



Appeal Decision

Hearing held on 22 August 2006

Site visit made on 22 August 2006

by **K D Barton** BA(Hons) DipArch DipArb RIBA FCI Arb

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

15 SEP 2006

Appeal Ref: APP/W0530/A/05/1185779

Keepers Cottage, Haverhill Road, Stapleford, Cambridgeshire CB2 5BX

- 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 & Mrs J Culbert against the decision of South Cambridgeshire District Council.
- The application Ref S/1203/04/F, dated 21 May 2004, was refused by notice dated 28 January 2005.
- The development proposed is the demolition of the existing dwelling and the erection of a replacement.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application description was amended by letter dated 1 September 2004 to "Proposed demolition of existing dwelling and erection of replacement dwelling with garage and part change of use of former open land to garden use". Amended drawings were also submitted. The Council made its decision, and I have determined this appeal, on the basis of drawings 03-1005 A50, A51, A52, A53, A54, A55, A56a, A57, A58, A59, A60, A61, A62 and A63.
3. I appreciate the appellants' concern that after extensive negotiations with Officers, information was presented to the Committee at short notice with no opportunity to comment. Additional documents were also presented at the hearing and an adjournment taken for them to be read. The offer of a further adjournment to enable a response to the information was declined. I therefore consider that no one would be prejudiced by consideration of those documents.

Effect on the Setting of Middlefield

4. 'Keeper's Cottage' lies in the countryside and the Green Belt outside Stapleford. It is one of a number of dwellings on Fox Hill, including the Grade II* listed 'Middlefield'. The site is accessed via a private track from Haverhill Road approximately 400 metres long. The appeal site, which has an area of some 1.2 hectares, is relatively flat. Due to the topography, trees and vegetation, the main public views towards the site are from long distance on the northern edge of the village and from Haverhill Road and The Drift.
5. The list description indicates that 'Middlefield' was designed by Lutyens in 1908 but does not mention either 'The House on the Hill' or 'Keeper's Cottage'. However, a field map from a land value survey of 1910 shows 'Middlefield', then known as 'Mount Blow', 'The House on the Hill' and a building roughly in the position of 'Keeper's Cottage' with the notation 'Windpump'. The 1924 Ordnance Survey map also shows a building in the same position as 'Keeper's Cottage' noted as 'bungalow'.

6. Reference has been made to a hierarchy in terms of size and topography from 'Middlefield' to 'The House on the Hill' and 'Keeper's Cottage'. In my view, this is not readily discernable on the ground, particularly during the summer months. However, whilst I accept that Keeper's Cottage' is not aligned east/west or approached from the north as Lutyen's houses often were, and that the roof is of different coloured tiles and the walls of different bricks to 'Middlefield' and 'The House on the Hill', there are similarities in detailing. It would have been normal for there to have been additional service accommodation and particulars of sale for 'Mount Blow' in 1926 refer to an "engine house, servants' bungalow and dairy housing an engine with dynamo generating electric light for the house or raising water from a well". I note that 'Keeper's Cottage' has since been associated with a pig farm but even though no definitive documentary proof has been submitted, in my opinion the original bungalow was a part of the estate buildings.
7. I do not consider that 'Keeper's Cottage' and 'The House on the Hill' form part of the visual setting of 'Middlefield'. Indeed, I was directed to only one specific point on the track from which all three could be seen but even then not in the same view. Both 'The House on the Hill' and 'Keeper's Cottage' have been much altered and, in my view, it is not surprising that they have not been listed. However, 'Keeper's Cottage' does, in my view, form an important part of the historical setting of the listed building. Not only would its demolition remove at least a part of the original estate structures, but its rebuilding on land that was an open field in 1910 would further detract from, and blur, the original estate layout. I conclude that the proposal would neither preserve nor enhance the historical setting of the Grade II* listed 'Middlefield' contrary to the aims of national policy and Policy P7/6 of the *Cambridgeshire and Peterborough Structure Plan 2003* and Policy EN28 of the *South Cambridgeshire Local Plan 2004* (LP) and note that although only consulted at a late stage English Heritage also objected to the proposal.

Green Belt

8. In 1993 the property consisted of a bungalow, a flat roofed extension to one side and a pump house building on the other side, a long range of outbuildings along the south western boundary and a detached range of outbuildings on the south eastern side of the dwelling. The appellants acquired around 1.7 hectares of land, including the appeal site, in 1994. Consent was granted in 1996 for a flat roofed rear extension and in 2000 an application for a chimney was amended to include a link to the south eastern outbuildings which were being converted to habitable accommodation. An application for first floor extensions to the front, side, and rear of the dwelling was submitted in 2003. This is undetermined, although the Council stated that it intends to refuse it on the basis that the original dwelling has already been extended by well in excess of 50%.
9. The proposal subject of this appeal is to demolish the existing structures and to provide a replacement dwelling to the north-west. The central element would be 1½ storeys high with a swimming pool in a basement below. A bedroom wing with attic space above accessed by a staircase and a dining room/playroom wing with a terrace and roof void above it would be lower than the central block. I note that there is no objection to the design of the proposed building in itself and see no reason to object to the style of the proposal.
10. Paragraph 3.6 of *Planning Policy Guidance Note 2: Green Belts* (PPG2) states that the replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than that it replaces. This is reflected in LP Policy GB2. Paragraph

3.12 of the explanatory text to the policy indicates a maximum enlargement of 15%. It is agreed that the volume of the existing dwelling and outbuildings is some 1443.8m³ whilst that of the replacement dwelling, including amendments made in September 2004 but excluding the basement swimming pool, would be approximately 1611.6m³. This would be within the 15% figure for enlargement when the whole of the built form is considered, although I note the Council's view that enlargement should only apply to the dwelling as permitted development rights do not apply to the erection of outbuildings. On this basis the proposal would be slightly more than 15% larger than the existing structures as the volume of outbuildings would be reduced by around 70% whilst the volume of the dwelling would be increased by some 67%.

11. In my view, the 15% figure is only a guideline as LP Policy GB2 also requires that proposals comply with LP Policy HG15. That policy requires any replacement to be in scale and character with the dwelling it is to replace and that there is no material increase in impact on the surrounding countryside. Although described as 'sprawling', the existing buildings on the site are predominantly simple, single storey structures that are not generally visible in any public views. Indeed, only the roof of the bungalow is noticeable due to its orange roof tiles. The footprint of all the buildings on the site would be significantly reduced. However, the proposed central block would be around 0.5 metre higher than the original part of the existing dwelling. The proposed wings would be higher to the ridge than the most recent of the extensions to the original dwelling.
12. Illustrations produced by the appellant and local residents differ dramatically in the impact they show the proposal making. I consider that the impact would be closer to that depicted by the appellants. However, in my view, despite the intention to set the replacement dwelling further to the north and 0.2 metre lower than the existing building, the consolidation of accommodation into a storey and a half central structure with two flanking wings, even designed to appear as a group of buildings, would dramatically increase the perceived bulk and reduce the apparent openness compared to the existing buildings many of which cannot be seen. A significant amount of planting has been undertaken but has not had any material effect on public views. Although additional landscaping could be undertaken it would take many years to mature and screen the proposals. I therefore consider that the proposal would be out of character with the dwelling to be replaced and would have a greater impact on the surrounding countryside, contrary to the aims of LP Policy HG15. Indeed, the Officer's report to Committee states "I cannot deny that erecting buildings on this land would have a material impact on the character of the surrounding countryside" before concluding with a recommendation for approval.
13. An application has been made for a Certificate of Lawful Use and whether the site for the replacement dwelling has been used as garden for a number of years is not a matter for my consideration. The proposal seeks a change of use of former open land to garden use. Although the loss of openness due to the proposed dwelling would be offset to an extent by the demolition of the existing structures, which could be ensured by condition, paragraph 3.12 of the explanatory text to LP Policy GB2 states that the change of use of land to residential curtilage will be resisted where, amongst other matters, it harms the landscape character of the Green Belt. Notwithstanding the use that the appellants have made of the former open land, a change of use to residential curtilage would allow the proliferation of domestic paraphernalia, not all of which could, in my opinion, be adequately prevented by

condition. I therefore conclude that the proposal would be inappropriate development in the Green Belt which paragraph 3.2 of PPG2 states is, by definition, harmful.

14. It is therefore necessary to consider whether there are any very special circumstances that would clearly outweigh the harm due to inappropriateness, the detrimental impact on the countryside and on the historical setting of 'Middlefield'. In support of the proposals, reference has been made to the needs of a growing family. However, any enlargement would remain long after children have grown up and left home. The appellants state that they have undertaken considerable improvements to the dwelling, its ancillary buildings and their setting and there is an extant application for further extensions and alterations to the property. Whilst the arrangement of the accommodation might not be what would be designed if starting with a clear site I do not accept that the accommodation is so sub standard as to require rebuilding. Moving the accommodation further from the neighbouring dwelling might ease disputes with neighbours and remove difficulties with carrying out maintenance adjacent to the access track but such matters might not be as enduring as a new structure. In my view, the considerations raised would neither singly nor cumulatively amount to very special circumstances that would clearly outweigh the harm that would be caused.

Other Matters

15. The access track is unadopted and despite the concerns of local residents I do not consider that the replacement of one dwelling by another would have any significant effect on the amount of traffic that would be generated and there would therefore be no significant effect on highway safety. Similarly, the replacement of one dwelling by another would, in my view, have little impact on light pollution. I agree with the two main parties that spoil arising from construction of the new house, particularly from the formation of the basement, could be dealt either by a further planning application for distribution over other land owned by the appellants or by a condition relating to landscaping of the appeal site.
16. Although the central element of the proposed dwelling would be slightly higher than the existing bungalow, it would be significantly further from 'The House on the Hill' which lies on the opposite side of the access track. The separation distance at the nearest point between the two dwellings would be approaching 30 metres. Although the new dwelling would be visible, particularly in winter, and would have rooflights serving a study, a bedroom and an en-suite bathroom facing towards the forecourt of 'The House on the Hill', I consider that the separation distance and intervening landscaping would prevent any unacceptable visual intrusion or overlooking.
17. Notwithstanding my conclusions on highway safety and the effect on the living conditions of the occupiers of nearby houses I consider these are outweighed by the harm to the Green Belt, and the detrimental impact on the countryside and the historical setting of the Grade II* listed 'Middlefield'.

K D Barton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Don Proctor Dip TP MRTPI	Planning Director, RPS Planning Transport and Environment, Cromwell House, 3 The Meadow, St Ives, Cambridgeshire PE27 4LG
John Culbert	Keeper's Cottage, Haverhill Road, Stapleford Cambridgeshire CB2 5BX

FOR THE LOCAL PLANNING AUTHORITY:

John Koch Dip TP MRTPI	South Cambridgeshire District Council
David Grech BA BArch Dip BLDG CONS (RICS)	South Cambridgeshire District Council

INTERESTED PERSONS:

Drs Paul and Ruth Meyer	Galewood End, Hinton Way, Great Shelford, Cambridgeshire CB2 5AN
Dr Colin Ross	'The House on the Hill', Hinton Way, Great Shelford, Cambridgeshire CB2 5AN
Victor Cornish	Cambridge Preservation Society, 8 Aylesford Way, Stapleford Cambridgeshire CB2 5DP
Douglas Clarke	Galewood, Hinton Way, Great Shelford, Cambridgeshire CB2 5AN
Nicola Brown	Hillstead, Hinton Way, Great Shelford, Cambridgeshire CB2 5AN
Dr Maryon McDonald	The House on the Hill, Hinton Way, Great Shelford, Cambridgeshire CB3 5AN
Michael Farrar	Chairman, Stapleford Parish Council, 37 Hawthorne Road, Stapleford, Cambridgeshire CB2 5DU

DOCUMENTS SUBMITTED AT AND AFTER THE HEARING

- | | | |
|----------|---|--|
| Document | 1 | Drawings A56a, A58, A59, A60, A61, A62 & A65 submitted by Mr Proctor |
| Document | 2 | Extracts from Field Map of Fox Hill Stapleford for 1910 Land Values Survey and 1926 Particulars with Conditions of Slae for Mount Blow (now known as Middlefield) submitted by Dr McDonald |
| Document | 3 | Aerial photographs from 1949, 1952, 1953, 1967 & 1997 and annotated photographs submitted by Dr Ross |
| Document | 4 | Photograph from 1998 Estate Agent's Particulars submitted by Dr Meyer |
| Document | 5 | Appendix 3 missing from Appellant's appendices submitted by Mr Proctor |