln which measures 85cm x 66cm x 88cm and a bicycle!

The shed was inadvertently completed marginally oversize, in fact it was 150mm<sup>3</sup> oversize, 6 cubic inches. This has been rectified by the contractor and the shed is now well within the required 10m<sup>3</sup>, actually measuring 9.772m<sup>3</sup>.

The Ark shed basically, quite deliberately, mirrors the shed in Damson Cottage so we cannot understand Mr. Popper's objection to materials used; pantiles & traditional 8" featheredge.

7.

We head a well established company of timber experts and specialists and would not consider using substandard materials. Incidentally, in an effort to enhance the immediate vicinity we took an opportunity to bury, at considerable cost, the overhead cables to the Ark and offered our trench to be used by the previous owners of Damson Cottage so they could do the same at a much reduced cost but this offer was not taken up.

Mr. Popper has made reference to the timber cladding that we have used for the shed and the fence as being Creosoted. We have to correct this, under no circumstances would we ever consider to use Creosote, indeed the Creosote Directive would prohibit us from doing so.

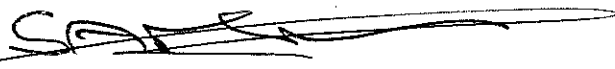
We have used featheredge boarding that has been treated with Tanalith E preservative, (Environmentally safe), together with Creol which is manufactured by Arch Chemicals, as is the Tanalith E preservative. The effect the Creol has is only to colour the wood dark brown/black and in addition it has water repellent properties, which adds to the longevity of the product. Mr. Popper alludes to the possible increase in fire risk that might be presented by the fence & shed. However, Arch Chemicals tell us that the treatment with Creol neither enhances nor diminishes the fire risk, clearly that would not be the case if Creosote had been used.

According to the Fire Service it is the sparks generated from the open log/coal fires enjoyed within Damson Cottage which would potentially create the single most usual reason for a thatch to catch fire.

In any case the fencing would be just under 3 metres from any thatch, not 2.

The clear background to Mr. Popper's objections is that he has purchased Damson Cottage without looking closely enough at the reality of the situation and in particular the juxtaposition of his cottage with the surrounding buildings.

Yours faithfully,



S.A. Nason  
On behalf of Miss V. Nason