

DEVELOPMENT MANAGEMENT COMMITTEE 20th FEBRUARY 2023

Case No: 22/01342/FUL (FULL PLANNING APPLICATION)

Proposal: DEMOLITION OF EXISTING OUTBUILDINGS AND
ERECTION OF DETACHED DWELLING

Location: 5 HOWITTS LANE EYNESBURY ST NEOTS PE19 2JA

Applicant: MR & MRS NOONAN

Grid Ref: 518644 259582

Date of Registration: 02.08.2022

Parish: ST NEOTS

RECOMMENDATION - REFUSE

This application is referred to the Development Management Committee (DMC because the Officer recommendation of refusal is contrary to St Ives Town Council's recommendation of approval.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 Site and Surrounding Area
- 1.2 The site comprises part of the rear garden of No.5 Howitts Lane (also known as Alma Cottage) in Eynesbury St Neots, which is a domestic two storey thatched-roof Grade II Listed Building. The site is also located within St. Neots Conservation Area.
- 1.3 The site lies within Flood Zone 1 on the Environment Agency Maps for Flooding and on the Council's Strategic Flood Risk Assessment maps.
- 1.2 The north-eastern rear of the site fronts the head and turning circle of a cul-de-sac known as Laurels Close, which is a residential development characterised by pitched-roof two storey dwellings with brick found at the ground floor level and white uPVC cladding detail to the first floor. These dwellings are of similar age, design and scale.
- 1.3 Additionally, in 2011 permission was granted for a two-storey dwelling in the rear garden of No.7 Howitts Lane (planning reference 1101023FUL). This dwelling is also pitched roof and two storey, rendered in white with a parking area to the eastern side away from the rear of No.5. It was noted on the site visit by

the case officer that this permission had been fully implemented and was occupied, being now known as 2a Laurels Close.

- 1.4 It should be noted that a band of legally protected trees (henceforth referred as TPO, listing reference L/TPO/308) are on the adjacent land of 2a Laurels Close abutting the shared boundary of the rear of the application site.
- 1.5 Proposal
- 1.6 Currently on the application site are a collection of outbuildings which are located close to the rear boundary fronting Laurels Close. Planning permission is sought to demolish these buildings and erect a four-bedroomed one-and-a-half storey dwelling to the rear of No.5 Howitts Lane so its frontage and access would be on Laurels Close. The proposed dwelling would be of a similar height and design of the 2011-approved dwelling adjacent east of the site (1101023FUL).
- 1.7 It should also be noted that planning permission was applied for and granted in 2004 for the erection of a dwelling and garage on the site. No evidence has been put forward to the Local Planning Authority that this permission was implemented.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20th July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

- LP1: Amount of Development
- LP4: Contributing to Infrastructure Delivery
- LP5: Flood Risk
- LP7: Spatial Planning Areas
- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP16: Sustainable Travel
- LP17: Parking Provision and Vehicle Movement
- LP25: Housing Mix
- LP30: Biodiversity and Geodiversity
- LP31: Trees, Woodland, Hedges and Hedgerows
- LP34: Heritage Assets and their Settings

3.2 Supplementary Planning Documents/ Guidance

- Huntingdonshire Design Guide SPD (2017)
- Huntingdonshire's Design Guide SPD 2017 – Compatibility Statement (2021)
- Developer Contributions SPD (2011)
- Developer Contributions: Updates Costs 2019/2020
- Huntingdonshire Landscape and Townscape Assessment (2022)
- Cambridgeshire Flood and Water SPD 2017
- Huntingdonshire Tree Guidance Note 3
- Annual Monitoring Review regarding housing land supply
- St Neots Conservation Area Character Assessment October 2006

3.3 Neighbourhood Plans - St Neots Neighbourhood Plan 2018-2029

- *Policy A3 – Design
- *Policy A4 – Design
- *Policy PT1 – Parking and Traffic
- *Policy PT2 – Parking and Traffic

Local For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

- 4.1 22/02432/HHFUL for Erection of 1800mm high fence in rear garden of 5 Howitts Lane, PENDING CONSIDERATION at time of writing.
- 4.2 0400129FUL - Erection of dwelling and garage – APPROVED AT COMMITTEE 21/05/2004
- 4.3 0301610FUL - Erection of dwelling and garage, REFUSED 02.09.2003
- 4.4 1101023FUL - Erection of new dwelling (Land at Land At 7 Howitts Lane Eynesbury) – APPROVED 10.8.2011

5. CONSULTATIONS

- 5.1 St Neots Town Council – No objections. Comments: - Improves the property. Satisfactory proposal in terms of scale and pattern of development. Makes efficient use of its site.
- 5.2 HDC Conservation Officer - OBJECTS to the proposals. Summary comments as full comments are detailed within this report
- No objection to demolishing outbuildings
 - Subdivision of garden to listed building would reduce the setting of the host listed building.
 - Proximity of proposal and erection of close boarded fence along new boundary would diminish the ability to view the Listed Building from its garden and the context within which it is currently experienced.
 - Lack of details regarding materials not appropriate given the proposals siting close to a listed building
 - Design, hard and soft landscaping and domestic paraphernalia not sympathetic in scale, design, materials or features to the Listed Building or the historic location.
 - The proposal does not preserve the positive contribution which the garden makes to the setting but removes it and is therefore considered to be harmful to the setting of the Listed Building.
 - The St Neots Conservation Area Character Assessment states that this area of Eynesbury, in order to preserve the looser grain, further infilling should be resisted.
 - Number 5 is one of the surviving buildings and the buildings, plots and property boundaries provide evidence of the morphology of historic Eynesbury and its relationship with St Neots. The proposal removes the northern boundary of Number 5 and approximately half of the plot of Number 5 and transfers it to the modern cul de sac, Laurel Close. This removes part of the historic boundary of the land north of The Green of Eynesbury and distorts the existing distinction between the historic part of Eynesbury around The Green and the modern development of Laurel Close.
- 5.3 HDC Landscape Officer – OBJECTS to the proposals. Comments: - Whilst I note that permission for the removal of two trees within the site has been obtained via a trees application, I have concerns that there are other trees within the immediate vicinity of the proposed site that could be affected by the development – most notably the trees in the grounds of 7 Howitt's Lane which are subject to Tree Preservation Orders (TPOs). According to the submitted site plan these are within 7-7.5m of the proposed dwelling, and should therefore be considered within a Tree Survey and Arboricultural Impact Assessment, alongside any other trees within 10-15m of the proposed development. Unless this information is available, which I cannot see that it is, I recommend refusal due to

insufficient information for determination and non-compliance with HDC Local Plan policy LP – 31 which requires that the potential impacts on trees are avoided.

5.4 CC Highways Officer – No objections, subject to conditions relating to:

- the removal of Permitted Development Rights for gates;
- that the vehicular access is in accordance with the Cambridgeshire County Council construction specification;
- that the parking shall be in accordance with the approved plans;
- that a metalled surface shall be provided for a minimum distance of 5m along the access road from its junction with the public highway and
- that the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

The Highways Officer has also recommended a number of standard in formatives be appended to any consent given to the proposals.

5.5 HDC Environmental Health Officer – No response

Officer comment - There are no environmental health concerns with this application.

5.6 HDC Waste Officer – No response.

5.7 HDC Operations Team (Waste & Recycling) - were consulted but no representations have been received at the time of determination.

5.8 HDC Trees Officer – OBJECTS to the proposals. Summary comments: Recommend refusal due to insufficient technical information. The proposal is likely to impact on trees protected with a Tree Preservation Order and located within a Conservation Area.

5.9 HDC Urban Design Officer - OBJECTS to the proposals. Summary comments: Recommend refusal due to cramped form of development with a relatively small private garden. Concern that the limited separation distance and shallow garden depth together with the 7.35m ridge height could give rise to overbearing impacts to the current and future occupants of No. 5 Howitt's Lane. Concern that the scale of the proposal would fail to relate to the modest scale and form of the Grade II listed property. Concern that the lack of tree and boundary landscaping information prevents a full appraisal of the proposal. There are also concerns that the siting of the proposed dwelling would restrict access to on-site parking provision displacing car parking to Laurels Close. Details of the location and arrangement of

cycle and refuse storage have not been provided. Space for covered secure cycle parking for a minimum of 4 bikes – 1 per bedroom in accordance with Local Plan Policy LP17 should be illustrated as well as space for 3 x wheelie bins.

6. REPRESENTATIONS

6.1 Nine letters of representation have been received, objecting on the following grounds:

Design - The proposed dwelling should be kept in line with the listed property No 5 Howitts Lane, to maintain the existing space between the neighbouring properties.

Loss of Light - To kitchen and bedroom of No.3 Laurels Close, to front of No. 4 Laurels Close.

Privacy - To properties opposite the site on Laurels Close.

Parking and Traffic

- Application states that there is vehicular access and a dropped kerb into the site. This is incorrect.

- The turning point on Laurels Close is regularly used for parking not turning and should be available at all times.

- Current access to parking of Nos 3, 4 and 5 Laurels Close is already restricted due to the turning area and parking is already an issue.

- The proposal for a four-bedroom home with only 2 parking spaces provided would worsen the current scenario

- Access should be via front of 5 Howitts Lane to minimise disturbance to residents of Laurels close.

Noise and Disturbance - From intensification of use

Tree Impacts - No consideration of legally protected trees on adjacent site (NO.7).

Impact to Heritage Assets

- Proposal fails to preserve the setting of the listed building and confines the setting to a limited area

- Planning Permission 0400129FUL (2004 permission) nor 1101023FUL (for rear of No.7) cannot be considered as it failed to give weight to the impact to the host Listed Building.

Other Matters

- Discrepancies on the submitted documents regarding number of bedrooms (3 or 4) and that the Site Plan shows No.7 Howitts Lane as No.5.

- The proposal is misleading as the patio on this application is omitted from the (22/02432/HHFUL for Erection of 1800mm high fence in rear garden of 5 Howitts Lane).

Officers note the comments regarding discrepancies within the application regarding bedroom numbers. It is advised that the submitted Plans and Elevations drawing showing a four-bedroom dwelling would be approved in any permission of the proposals so would be the bedroom number on these plans which are considered. The comment regarding misleading plans have been noted and confirmed on a site visit by the case officers.

7. ASSESSMENT

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.
- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3 In Huntingdonshire the Development Plan consists of:
- Huntingdonshire's Local Plan to 2036 (2019)
 - Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
 - St Neots Neighbourhood Plan (2016)
 - Godmanchester Neighbourhood Plan (2017)
 - Houghton and Wyton Neighbourhood Plan (2018)
 - Huntingdon Neighbourhood Plan (2019)
 - Bury Neighbourhood Plan (2021)
 - Buckden Neighbourhood Plan (2021)
 - Grafham and Ellington (2022)
- 7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.
- 7.5 The main matters for consideration are:
- The Principle of Development
 - Design, Visual Amenity
 - Impact on Heritage Assets
 - Impact upon Residential Amenity
 - Highway Safety, Parking Provision and Access
 - Biodiversity
 - Flood Risk
 - Other issues

- Bins

Principle of Development

- 7.6 The proposal is for the erection of one dwelling in the built-up area of Eynesbury.
- 7.7 Policy LP7 of Huntingdonshire's Local Plan to 2036 states that a proposal for housing development (Class C3) will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement.
- 7.8 In this case the application site is considered to lie within the built-up area of the settlement and is therefore acceptable in principle subject to compliance with the other relevant policies and considerations.

Design and Visual Amenity

- 7.9 Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.
- 7.10 The proposed dwelling is contemporary in appearance with an L-shaped footprint and gable frontage that has a maximum ridge height of approximately 7.3m. The frontage gable includes an asymmetric pitched roof with 3.85m and 4.9m eaves whereas the lower 1.5 storey southwestern 'wing' has a lower 6.1m ridge and 3.15m eaves height.
- 7.11 It is noted that the proposed dwelling has a similar appearance and scale as No. 2a Laurels Close to the southwest, located to the rear of No.5 Howitt's Lane and that the site has been subject to two previous applications for smaller footprint dwellings: erection of a 1.5 storey 4-bed dwelling and garage, refused (0301610FUL) and Erection of a 1.5 storey 3- bed dwelling and garage, approved (0400129FUL).
- 7.12 The proposed dwelling submitted as part of this current application has a footprint of approximately 10.565 metres x 10.790 metres and is considerably larger than the previously approved 0400129FUL dwelling (9.460 metre x 6.358 metre footprint, 7.8m ridge height and 4m eaves). It is considered the larger footprint has resulted in a cramped form of development, with a shallow rear garden depth, limited back-to-back distance with Alma Cottage, awkward and unusable car parking provision, limited threshold planting and loss of tree planting from the site boundaries. These points are covered in more detail below.
- 7.13 Furthermore, details of the access and boundary of No. 3 Laurels Close to the north have not been illustrated. Subsequently, there

is concern the proposed dwelling, given the large footprint and proximity to neighbouring boundaries has resulted in a cramped form of overdevelopment with a relatively small private garden.

- 7.14 Whilst it is appreciated that the proposals are similar to the adjacent No. 2a Laurels Close development, it is considered the scale of the proposal would fail to relate to the modest scale and form of the Grade II listed property.
- 7.15 The proposal includes a shallow rear garden depth of 6.070 metres and 5.930 metres with a 14.6m back-to-back separation distance with Alma Cottage. Whilst the proposed dwelling has been configured with limited windows on the rear elevation (bathroom window which would need to be opaque glazed) the limited separation distance and shallow garden depth together with the 7.35m ridge height could give rise to overbearing impacts to the current and future occupants of No. 5 Howitt's Lane.
- 7.16 The proposals include the loss of tree planting between the site and the frontage to No. 3 Laurels Close which help define the plot boundaries and would aid softening the scheme. The proposed dwelling is also sited close to the existing tree to the southwest (assumed within the ownership of No.5 and reinforced by an objection from this neighbour in regards to these legally protected trees). A tree survey and constraints plan is not included within the submission to inform the siting of the dwelling.
- 7.17 Plans indicate parking provision for two vehicles, however the siting of the dwelling, significantly further forward in the plot (see comparison of footprints above) is likely to restrict access to these spaces – the 2.9m distance of the front elevation from the back edge of verge with Laurels Close and approximately 2.6m distance to the rear of the second parking space is likely to significantly impact access and vehicle manoeuvres from these spaces resulting in displacing car parking to Laurels Close.
- 7.18 The siting of the dwelling, closer to the back edge of verge with Laurels Close significantly limits opportunities for soft landscaping and defensible threshold planting in front of the unit.
- 7.19 Details of the location and arrangement of cycle and refuse storage have not been provided. Space for covered secure cycle parking for a minimum of 4 bikes – 1 per bedroom in accordance with Local Plan Policy LP17 should be illustrated as well as space for 3 x wheelie bins. This is expanded upon within the parking provision and access section in paragraph 7.61 below.
- 7.20 For the reasons set out above the proposal would result in overdevelopment of the site and fail to positively contribute to the area's character and identity and successfully integrate with

adjoining buildings would cause harm to the character and appearance of the general area. The proposal would therefore be contrary to policies LP11 and LP12 (parts a and b) of the Local Plan to 2036 and section 12 of the NPPF (2021).

Impact on Heritage Assets

- 7.21 The proposal falls within the St Neots Conservation Area and would be erected within the setting of its host dwelling of Alma Cottage / 5 Howitts Lane, Eynesbury.
- 7.22 Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.23 Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.24 Paras 189 - 202 of the NPPF provide advice on proposals affecting heritage assets and how to consider different levels of harm. Para. 194 states 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Local Plan policy LP34 (Heritage Assets and their Settings) aligns with the statutory provisions and NPPF advice. St Neots Neighbourhood Plan to Policy A3 (design) seeks development to reflect town heritage design.
- 7.25 Alma Cottage / 5 Howitts Lane is a thatched-roof domestic Grade II listed building, 1.5 storey in height dating to the early 18th century. There are a number of listed buildings in the vicinity: Number 2 Howitts Lane and The Ferns, opposite south to the host dwelling are 18th century cottages. Shirdley House (37 Berkley Street) to the north west is an early 18th century two storey red brick farmhouse and The Laurels (11 Howitts Lane, to the southwest is a mid 19th century villa. Full descriptions of these Listed Buildings as well as a background of their listing are given in the conservation officers comments.
- 7.26 It is a material consideration that in 2004 approval was granted for a dwelling to the rear of 5 Howitts Lane (0400129FUL). However, the dwelling approved at that time was smaller than the current proposal and the development was restricted by a number of conditions including no extensions or alterations permitted. There was little assessment carried out of the potential impact on the heritage assets affected as the 2004 approval was made under planning regulations which pre-dated the National Planning Policy Framework. It must be

acknowledged and accepted therefore that the previous approval for a dwelling on site carries limited weight given that there is clear and substantial support in local and national policy to pay special regard to protect, sustain and enhance heritage assets with clear and convincing justification for development to inflict any harm or loss to the significance of heritage assets being weighed against the public benefits of the proposal including securing its optimum viable use see paragraphs 197-202 of the 2021 NPPF.

- 7.27 It is also salient to point out that although the design of the proposed dwelling follows that of a recently built dwelling to the rear of 7 Howitts Lane (under 1101023FUL in 2011), the host dwelling at No.7 is a modern two storey dwelling, which is not a Listed Building and sits within a larger plot than that at Number 5. Therefore, the assessment of the proposals in this current application has more restrictions in terms of impact to heritage assets than the approved development adjacent to the site.
- 7.28 While there are no objections to demolishing the existing outbuildings on the site given that they are modern feature and are not of historic or architectural merit and do not contribute to the significance of the Listed Building, the proposed new dwelling and ancillary development will stand within the existing plot of Number 5 with a close boarded fence running along the width of the garden, dividing the plot into two. The proposed dwelling would be clearly in view from the host Listed Building, and would also be seen alongside the Listed Building in views along Howitts Lane from the south-east, impacting their historic setting.
- 7.29 The proposal would remove a large part of the rear garden of Number 5 and would also divide the land which formed the historic plot recorded in 1880 from the Listed Building, reducing the setting of the Listed Building within which the building is experienced. Within the existing rear garden it is possible to understand the historic context of the Listed Building within its wider location and within the morphology of the village, as one of only a small number of original plots on the piece of land north of The Green. However, the proposal imposes a large modern dwelling into this setting, competing with the Listed Building and diminishing the ability to view the Listed Building from its garden and the context within which it is currently experienced.
- 7.30 The proposed four bedroomed dwelling is two storeys with an attic and intended to use 'appropriate materials' although details have not been submitted. The proposed dwelling is of a fairly standard current design, including asymmetric roofs, large glazed openings, rooflights, and large dormers, which is not sympathetic in scale, design, materials or features to the Listed Building or the historic location.

- 7.31 Also proposed with the modern dwelling is hard and soft landscaping, and this together with ancillary parking, hardstanding and other domestic paraphernalia is not sympathetic to the Listed Building or its setting and takes up a large part of the garden.
- 7.32 The dimensions of the proposed dwelling on the submitted plans are related to the Ordnance Datum so are not clearly defined. The proposal includes a 1.8m close boarded fence across the existing garden of the Listed Building at the edge of the existing patio, close to the Listed Building, and the proposed dwelling stands 6m from the fence with its patio nearer the fence. The proposal does not preserve the positive contribution which the garden makes to the setting but removes it and is therefore considered to be harmful to the setting of the Listed Building.

Conservation Area

- 7.33 The St Neots Conservation Area Character Assessment (p.21 to 26) records Eynesbury Green as a significant green space. Within this document Berkley Street is characterised as retaining historic generous plots and states that in order to preserve the looser grain, further infilling between buildings should be resisted.
- 7.34 The proposed dwelling is intended to face and be accessed from Laurel Close. Laurel Close stands outside the Conservation Area, is a late 20th century development of uniform design, distinct from Howitts Lane and its buildings as a modern deviation from that historic route. Notwithstanding this, the location, design and scale of the proposed dwelling does not relate to the Listed Building and is incongruous to its host dwelling rather than a harmonious and complementary addition.
- 7.35 Number 5 and its context within its plot provides historic and evidential values which contribute to those which form the significance of the Conservation Area. Number 5 is an original surviving building and is acknowledged by the fact that the boundary of the Conservation Area runs along the northern boundary of these building plots with Laurel Close standing beyond the boundary. The proposal removes the northern boundary of Number 5 and approximately half of the plot of Number 5 and transfers it to the modern cul-de-sac of Laurel Close. This removes part of the historic boundary of the land north of The Green of Eynesbury and distorts the existing distinction between the historic part of Eynesbury around The Green and the modern development of Laurel Close. For those reasons the proposal is considered to be harmful to the significance of the Conservation Area, as well as to its character and appearance.

Settings of Listed Buildings

- 7.36 From Howitts Lane to the south-east there are long views of the side and rear garden of Number 5 and the proposed new dwelling would be visible to travellers along the lane, seen to the rear of Number 5. The existing open green space of the rear garden of Number 5 allows a degree of separation of the historic buildings from the modern development of Laurel Close, glimpsed some distance away. The group of Listed Buildings (Number 5 with Number 2 and The Ferns) are also seen from Howitts Lane, with the lane separating Number 5 from the others, and although the proposed dwelling would not intervene between the buildings and would be seen in the context of the modern house at 7 Howitts Lane, it would be seen as a modern house close to this group of historic buildings.
- 7.37 The Listed Buildings known as The Laurels and Shirdley House are shielded from the proposal by buildings between them and the site. For those reasons it is considered that there would be limited impact on the settings of The Laurels and Shirdley House.
- 7.38 However, the proposed dwelling would result in the partial erosion of the setting of the group of Number 5, Number 2 and The Ferns as it would erode the separation between that group of Listed Buildings and the modern development of Laurel Close and would be visible as a modern intrusion within the context of the group when viewed by travellers along Howitts Lane from the south-east. As all the Listed Buildings are associated with The Green and the historic junction and northern property boundary, which forms part of their settings, the alteration of the surviving morphology of this historic junction by the proposal also erodes the settings of all these Listed Buildings. The proposal is therefore considered harmful to the historic and evidential values which contribute to their significance as well as to their character.
- 7.39 Taken together, the proposal does not conserve or enhance the historic environment or respond positively to its context or appear to draw inspiration from the key characteristics of its surroundings or contribute positively to the area's character and identify or successfully integrate with adjoining buildings and spaces.
- 7.40 The harm to the designated heritage asset would be less than substantial as set out in the NPPF and therefore the harm has to be weighed against the public benefits but the limited public benefit of the development that include the tidying of the site, the provision of additional market dwellings and the employment opportunities associated with the construction, would not outweigh the harm caused.
- 7.41 The proposal is considered to be contrary to the requirements of the Planning (Listed Buildings and Conservation Areas) Act and paragraphs 8c, 192, 194 and 196 of the NPPF 2021, which aim

to preserve and enhance the conservation area. It is also contrary to the requirements of section 16 and paragraph 130 the NPPF and is also considered to be contrary to Policies LP2, LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, Policies A3 and PT2 of the St Neots Neighbourhood Plan, and the Huntingdonshire Design Guide Supplementary Planning Document.

Residential Amenity

- 7.42 Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings. A site visit was carried out by the case officer during the consultation period of the application.
- 7.43 Concerns have been raised by neighbours on Laurels Close to the front the site regarding overlooking and loss of light. In respect of loss of light for No.3 Laurels Close, the proposed dwelling has been assessed against the 45-degree rule and 25 degree rule set out in the Huntingdonshire's District Design Guide. It must be noted that the proposal must fail both tests in order to be unacceptable. It is acknowledged that the proposal fails the 45 degree test for No.3 Laurels Close, and would hit the proposed dwelling at approximately 35 degrees. However, given the separation distances between the properties is approximately 8 metres and that the proposal is broadly at a 45 degree angle to the neighbour, it is considered that there would not be a breach of the 25 degree rule and would, on balance be acceptable in this instance.
- 7.44 There is approximately 15 metres between the proposal and the host dwelling, No.5 Howitts Lane and the plans show the only first-floor window overlooking this property to serve a bathroom and be obscure glazed. As a result, should the proposal be approved, it is recommended that a planning condition is applied to that ensures that this window is obscure-glazed in perpetuity.
- 7.45 In terms of overlooking it is acknowledged that the proposal would have intervisibility with the dwellings opposite the site of the road on Laurels Close at approximately 19 metres apart. However, the inter-visibility would be between bedroom windows rather than main habitable rooms. The first floor windows of properties in Laurels Close are clearly visible from the road, and occupants of these properties do not currently have complete privacy. The relationship of buildings would therefore on balance be acceptable. It is, however, necessary to prevent further alterations or additions to the property, which may compromise residential amenities. As a result, should the proposal be approved, it is recommended that a planning condition is applied to remove permitted development rights.

- 7.46 It is considered that the proposal is acceptable in terms of noise and disturbance. Any noise generated by the introduction of a single four-bedroomed dwelling is considered to be minor and not a reason to refuse the application on noise and disturbance alone. Notwithstanding this, noise and disturbance is covered by separate legislation and cannot be controlled by planning conditions on residential developments.
- 7.47 However, the council's urban design officer has expressed concern that the 7.35m ridge height set approximately 14.5 metres from the rear of the host dwelling, No.5 Howitts Lane / Alma Cottage would cause an unacceptable degree of overbearing to the current and future residents of this host dwelling. This is considered detrimental to residential amenity and would discord with LP14 (Residential Amenity of the Local Plan which states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings. A proposal will therefore be required to ensure that (b) the physical relationships arising from the design and separation of buildings are not oppressive or overbearing.
- 7.48 While the development is considered acceptable in terms of overshadowing, overlooking, loss of privacy and loss of light the proposal is considered to cause overbearing impacts which would have a significant impact upon residential amenity discording with Policy LP14 of Huntingdonshire's Local Plan to 2036 in this regard and would form a reason for refusal in this instance.
- 7.49 Given the residential nature of the surrounding area and proximity of adjacent properties, it is considered reasonable in the event of approval given to the application to impose a condition to limit the hours of operation for deliveries and power operated machinery during any works at the site in accordance with Policy LP14 of the Local Plan.

Flood Risk

- 7.50 National guidance and Policy LP5 of the Local Plan to 2036 seek to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test (as set out in paragraphs 159-169 of the NPPF (2021).
- 7.51 The application site is situated in Flood Zone 1 based on the Environment Agency Floods Maps and the Strategic Flood Risk Assessment (2017). This results in a low probability of fluvial flooding and is not subject to the sequential and exception tests as set out within the NPPF.

7.52 The proposed development is therefore considered to accord with Policy LP5 of the Local Plan to 2036 and the NPPF (2021) in this regard.

Highway Safety, Parking Provision and Access

7.53 Paragraph 110 of the NPPF (2021) advises that in assessing applications for development, it should be ensured that 'appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location' and that 'safe and suitable access to the site can be achieved for all users', and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.54 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.55 Policy LP16 of Huntingdonshire's Local Plan to 2036 encourages sustainable transport modes and Policy LP17 supports proposals where they incorporate appropriate space for vehicle movements and adequate parking for vehicles and cycles.

7.56 The proposed dwelling takes vehicular access from Laurels Close and although the application claims that the site already has vehicle access, and there are high boarded timber gates fronting Laurels Close, there is no dropped kerb to corroborate this claim. The agent has subsequently advised that a dropped kerb application would be applied for following the decision.

7.57 The proposal provides for two off-street car parking spaces located to the front north east of the site. The Local Plan to 2036 does not include set standards for parking but having regard to Policy LP17 of the Local Plan to 2036, two formal spaces for the dwelling is considered to be acceptable.

7.58 However, the submitted plans indicate the siting of the dwelling, significantly further forward in the plot than the parking arrangements approved in the 2004 permission (0400129FUL) is likely to restrict access to these off-road spaces. The 2.9m distance of the front elevation from the back edge of verge with Laurels Close and approximately 2.6m distance to the rear of the second parking space is with the existing close boarded fence retained save for a 5 metre access point is likely to impact access and vehicle manoeuvres from these spaces resulting in displacing car parking onto Laurels Close.

- 7.59 Furthermore, while neighbours have objected to the proposals on highway safety grounds, Cambridgeshire County Council as the Local Highways Authority have reviewed the proposals and raise no objections, advising that the proposed driveway and entrance into and out of the site would be similar to other driveways adjacent to and opposite the site with reverse manoeuvring onto a dead-end section of the street where vehicle speeds would be very low. Therefore, to refuse the proposal on highways grounds would not be a defensible reason for refusal.
- 7.60 Nevertheless, the Highways Officer has highlighted to the Local Planning Authority that they may need to consider tracking given the sites context at the end of a cul-de-sac and the size of the provided parking area, which would prevent vehicles from exiting the site in forward gear directly onto a parking area. However, given that this could not form a reasonable reason for refusal, tracking was not sought in this instance and the proposals, subject to conditions would be acceptable in terms of impact to highway safety and access.
- 7.61 The neighbour comments regarding existing parking pressures are noted. However, this is a publicly adopted highway and there are no restrictions on its usage, therefore it is unreasonable to refuse an application for a dwelling on cumulative parking issues regardless of the proposed development. Therefore, in this instance, these concerns are not a material planning consideration that can be given weight and it is not necessary to restrict these during the construction process should planning permission be granted.
- 7.62 Policy LP17 of the Local Plan to 2036 and the Huntingdonshire Design Guide (2017) seeks the provision of secure and covered cycle parking on the basis of 1 space per bedroom. The proposed development has not demonstrated any allocated space for cycle parking, taking into account that the four-bedroom nature of the development would require a minimum of 4 covered, secure cycle spaces. It is unclear how this would be provided given the limited space given to off-road car spaces and this could encroach on the space allocated to provide off-road car parking spaces. The proposal is not in accordance with Policy LP17 of the Local Plan to 2036 and the Huntingdonshire Design Guide 2017 or the NPPF paragraph 110 parts a), b) and c).

Biodiversity

- 7.63 Paragraph 174 of the 2021 NPPF states Planning policies and decisions should contribute to and enhance the natural and local environment. Policy LP30 of the Local Plan to 2036 states that development proposals should demonstrate that all potential adverse impacts on biodiversity have been investigated. Any proposal that is likely to have an impact, directly or indirectly on

biodiversity will need to be accompanied by an appropriate appraisal, such as a Preliminary Ecological Appraisal (PEA). LP30 also states that all proposals must also demonstrate a net gain in biodiversity where possible.

- 7.64 In this instance a PEA has been provided which states that the site has low ecological value, but has the potential to support Hedgehogs and negligible bat roost potential, concluding that no further surveys or assessments are required. Recommendations for biodiversity gain include bird and bat boxes, hedgehog homes and that any external lighting should be kept to a minimum and directed downwards through the use of hoods and cowls; particular care will be taken to avoid lighting newly created roost features are considered proportionate having regard for the scale and location of the proposed development all to provide biodiversity gain on site. Officers consider that the development can ensure no net loss in biodiversity and result in a net gain subject to the imposition of conditions in the event that approval is given to the proposal to secure the implementation of impact avoidance measures and ecological enhancement measures in accordance with Policy LP30 of the Local Plan and the NPPF 2021 in this regard.

Trees

- 7.65 Policy LP31 of the Huntingdonshire Local Plan to 2036 requires proposals to demonstrate that the potential for adverse impacts on trees, woodland, hedges and hedgerows has been investigated and that a proposal will only be supported where it seeks to conserve and enhance any existing tree, woodland, hedge or hedgerow of value that would be affected by the proposed development.
- 7.66 The proposal site comprises of a residential garden with amenity lawn, mature shrubs and associated outbuilding.
- 7.67 The council's Trees officer has assessed the proposal and notes that the applicant has not provided a Tree Survey (TS), Tree Constraints Plan (TCP), Arboricultural Impact Assessment (AIA) or Tree Protection Plan (TPP) as required under BS5837. This information is required to be submitted to allow the impact of development on these trees to be established in accordance with Huntingdonshire's Local Plan to 2036 policy LP31 (Trees, Woodland and Hedging). The council's landscape officer similarly raises concerns that given built form would be within 7-7.5m of the proposed dwelling where legally protected trees are sited there is a danger that these trees could be detrimentally impacted by development.
- 7.68 Therefore, given the proximity to the legally protected trees adjoining the site and that the trees that could be affected by the proposal provide significant amenity value, it is considered that

the lack of trees information and reports listed in the above paragraph results in officers being unable to appropriately assess the proposed developments impact upon legally protected trees, or indeed what impact the trees may have on the proposal.

- 7.69 The proposal therefore fails to comply with Local Plan policy LP31 and paragraph 174 b) of the NPPF (2021) and is therefore refusible on this basis.

Other Matters

Housing Mix – accessible and adaptable homes:

- 7.70 Policy LP25 of the Local Plan to 2036 provides guidance on accessible and adaptable homes and states that all proposals for housing should include a commitment to design and build the whole proposed scheme to the M4(2) standards unless it can be demonstrated that site-specific factors make achieving this impracticable or unviable.
- 7.71 The agent for the application has confirmed that the proposed development will comply with the above standards, and a condition could be attached to secure this if the application were to be approved.

Water Efficiency:

- 7.72 Policy LP12, Criteria j, of the Local Plan to 2036 requires all new dwellings to be in compliance with Building Regulations approved document G, which sets out standards for water efficiency.
- 7.73 The agent for the application has confirmed that the proposed development will comply with the above standards, and a condition could be attached to secure this if the application were to be approved.

Infrastructure requirements and CIL

- 7.74 For this proposed development of one dwelling the only infrastructure requirement is for the provision of wheeled bins.
- 7.75 A Unilateral Undertaking to secure the provision of wheeled bins has not been submitted as part of the application. On this basis the proposal would fail to provide a satisfactory contribution to meet the tests within the CIL Regulations and would mean that the needs of future residents would not be met with regard to household waste management. The proposal would therefore fail to accord with Policy LP4 of the Huntingdonshire Local Plan to 2036 and the Developer Contributions Supplementary Planning Document (2011).

Conclusion

- 7.6 Having regard to all relevant material considerations, it is concluded that the proposal would not accord with local and national planning policy. Therefore, it is recommended that planning permission be refused.
- 7.77 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.78 In assessing applications, it is necessary to first consider whether the proposal accords with the Development Plan as a whole, notwithstanding non-compliance that may occur with individual policies, and having regard to the reasoning for those policies together with others in the Local Plan.
- 7.79 In this case, the proposed development is within a defined Spatial Planning Area where the principle of development is supported and, subject to conditions, is considered acceptable with regard to residential amenity, flood risk, highway safety and biodiversity, although these are matters expected to be addressed, mitigated and complied with as part of the development of this type and do not attract significant weight in the planning balance.
- 7.80 However the proposed residential development does not accord with the specific opportunities for development provided for by other policies of the Local Plan or the Neighbourhood Plan. Specifically, the proposal would cause harm to the setting of the host Grade II Listed building known as Alma Cottage / 5 Howitts Lane and the character and appearance of the wider Conservation Area. Further, the application has failed to demonstrate that the proposal would not have a detrimental impact on nearby protected trees through the submission of insufficient information. In addition, the proposal would constitute overdevelopment with awkward parking arrangements and the application has not provided 4 covered cycle spaces as required by policy or provided a unilateral undertaking for the provision of bins.
- 7.81 Overall, it is considered that the benefits of the proposed development would not outweigh the conflict with the Development Plan Policies identified and therefore the application is recommended for refusal for the following reasons:
- 7.82 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that planning permission should be REFUSED.

8. RECOMMENDATION - REFUSED for the following reasons

Reason 1 - The proposal would result in an overdeveloped, cramped site with its appearance at odds with and to the detriment of the spacious and open character and appearance of the area shallow rear garden depth, limited back-to-back distance with Alma Cottage / 5 Howitts Lane and other neighbouring properties by virtue of its awkward and unusable car parking provision, overbearing, limited threshold planting and loss of tree planting from the site boundaries. The proposal is therefore contrary to Policies LP11, LP12 (parts a and b) and LP14 of the Local Plan to 2036 and section 12 of the NPPF (2021).

Reason 2 - By imposing a large modern dwelling into this setting, the proposal would remove approximately half of the rear garden of Number 5 and would divide the land which formed the historic plot from the Listed Building, diminishing the ability to view and experience the Listed Building from its garden and wider context. The modern design of the proposed dwelling and associated development would not be sympathetic and would compete with the listed building in terms of scale, design and materials, introducing residential paraphernalia not sympathetic to the Listed Building or its siting in St Neots Conservation Area and distorts the existing distinction between the historic part of Eynesbury and the modern development of Laurel Close.

The harm to the designated heritage asset would be less than substantial as set out in the NPPF and therefore the harm has to be weighed against the public benefits. The limited public benefit of the development would include the tidying of the site, the provision of an additional market dwelling and the employment opportunities associated with the construction. This would not outweigh the harm caused.

The proposal is therefore contrary to the requirements of the Planning (Listed Buildings and Conservation Areas) Act and paragraphs 8c, 192, 194 and 196 of the NPPF 2021, which aim to preserve and enhance the conservation area. It is also contrary to the requirements of section 16 and paragraph 130 the NPPF and is also considered to be contrary to Policies LP2, LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, Policies A3 of the St Neots Neighbourhood Plan, and the Huntingdonshire Design Guide Supplementary Planning Document.

Reason 3 - The proposed development fails to demonstrate there is sufficient space for secure cycle storage for 4 cycles has been submitted. The development therefore fails to accord with Policy LP17 and LP16 Huntingdonshire's Local Plan to 2036 and the NPPF (2021) in this regard.

Reason 4 - There are bands of legally protected trees to the adjacent south-eastern boundary located within the site occupied by No 2a Laurels Close. However, no information about existing trees on adjacent site have been provided and is required to be submitted to allow the impact of development on these trees to be established in accordance with Huntingdonshire's Local Plan to 2036 policy LP31. Given the proximity to the legally protected trees adjoining the site and that the trees that could be affected by the proposal provide significant amenity value, it is considered that the lack of Arboricultural Impact Assessment in accordance with BS5837 2012 results in officers being unable to appropriately assess the proposed developments impact upon legally protected trees. The proposal therefore fails to comply with Local Plan policy LP31 and paragraph 174 b) of the NPPF (2021).

Reason 5 - A Unilateral Undertaking to secure the provision of wheeled bins has not been submitted as part of the application. On this basis the proposal would fail to provide a satisfactory contribution to meet the tests within the CIL Regulations. The proposal would therefore fail to accord with Policy LP4 of the Huntingdonshire Local Plan to 2036 and the Developer Contributions Supplementary Planning Document (2011).

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs

CONTACT OFFICER:

Enquiries about this report to **Marie Roseaman Senior Development Management Officer** – marie.roseaman@huntingdonshire.gov.uk

No.	Reference	Development	SNTC Decision	Notes
	22/01342/FUL	Mr & Mrs Noonan 5 Howitts Lane Eynesbury St Neots Demolition of existing outbuildings and erection of detached dwelling	Approve	Improves the property. Satisfactory proposal in terms of scale and pattern of development. Makes efficient use of its site.

Development Management Committee



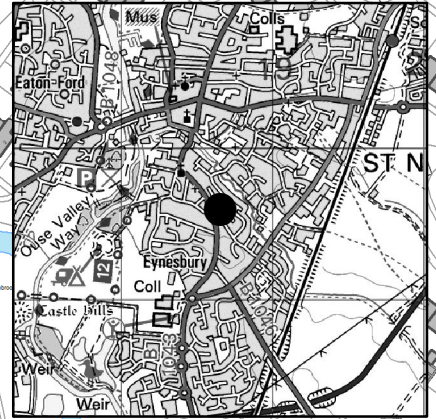
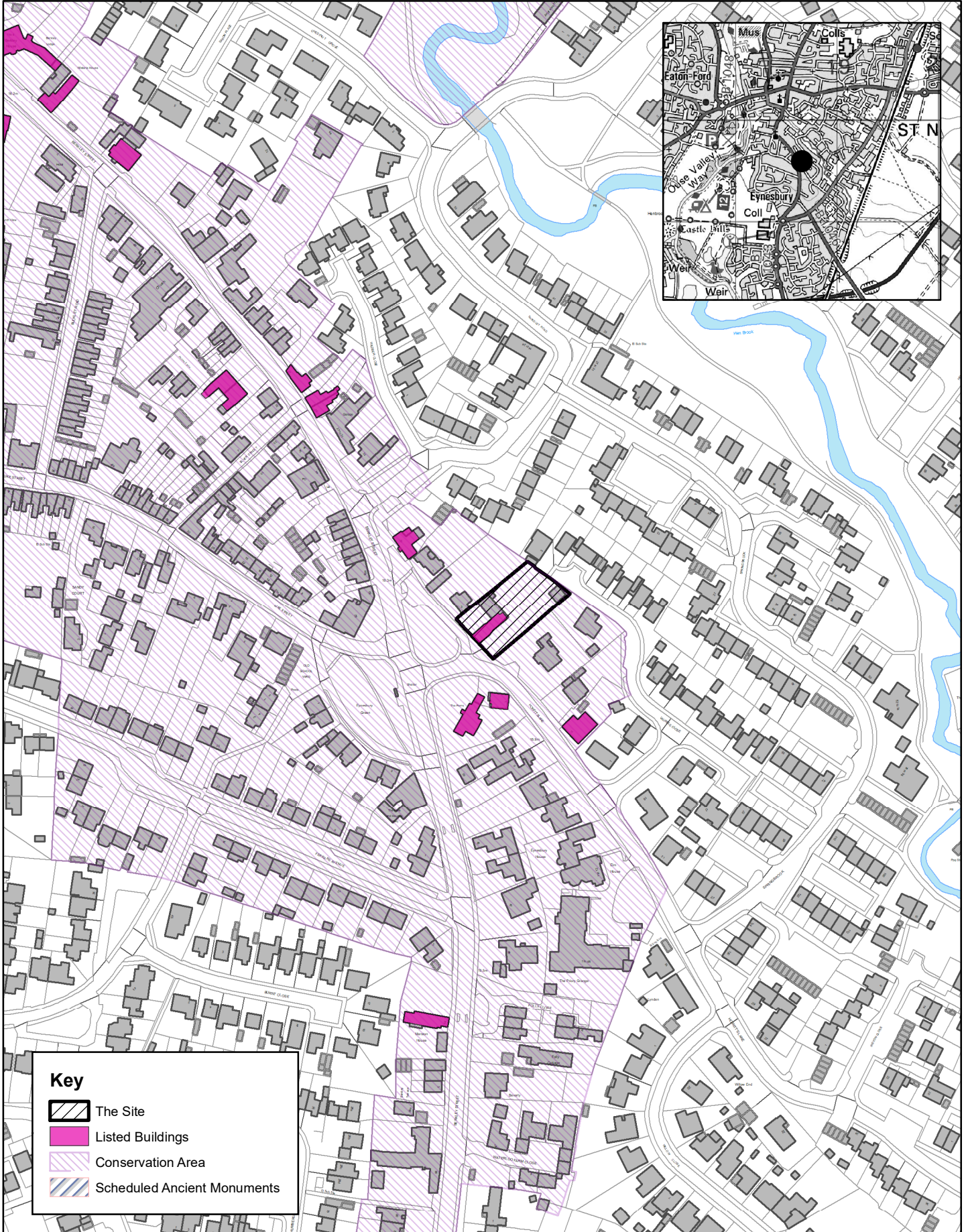
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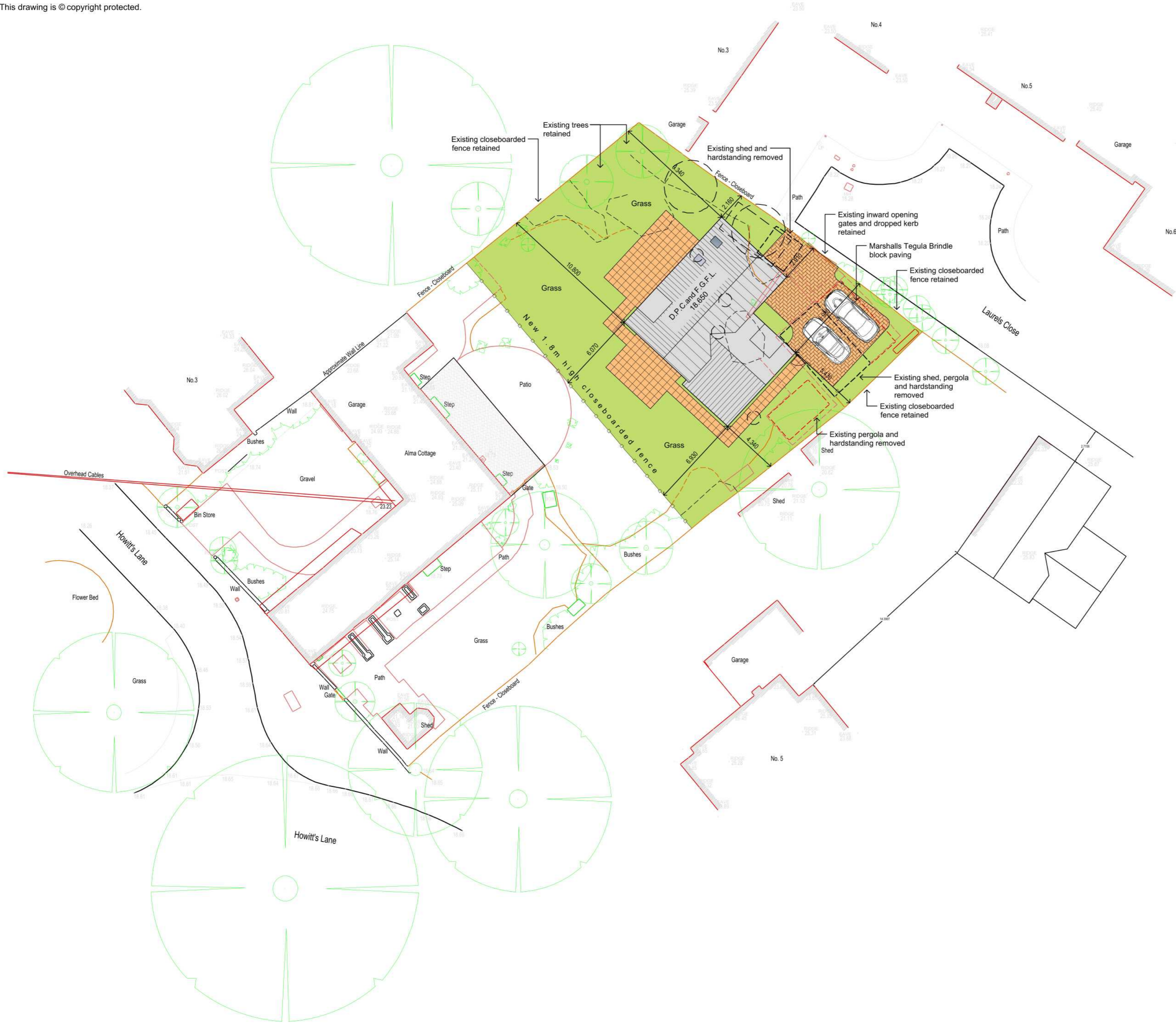
Application Ref: 22/01342/FUL

Date Created: 08/02/2023

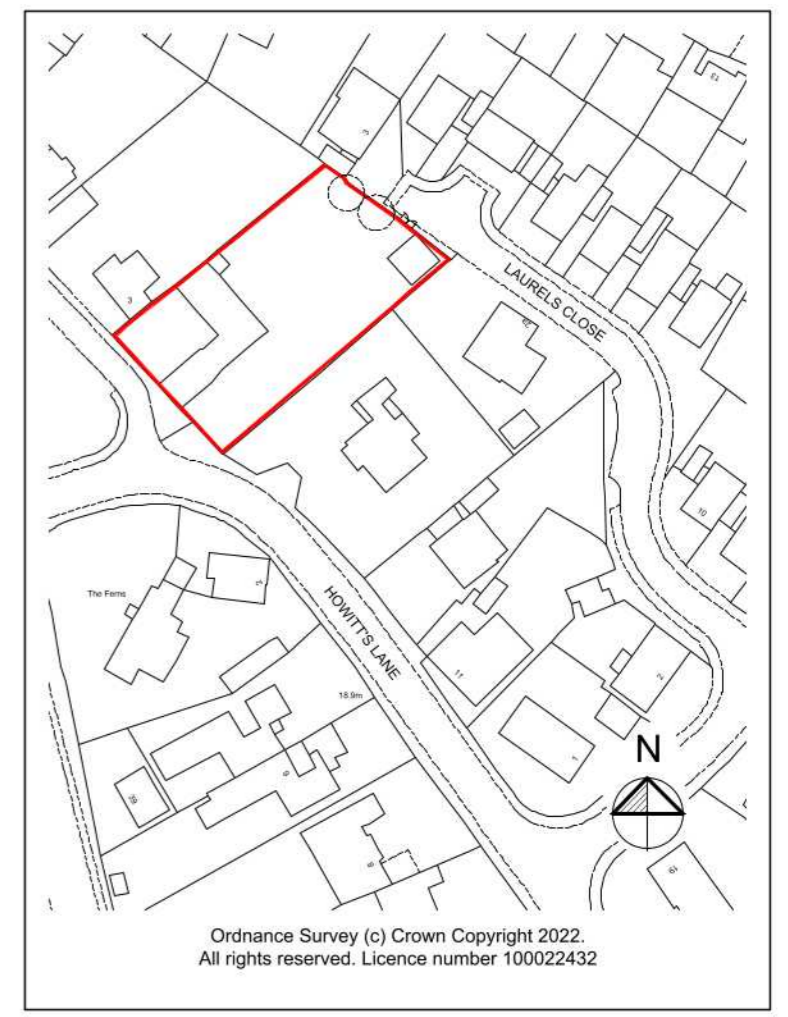
Location: St Neots

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Ordnance Survey HDC 100022322






Scale bars (in metres)		Scale										
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10	20	30	40	50	60	70	80	90	100		110	120



Location Plan 1:1250

Rev A - 2.8.22 - JG - Dims to boundaries added



Architectural CAD Services

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Project:
**Proposed Detached Dwelling
Rear of Alma Cottage,
5 Howitts Lane, Eynesbury.**

Drawing:
Site Plan

Drawn by:
JG

Scale: 1:200	Date: 14.4.22
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This drawing should not be scaled other than for planning purposes. All dimensions to be checked on site.

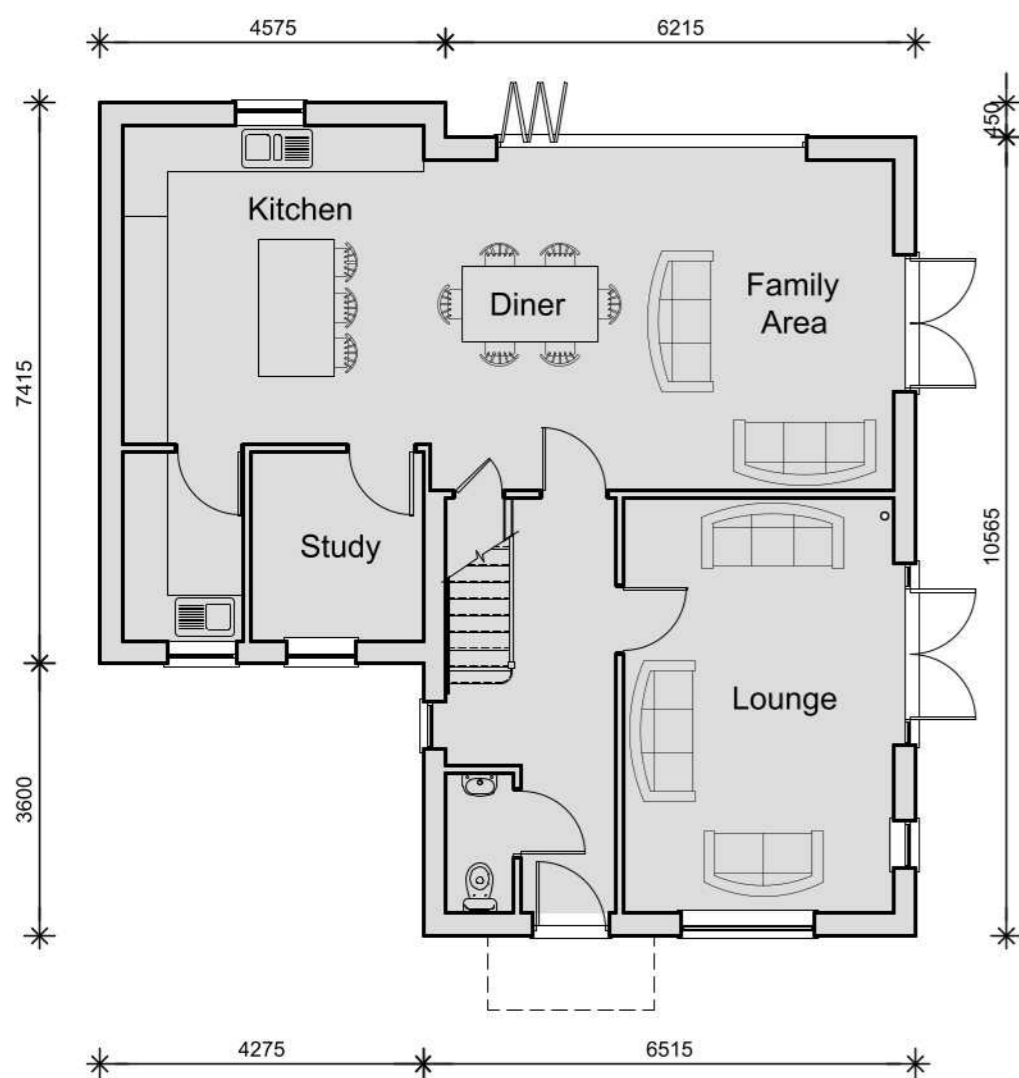
Drawing no: JLG838/NB/01	Revision A
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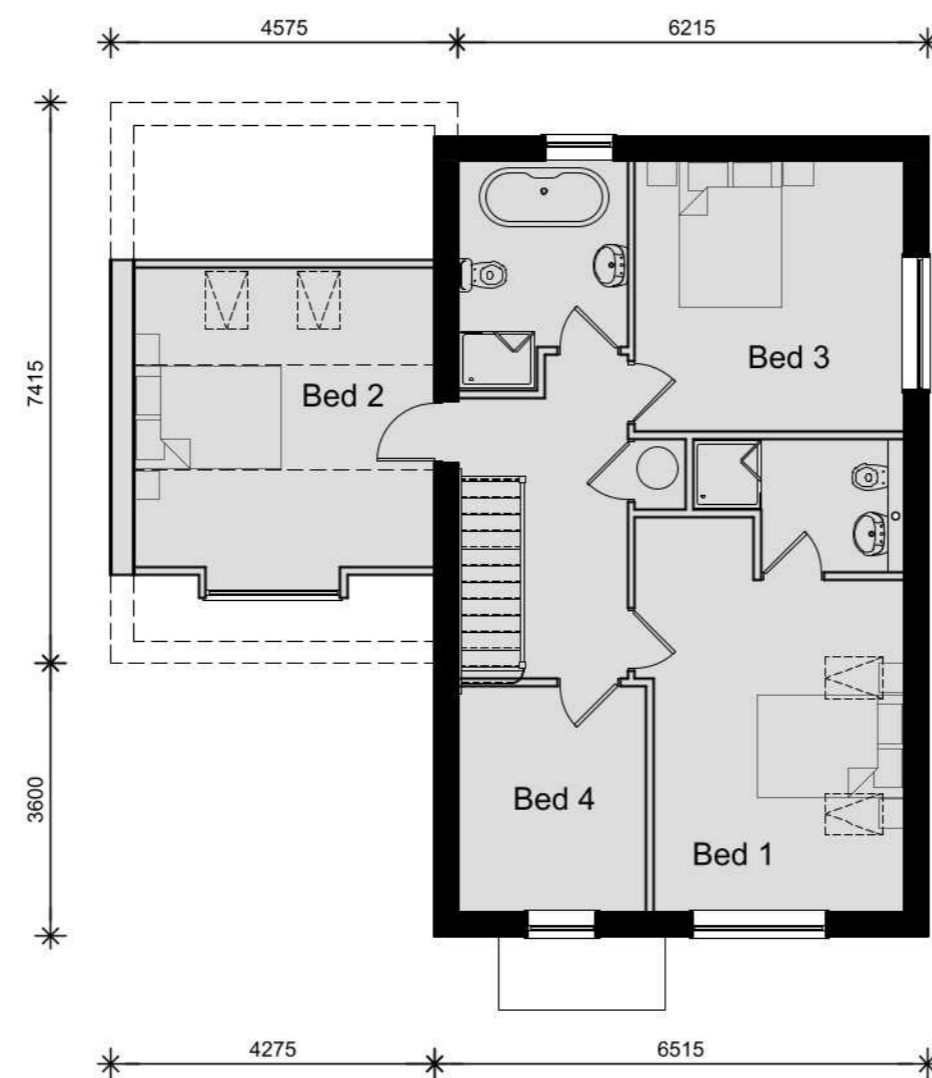
Front Elevation

Side Elevation

Rear Elevation



Ground Floor Plan



First Floor Plan



Side Elevation

Rev A - 2.8.22 - JG - Height added to Elevations

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Project:
Proposed Detached Dwelling
Rear of Alma Cottage,
5 Howitts Lane, Eynesbury.

Drawing:
Plans and Elevations

Drawn by:
JG

Scale:
1:100

Date:
3.5.22

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Drawing no:
JLG838/01

Revision
A