



Appeal Decision

Site visit made on 9 May 2007

by **B D Bagot** BA(Arch) MCP MRTPI

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

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Date: 17 May 2007

Appeal Ref: APP/W0530/A/06/2028714

Bishops Cycles and land rear of 51-55 Station Road, Histon, Cambridge CB24 9LQ

- 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 S M Bishop Ltd against the decision of the South Cambridgeshire District Council.
- The application, Ref: S/1007/06/F dated 9 May 2006, was refused by notice dated 26 July 2006.
- The development proposed is erection of 3 terrace dwellings and 1 single storey dwelling (following demolition of existing cycle shop), and rationalisation of rear gardens to Nos 51, 53 and 55 Station Road, Histon.

Summary of Decision: The appeal is dismissed

Preliminary Matters

1. Conservation area consent for the total demolition of the cycle shop on the appeal site was granted on 26 May 2005, subject to a condition preventing demolition from taking place before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.
2. Since the making of the appeal, the appellants have completed an agreement with the Cambridgeshire County Council, whereby a financial contribution towards the provision of additional educational accommodation would be paid to the County Council before the first occupation of any dwelling comprised within the development. That agreement overcomes the sixth reason for refusal of the appeal application.

Main Issues

3. The main issues are:
 - (1) whether the loss of the existing retail unit would result in a significant reduction in the level of retail provision locally available;
 - (2) whether the proposed development would preserve or enhance the character or appearance of the Histon Conservation Area;
 - (3) whether the development would be consistent with the character and pattern of development in the village; and
 - (4) whether the development would cause noise and disturbance to existing properties through the use of its access.

Planning Policy

4. The development plan for the area is the Cambridgeshire & Peterborough Structure Plan adopted in 2003, read together with the South Cambridgeshire Local Plan adopted in 2004. Policy P1/3 of the structure plan requires a high standard of design and sustainability for all new development, including a need to provide a sense of place which responds to the local character of the built environment. Local plan policy SE2 allows residential development and redevelopment to be permitted in selected Rural Growth Settlements such as Histon, provided that it would be sensitive to the character of the village and the amenities of neighbours. Under local plan policy HG11 development to the rear of existing properties is only permitted where it would not result in noise and disturbance to existing properties through the use of its access.
5. Policy SH6 of the local plan provides that proposals which would involve the loss of a retail unit or post office in a village will be resisted where it would result in a significant reduction in the level of retail provision locally available. Under policy EN5 the Council require trees, hedges and woodland and other natural features to be retained wherever possible in new development. Proposals will be expected by policy EN30 to preserve or enhance the special character and appearance of conservation areas, especially in terms of their scale, massing, roof materials and wall materials.

Reasons

6. The appeal site is on the east side of Station Road (B1049), some 350 metres south from the centre of Histon village, and within the Histon Conservation Area. It consists of a vacant cycle shop, together with the adjoining terraced houses on the south side at 51, 53 and 55 Station Road, and land at the side and rear of the adjoining detached dwelling on the north side, 49 Station Road.

The Retail Unit

7. The retail business at the appeal property has been transferred to other premises to the south. The availability of the leasehold of the premises has been advertised since June 2005, resulting in 13 expressions of interest for a retail user. However there has been no serious follow up of interest, and the owners have been unwilling to consider selling the freehold. It is nevertheless possible that a short-term leasehold tenant might be found.
8. Development in the vicinity of the appeal site is largely residential, but there are isolated commercial properties on the west side of the road, namely a Tandoori restaurant, a hairdresser, and a petrol filling station with car hire business. Businesses of a convenience nature are mostly found in the main shopping area in the village centre to the north of the site. The previous use of the appeal premises provided a specialist service, and as it has been transferred to other premises locally it has not been altogether lost from the area. Its loss has not been significant in relation to the level of retail provision available in the village. On that basis the proposed residential redevelopment of the premises would not be contrary to policy SH6 of the local plan.

The conservation area

9. The conservation area includes the village centre and land to the north-west, and extends southwards to include the War Memorial and some Victorian and older properties in the vicinity of the appeal site. Except for the terraced houses on the appeal site, with 3 further terraced houses to the south, residential properties in this part of the conservation area are predominantly of a detached or semi-detached form, with a degree of mature vegetation and hedging. The large beech tree on the site, to the rear of 49 Station Road, contributes to the character and appearance of the area.
10. Subject to its replacement by a suitable form of redevelopment, the demolition of the existing cycle shop would not harm the character or appearance of the conservation area. The proposed additional terraced houses on the street frontage, while echoing the style, form and materials of the existing houses, would add to the length of the overall terrace, and would be uncharacteristic of the area. The proposed single storey dwelling at the rear of the site, although not clearly visible from any public place, would also be inconsistent with the pattern of development in the conservation area.
11. The appeal proposals include the construction of a single garage on land that would extend below the canopy of the beech tree on the site. To minimise disturbance to the root system, the appellants propose to construct the garage on a "no-dig" concrete foundation above the existing ground level, supported on piles driven into the ground. The garage structure would nevertheless lead to a compaction of the soil below it, and it cannot be guaranteed that some damage to the root system would not occur. That would jeopardise the future health of the tree, resulting in detriment to the character and appearance of the conservation area.
12. The construction of the proposed access drive leading into the site would involve the loss of some frontage hedging that contributes to the appearance of the area, and there would be little scope for new planting that might mitigate the appearance of the drive itself and the garage block beyond. The proposals as a whole would be harmful to the overall character and appearance of the conservation area, and would not be in accordance with local plan policy EN30.

Pattern and Character of Development

13. For the reasons already given, the proposals would fail to comply with structure plan policy P1/3, in that the development would not provide a satisfactory response to the local character of the built environment, or with policies SE2 or EN5 of the local plan in relation to the character of the village and the protection of trees and hedgerows.

Noise and Disturbance

14. The proposed access drive would pass close alongside the rear garden area and a living room on the south side of 49 Station Road. The passing and re-passing of vehicles wishing to gain access to and from the garages and car parking spaces and the property at the rear of the site would cause noise and disturbance for the occupiers of that existing house, contrary to the intentions of local plan policy HG11.

15. There might also be a degree of disturbance for the occupiers of the proposed terraced house on the south side of the drive. However that is not a matter with which the local plan policy is concerned.

Other Matters

16. Having regard to the Manual for Streets recently published by the Department of Transport (superseding Design Bulletin 32 and 'Places, Streets and Movement'), the width of the proposed access drive would be sufficient for 2 private cars to pass each other. There would be adequate visibility at the junction for vehicles seeking to enter or leave the drive, and adequate visibility for pedestrians using the footway. The swept circle of a car entering the drive from the south would not conflict with the position of a car waiting to leave the drive. The possibility that some conflicts might occur between a car entering from the north and a car waiting to leave the drive would not be so great as to cause serious traffic hazards for those using the public highway.
17. There is no suggestion that the proposed single storey dwelling at the rear of the site would result in overlooking or loss of privacy for existing residential occupiers. If planning permission were granted, a condition to restrict the height of the dwelling to one floor could protect against any possible overlooking of adjoining properties from an upper floor added to this dwelling. The layout of the proposed dwelling would ensure that some areas of private amenity space would be available for its occupiers, which would not be subject to overlooking from the upper floors of neighbouring dwellings.
18. The Council have not put forward any arguments to support the fifth reason for refusal of the appeal application, concerning the distance of the bin store for the proposed single storey dwelling from the road frontage.

Conclusions

19. The loss of the existing retail unit would not result in a significant reduction in the level of retail provision locally available. However the proposed development would not preserve or enhance the character or appearance of the Histon Conservation Area, it would not be consistent with the character and pattern of development in the village, and it would cause noise and disturbance to the existing property at 49 Station Road through the use of the proposed access drive. I conclude that the appeal should be dismissed.

Formal Decision

20. I dismiss the appeal.

Brian Bagot

INSPECTOR

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

TO: Januarys
7 Dukes Court
54-62 Newmarket Road
Cambridge
CB2 8DZ

The Council hereby refuses permission for Erection of 4 Dwellings and Garages Following Demolition of Existing Cycle Shop Together with the Provision of Garden for 51-55 Station Road

at Bishops Cycles and Land R/O 51-55 Station Road, Histon
(for S M Bishop Ltd)

In accordance with your application dated 9th May 2006

for the following reasons:-

1. The proposed site layout includes backland development in the form of a bungalow. The bungalow will be overlooked and will suffer poor levels of privacy. In addition, the access and car parking arrangements proposed will result in an increase in noise disturbance to existing dwellings neighbouring the site. Lastly, this layout is out of character with the existing pattern of development in the vicinity and as such the proposals are contrary to Policy P1/2 Sustainable Design in Built Development of the Cambridgeshire and Peterborough Structure Plan, 2003, which seeks to avoid development that is not informed by the wider character and context of an area and Policies SE2 'List of Rural Growth Settlements', HG11 'Backland Development' and EN30 'Development in Conservation Area' of the South Cambridgeshire Local Plan, adopted 2004, which seeks to avoid residential development where it will be harmful to neighbouring amenities, and will be out of keeping with the pattern of development, character and appearance of an area.
2. The site lies in an area of mixed uses including residential, retail and commercial sites. The use of the site for retail, despite having no car parking or access has not caused significant problems in terms of noise, pollution or traffic within the surrounding area or to the amenities of neighbouring dwellings.

Policy SH6 of the South Cambridgeshire Local Plan 2004, requires the retention of retail sites in villages where it would result in a significant reduction in the level of retail provision locally. The evidence submitted with the application fails to demonstrate that a retail use cannot be retained. The site is regarded locally as being an important retail site that should be retained and as such it is concluded that the site would result in a significant loss of retail provision locally.
3. The proposed access is not sufficiently wide to enable two cars to pass each other. The site is located on a busy stretch of local road where visibility is further reduced by on-street car parking and the proposed arrangement is likely to result in vehicles at times having to reverse onto Station Road to the detriment of highway safety.

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

4. The proposed garage to serve No. 49 Station Road will result in damage to the root system of a mature beech tree, which provides a very significant visual contribution to the character and appearance of the Conservation Area. This damage is likely to result in the loss of this tree contrary to Policies EN5 and EN30 of the South Cambridgeshire Local Plan, 2004, which seek to retain existing natural features within new developments and Conservation Areas.
5. The refuse storage for the proposed bungalow is more than the maximum distance of 25.0 metres from the road and as such is contrary to Supplementary Planning Guidance 'Storage of Solid Waste in New Developments' published in January 2005.
6. The proposal for four houses will cause the planning capacity of permanent buildings at the local secondary school to be exceeded and as such a financial contribution towards education provision is required in accordance with Policy CS10 of the South Cambridgeshire Local Plan, 2004.



Dated: 26th July 2006

South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB3 6EA

Head of Planning Services

SEE NOTES OVERLEAF