

DEVELOPMENT MANAGEMENT COMMITTEE 18th DECEMBER 2023

Case No: 23/01137/S73

Proposal: Variation of Condition 2 (Plans listed in table above) to allow for revised ridge heights and fenestration changes for 20/01146/FUL as amended by 22/00964/S73 (Retrospective).

Location: The White Gates, Thrapston Road, Bythorn PE28 0QN

Applicant: Mr Mark Fitzgerald

Grid Ref: 505727 275631

Date of Registration: 27.06.2023

Parish: Bythorn and Keyston

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) because the Officer recommendation of approval conflicts with Bythorn & Keyston Parish Council's recommendation of refusal.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application relates to land South East of White Gates, along Thrapston Road, Bythorn. Full planning permission was granted in September 2020 under planning reference 20/0114/FUL for "Construction of a single dwelling house".
- 1.2 Planning permission 20/01146/FUL was issued as a delegated decision because the Officer recommendation aligned with Bythorn and Keyston Parish Council's recommendation of approval. The development has since been built out.
- 1.3 A Section 73 application (22/00964/S73) was approved in January 2023 for the addition of further living accommodation and solar panels on the rear elevation.
- 1.4 This current application is for a variation of Condition 2 (Plans) to allow for revised ridge heights and fenestration changes for 20/01146/FUL as amended by 22/00964/S73. It is noted that this is a retrospective application.

- 1.5 The site within the Bythorn Conservation Area. It is surrounded by agricultural land to the east and south, immediately south of the site is a storage and distribution building which has been recently converted to residential dwellings. To the north of the site is Thrapston Road which runs east/west and acts as the major thoroughfare through the settlement. A Grade II Listed Building sits on the corner of this road and is opposite (approximately) the application site. The dwelling is largely screened from the roadside by a large mature hedgerow.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework 2023 (NPPF 2023) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2023 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 2023 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 (PPG) and the National Design Guide 2023 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
 - LP2: Strategy for Development
 - LP4: Contributing to Infrastructure Delivery
 - LP5: Flood Risk
 - LP10: The Countryside
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP15: Surface Water
 - LP16: Sustainable Travel
 - LP17: Parking Provision and Vehicle Movements
 - LP25: Housing Mix
 - LP30: Biodiversity and Geodiversity
 - LP31: Trees, Woodland, Hedges and Hedgerows

- LP34: Heritage Assets and their Settings

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

3.2 Supplementary Planning Documents

- Huntingdonshire Design Guide (2017)
- Developer Contributions SPD (2011)
- Huntingdonshire Townscape and Landscape Assessment SPD (2022)
- Cambridgeshire Flood and Water SPD 2017
- Huntingdonshire Tree Guidance Note 3
- Annual Monitoring Report
- ECAP CCC Waste Management Design Guide (CCC SPD) 2012

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

4. PLANNING HISTORY

- 4.1 8301131FUL - Attic conversion - Permission granted 19.09.1983
- 4.2 99/00537/FUL - Part change of use of outbuilding to manufacture of wrought iron products (Retention) - Permission granted 09.06.1999
- 4.3 0301060FUL - Construction of noise reduction sound bund - Refused 29.05.2003
- 4.4 0702765FUL - Erection of triple garage with playroom over - Permission granted 23.10.2007
- 4.5 1001675REP - Replacement of planning permission 0702765FUL for erection of triple garage with playroom over - Permission granted 07.12.2010
- 4.6 15/01757/HHFUL - Detached building providing for two open carports and a single garage-store - Permission granted 05.02.20216
- 4.7 20/01146/FUL - Construction of a single dwelling house - Permission granted 18.09.2020
- 4.8 22/00964/S73 - Variation of condition 2 of permission 20/01146/FUL (to allow further living accommodation, and solar panels on the rear elevation) - Permission granted 05.01.2023
- 4.9 23/80278/COND - Discharge of condition10 (Cycle and Bin Store) of 22/00964/S73 - Condition discharged 12.09.2023
- 4.10 23/80339/COND - Discharge of condition 7 (hard and soft landscaping) of 22/00964/S73 - Condition discharged 09.10.2023

5. CONSULTATIONS

Copies of full comments are available on the public access system to view.

5.1 **Bythorn and Keyston Parish Council: Recommend refusal** – points summarised below.:

- Application made under the wrong provision. It should be under section 73A (retrospective planning permission).
- Development not sympathetic to the local character, including the surrounding built environment and landscape setting.
- It is the view of the Parish Council that the increased height of the development as built has compromised the original design that was "carefully considered to take into account the constraints presented by existing vegetation and the change in level within the site".
- The Parish Council notes that the original design intention was for "the form and massing of the building to reflect the shape and composition of an agricultural barn..... which would easily assimilate into the existing setting". With the addition of the extension, and the increased height of the overall structure, the building is now disproportionate in scale and mass in relation to the surrounding buildings.
- When entering the village from the east when the trees are not in leaf, the building is now completely disproportionate in scale and size to the local character of the village and this part of the conservation area.
- The Huntingdonshire Design Guide states that the scale, massing and height of any proposed development should be considered in relation to that of adjoining buildings, the topography and general pattern of heights in the area. This development now fails to comply with this guidance.
- Overall, the Parish Council considers that the layout, scale and design of the development as built is no longer sympathetic to the local character, including the surrounding built environment and landscape setting, and therefore considers that the development has and will have a detrimental impact upon the visual amenity and character of the area.
- The Parish Council considers that the proposed variation to Condition 2 to increase the ridge height has failed to consider the context of the site and the edge of settlement location in accordance with national policies and local policies LP9(c), LP 11 and LP 12 of the local plan to 2036. On this basis, and others detailed above and below, the Parish Council recommends the application be refused.

- It is the view of the Parish Council that the development as built, with particular reference to its ridge height, can no longer claim to seek to replicate a small, rural outbuilding by using a traditional form and historic materials; it is a much more substantial building than originally approved. The development as built fails to minimise the negative impacts on the roofscape, skyline and landscape, and fails to retain and reinforce local distinctiveness with reference to height, scale and massing.
- On this basis, it is the Parish Council's view that the proposal fails to comply with policy LP34 of Huntingdonshire's Local Plan to 2036.
- With respect to the multiple applications submitted for this site, the Parish Council wishes to record its ongoing concerns with respect to the landscaping proposals and tree protection measures on the site.
- The site plan (028.P01C), the tree protection plan (AAA/0142.01), and the Arboricultural Impact Assessment (AIA, dated 21st of April 2020), all formed part of, and are listed, within the approved application for the original development.
- Notwithstanding the fact that approved drawing 028.P01C was not updated to comply with the recommendations contained within the AIA and the tree protection plan, the recommendations contained within the AIA should still apply to the works constructed using drawing 028.P01C.
- The construction of the retaining wall in the front drive within the root protection zone for tree T4 does not comply with the recommendations contained within the AIA report. The hard paving present on site within the root protection zone for tree T6 is not shown on the drawing 028.P01C and should not be approved under condition 7 of application reference 22/00964/S73 if the recommendations of the AIA are to be complied with.
- The layout of front drive has been constructed using the site layout drawing, 028.P01C, without reference or consideration of the tree protection plan. Appropriate construction methods should have been adopted for the construction of the driveway to comply with established good practice for the construction of driveways within the area of root protection zones, in accordance with the recommendations contained within the AIA for the long term protection of tree T4., and under Condition 7 of the approval.

- If the Huntingdon District Council is minded to approve Application 23/01137/S73, we trust that the Council will ensure that the additional applicable CIL will be charged to the applicant for the increase in floor area over 2 metres high created at first floor level by the increase in height of the building.
- The Parish Council note that Application 23/80278/COND has been submitted as a NMA to discharge Condition 2 and 7 of planning application 20/01146/FUL. Please note that the content of clauses 17 to 21 in our letter of 21 July 2023 specifically relate to the landscaping proposals submitted in this application to satisfy Condition 7.

- 5.2 **CCC Highways Departments: Recommend approval** – following a review of the documents provided, no significant adverse effect upon the Public Highway should result from the proposal.
- 5.3 **CCC Archaeologist: Recommend approval** – raising no archaeological recommendations or objections.
- 5.4 **HDC Conservation Team: Recommend approval** – taken as a whole, it is considered that the dwelling as built, will not have an unduly increased impact on the character and appearance of the conservation area than the schemes already given permission. The dwelling as constructed preserves the character and appearance of The Bythorn Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. It satisfies NPPF paragraph 195 and local plan policy LP34 by maintaining local distinctiveness with reference to height, scale, massing, form and materials.

6. REPRESENTATIONS

- 6.1 No representations received.

7. ASSESSMENT

- 7.1 Section 73 of the Town and Country Planning Act 1990 relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

- 7.2 Part 2 of Section 73 states that on such an application, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and —

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 7.3 The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged".

- 7.4 In this case, the principle of the development has been established under planning permission 20/01146/FUL and subsequent 22/00964/S73 which have been implemented and fully built out. All conditions have been discharged, with the exception of the requirement to provide a Biodiversity Method Statement. The matter for assessment under this application is the increased ridge height of 45 centimetres and changes to the fenestration details. The main issues to consider as part of this application are impact on visual amenity and the impact on the surrounding area, including the conservation area.

Visual Amenity and Impact on the Surrounding Area and Conservation Area

- 7.5 The site lies within the Bythorn Conservation Area and is located approximately 60 metres south west from The Corner House, which is a Grade II listed building.
- 7.6 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have 'special regard' to the desirability of preserving a Listed Building or its setting and to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.7 Great weight and importance is given to the conservation of heritage assets and their settings. The statutory presumption of the avoidance of harm can only be outweighed if there are public benefits that are powerful enough to do so.
- 7.8 Policy LP34 of the Local Plan states, "where a proposal is for conversion, alteration, other works to a heritage asset or within its setting it must be demonstrated that the proposal:
- f. protects the significance of designated heritage assets and their settings by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views both from and towards the asset;
 - g. does not harm or detract from the significance of the heritage asset, its setting and any special features that contribute to its special architectural or historic interest and the proposal conserves and enhances its special character and qualities;
 - h. respects the historic form, fabric and special interest that contributes to the significance of the affected heritage asset;
 - i. will conserve or enhance the quality, distinctiveness and character of the affected heritage asset; and

- j. contributes to securing the long-term maintenance and management of the heritage asset.
- 7.9 The Council will consider the significance of a designated heritage asset and where there is less than substantial harm, this will be weighed against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.”
- 7.10 Policy LP11 of the Local Plan states that a proposal will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places, having regard to the Huntingdon Design Guide (2017).
- 7.11 Furthermore, Policy LP12 of the Local Plan states that new development will be expected to be well designed based upon a thorough understanding of constraints and appraisal of the site's context, delivering attractive, usable and long lasting buildings and spaces, listing criteria relating to response to context, ease of getting around, well designed public spaces and sustainable design and construction methods.
- 7.12 The application has been reviewed by HDC's Conservation Officer who supports the proposal. It is noted that the site is located at a distance from the more significant parts of the conservation area which are generally nearer the historic core of the village near the parish church. The character of the conservation area in the locality of the new dwelling is one of dispersed detached houses that form part of settlement edge to the south of the village as it merges with its wider countryside setting. The scale of dwellings is generally vernacular and predominantly of one and a half storey height although there is a scattering of more formal two storey dwellings both historic and modern.
- 7.13 The dwelling as built has an increased scale and massing compared to that which was initially given permission. However, a large proportion of that increase is due to the extension that was given permission in 2022. The issue is therefore whether the additional height of the roof and taller appearance of the building results in a building that fails to preserve the character and appearance of the Bythorn Conservation Area.
- 7.14 The Conservation Officer has considered the proposal and has confirmed that when looking at the building in context it is not uncharacteristically larger than neighbouring dwellings and its appearance in the conservation area remains mitigated by its set back location and use of traditional materials. At a maximum ridge height of 7.45 metres above ground level is not excessively larger than other nearby dwellings. Taken as a whole it is considered that

the dwelling as built will not have an unduly increased impact on the character and appearance of the conservation area than the schemes already given permission.

- 7.15 The fenestration changes are minor in detail with an additional small window and an increase in size to one window at ground floor level on the south elevation. Roof lights on the west elevation are more evenly positioned. Two ground floor windows on the north elevation are increased in size to be full height windows.
- 7.16 The Parish Council comments are noted regarding the impact of the increased ridge height on the Conservation Area and surrounding area, however, as discussed above, it is considered that the dwelling as constructed preserves the character and appearance of The Bythorn Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. It satisfies NPPF paragraph 195 and Policy LP34 of the Local Plan by maintaining local distinctiveness with reference to height, scale, massing, form and materials.

Other Matters

- 7.17 Landscaping and Trees - The Parish Council has raised concerns regarding the landscaping and tree protection measures for the site. It is noted that these matters have been dealt with under a separate Discharge of Condition application (planning reference 23/80339/COND) and have been discharged. The tree protection measures were secured by condition on both the original application and the subsequent S73 application, as a compliance condition. This would be repeated for this application.
- 7.18 The Parish Council has also raised concerns regarding the layout of the front drive and the construction of the front retaining wall, both impacting the root protection zones for trees within this area. It is noted that works have already been completed and that a tree protection compliance condition was in place for the duration of the works.
- 7.19 For clarification, it is noted that CIL is calculated on floor space area, not on height. A CIL payment has been paid on the additions arising from the previous S73 application (22/00964/S73), but is not relevant for this application, as the floor plan has not been affected.

Conclusion

- 7.19 This application relates solely to the increased ridge height and fenestration changes to the development. There have been no neighbour objections and HDC's Conservation Team are satisfied that the application does not impact negatively upon the Conservation Area and surrounding area.

- 7.20 In this case, it is considered that the proposed development is not uncharacteristically larger than neighbouring dwellings and its appearance in the conservation area is mitigated by being set back within the site and the use of traditional materials. Its height is not considered to be excessive and therefore, taken as a whole, Officers are of the view that the dwelling as built does not have an excessively increased impact on the character and appearance of the conservation area.
- 7.21 Therefore, it is considered that the proposed development accords with Local Plan Policies LP11, LP12 and LP34 and as such, the application is recommended for approval.
- 7.22 All conditions imposed under parent permission 20/01146/FUL and the subsequent 22/00964/S73 permission will be repeated, where relevant and amended to compliance conditions where the conditions have been discharged, as per advice in the PPG.

8. RECOMMENDATION - APPROVAL subject to conditions to include the following

- Time limit
- Approved plans
- On-site parking and turning area
- Arboricultural Impact Assessment and Tree Protection Measures
- Preliminary Ecological Appraisal mitigation measures
- Biodiversity Method Statement
- Hard and Soft Landscape works
- Water Efficiency
- Accessible and adaptable dwelling
- Cycle and Bins Store

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Head of Planning Services
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon PE29 3TN

15 November 2023

Dear Clara Kerr

Application Ref. 23/01137/S73

**Application for variation of Condition 2 to allow for revised ridge heights for 20/01146/FUL
Location: Land South East of the White Gates (AKA Applegate Lodge), Thrapston Road, Bythorn**

We refer to your letter dated 25 October 2023 in relation to the above application.

Bythorn and Keyston Parish Council continue to recommend this application be refused for the reasons detailed in our letter and email dated 24 July 2023, repeated below for ease of reference.

Application made under wrong provision

1. The first thing to note is that the Developer brings the application under section 73 of the Town and Countryside Planning Act 1990. This is not appropriate in these circumstances because the permission has now been built out. The Applicant should have applied under section 73A (retrospective planning permission).

Development not sympathetic to the local character, including the surrounding built environment and landscape setting

2. The Application seeks to vary Condition 2 of Planning Permission 20/01146/FUL to raise the approved West elevation ridge height.
3. In practice, this application seeks retrospective approval to raise the overall height of the original building proposed, and the later extension, by 450 mm. The increase in height is made up by increasing the heights of the walls of the original house and extension by approximately 450mm, as the pitch of the roof does not appear to have been changed.
4. By way of relevant background, the Parish Council was consulted in relation to the original application for this property – ref 20/01146/FUL - and recommended approval, which was subsequently granted.
5. The Parish Council was also consulted with respect to application ref 22/00346/HHFUL which was submitted for the construction of the extension to the house, but that application was later withdrawn. At that time of the consultation for application ref 22/00346/HHFUL, the Parish Council commented on the proposal for the new extension as follows:

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**Reason for Bythorn and Keyston Parish Council's refusing the application:
22/00346/HHFUL**

Land East of White Gates

The application is to construct a double garage with first floor room above as an extension to a property currently under construction. This will bring the property 6.35m closer to the road.

The Parish Council are concerned that the proposal enlarges the scale of the original approved development, leading to the property being far more visible from the approach to the village from the east and upon exiting the centre of the village from Main Street. The proposal will impact on the open nature of the residential development and rural character in the southern part of the village.

We agree with the comments in the officer's report for the original application for this property (20/01146/FUL) that the layout, scale and design for the original dwelling was sympathetic to the local character including surrounding built environment and landscape setting. The Parish Council consider the significant enlargement of the property by the introduction of the proposed extension will compromise the discreet nature of the existing approved development to an unacceptable degree, and on this basis cannot support the application.

It is noted that the application does not appear to have included any details for amendments to the on-site parking and turning area and the protection of trees and hedgerows. The original application for the house conditioned the layout of the turning area and parking, and tree protection. We would question how access to the proposed new garage is proposed to be achieved and protection to nearby trees maintained in accordance with the conditions attached to the planning approval for the original development.

6. The application for the extension was re-submitted as a variation of Condition 2 of permission 20/001146/FUL and approved under application reference 22/00964/S73.
7. With respect to this latest application 23/01137/S73 to vary Condition 2 to allow for an increased ridge height, the Parish Council refers to the section on the "impact on visual amenity and the character of the area" from the planning officer's report for the original application, as follows:

"Impact on visual amenity and the character of the area

Paragraph 127 of the National Planning Policy Framework states planning decisions should ensure that development will, amongst others, function well and add to the overall quality of the area, is visually attractive as a result of good architecture, layout, appropriate landscaping and is sympathetic to local character including surrounding built environment and landscape settings. (Emphasis added)

Local Policy LP11 of the Local Plan to 2036 sets out mechanisms for achieving high standards of design for all development, particularly those that will significantly add to, or create new communities and will be supported where it is demonstrated that it

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responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment.

Local Policy LP12 of the Local Plan to 2036 states new development will be expected to be well designed based upon a thorough understanding of the constraints and appraisal of the site's context, delivering attractive, usable and long-lasting buildings and spaces. A proposal will be supported where it can demonstrate that it contributes positively to the areas character and identity, successfully integrates with adjoining buildings, the routes and spaces between buildings, topography and landscape. (Emphasis added)

The scheme proposes to construct a two-storey dwelling with a gable roof form. The ground floor will comprise of open plan living area, a bedroom with ensuite, internal amenities area and a double garage. The first floor will consist of three bedrooms, bedroom one will have an ensuite and small balcony, bathroom and hall. The gross internal area of the dwelling will be 204sqm which includes the porch and balcony.

The materials schedule will consist of red clay tile roof, horizontal timber cladding stained black, a twin wall stainless steel flue coated black.

The statements submitted as part of the application outline that the siting of the dwelling has been chosen to minimise impacts on perimeter tree planting established on the site and provide convenient access to the new dwelling. The proposed dwelling comprises one and a half storey in a L shaped building and has been carefully considered to take into account the constraints presented by existing vegetation and the change in level within the site but also create private garden amenity areas around the new dwelling without comprising existing garden associated with the existing dwelling on the site.

The form and massing of the building has been designed to reflect the shape and composition of an agricultural barn, with the external appearance incorporating features and detailing which can be found on rural buildings in the locality. The statement puts forwards that, with the existing trees and shrubs along the plot boundaries being retained and reinforced with the planting of new hedgerows, the proposed dwelling will be easily assimilated into the existing setting of this landscaped garden area.

The submitted Design and Access Statement highlights the intention to retain consistency in separation between detached dwellings, which reflects the guidance within the Huntingdonshire Design Guide which states the scale, massing and height of any proposed development should be considered in relation to that of adjoining buildings, the topography and general pattern of heights in the area. (Emphasis added)

Whilst the Landscape Officer recommended reducing the proposed building footprint to allow further landscaping on the eastern boundary, having undertaken a site visit on 9 September 2020, officers note that significant established vegetation exists on this boundary and will assist in HUNTINGDONSHIRE DISTRICT COUNCIL 20/01146/FUL d8be0ddf-55e5-486c-9877-85c8c6bb0a6b screening the building from

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westbound traffic along Thrapston Road and the development as proposed is considered acceptable in this regard.

Overall it is considered that the layout, scale and design of the dwelling is sympathetic to the local character including surrounding built environment and landscape setting and as such, would not have a detrimental impact upon visual amenity or the character of the area. Whilst the concerns raised by the Parish Council regarding the design of the proposed flue are noted, given the black finish proposed to this, Officers consider the flue would satisfactorily assimilate with the design of the proposed dwelling and do not consider it necessary to require revisions to the design of the flue.

It is considered the application has appropriately considered the context of the site and the edge of settlement location in accordance with national policies and local policies LP9(c), LP11 and LP12 of the Local Plan to 2036."

8. It is the view of the Parish Council that the increased height of the development as built has compromised the original design that was "*carefully considered to take into account the constraints presented by existing vegetation and the change in level within the site*".
9. The Parish Council notes that the original design intention was for "*the form and massing of the building to reflect the shape and composition of an agricultural barn... which would easily assimilate into the existing setting*". With the addition of the extension, and the increased height of the overall structure, the building is now disproportionate in scale and mass in relation to the surrounding buildings.
10. When entering the village from the east when the trees are not in leaf, the building is now completely disproportionate in scale and size to the local character of the village and this part of the conservation area.
11. The Huntingdonshire Design Guide states that the scale, massing and height of any proposed development should be considered in relation to that of adjoining buildings, the topography and general pattern of heights in the area. This development now fails to comply with this guidance.
12. Overall, the Parish Council considers that the layout, scale and design of the development as built is no longer sympathetic to the local character, including the surrounding built environment and landscape setting, and therefore considers that the development has and will have a detrimental impact upon the visual amenity and character of the area.
13. The Parish Council considers that the proposed variation to Condition 2 to increase the ridge height has failed to consider the context of the site and the edge of settlement location in accordance with national policies and local policies LP9(c), LP 11 and LP 12 of the local plan to 2036. On this basis, and others detailed above and below, the Parish Council recommends the application be refused.

Impact on the heritage assets

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14. With respect to the impact on the heritage assets, the planning officer's report for the original application stated as follows:

"Policy LP34 of the Local Plan to 2036 states a proposal within, affecting the setting of, or affecting views into or out of, a conservation area should preserve, and wherever possible enhance, features that contribute positively to the area's character, appearance and setting as set out in character statements and applicable documents. (Emphasis added) *A proposal should:*

a) Minimise negative impacts on the townscape, roofscape, skyline and landscape through retention of buildings/ groups of buildings, existing street patterns, historic buildings lines and land form;

b) Retain and reinforce local distinctiveness with reference to height, scale, massing, form, materials and plot widths of the existing built environment as well as retaining architectural details that contribute to the character and appearance of the conservation area; and

c) Where relevant and practical, remove features that are incompatible with or detract significantly from the conservation area.

The application site is partly within the Bythorn Conservation Area which does not have a character statement. The site is located some distance from the more significant parts of the Conservation Area which are generally nearer church. The proposal seeks to replicate a small rural outbuilding by using a traditional form and historic materials. The design reflects local character and distinctiveness. The reduced curtilage of the existing dwelling will not compromise the open nature of residential development in this southern part of the built-up area. It is considered that the proposal would have a neutral impact within the rural character of the settlement edge.

Corner House to the north-east of the site is Grade II Listed. Given the separation distance to this Listed Building, with intervening trees along the northern boundary of the site and southern boundary of the Corner House and the highway between, it is considered that the proposed development would have a neutral impact upon the setting of this nearby Listed Building.

Overall, it is considered the proposal would have a neutral impact upon the character and appearance of the Conservation Area including to the rural character of the settlement edge and a neutral impact upon the setting of the Corner House (Grade II Listed). As such, the proposed development is considered to accord with policy LP34 of Huntingdonshire's Local Plan to 2036 and the NPPF (2019) in this regard.

15. It is the view of the Parish Council that the development as built, with particular reference to its ridge height, can no longer claim to seek to replicate a small, rural outbuilding by using a traditional form and historic materials; it is a much more substantial building than originally approved. The development as built fails to minimise

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the negative impacts on the roofscape, skyline and landscape, and fails to retain and reinforce local distinctiveness with reference to height, scale and massing.

16. On this basis, it is the Parish Council's view that the proposal fails to comply with policy LP34 of Huntingdonshire's Local Plan to 2036.

Other concerns relating to landscaping and tree protection measures

17. With respect to the multiple applications submitted for this site, the Parish Council wishes to record its ongoing concerns with respect to the landscaping proposals and tree protection measures on the site.
18. The site plan (028.P01C), the tree protection plan (AAA/0142.01), and the Arboricultural Impact Assessment (AIA, dated 21st of April 2020), all formed part of, and are listed, within the approved application for the original development.
19. Notwithstanding the fact that approved drawing 028.P01C was not updated to comply with the recommendations contained within the AIA and the tree protection plan, the recommendations contained within the AIA should still apply to the works constructed using drawing 028.P01C.
20. The construction of the retaining wall in the front drive within the root protection zone for tree T4 does not comply with the recommendations contained within the AIA report. The hard paving present on site within the root protection zone for tree T6 is not shown on the drawing 028.P01C and should not be approved under condition 7 of application reference 22/00964/S73 if the recommendations of the AIA are to be complied with.
21. The layout of front drive has been constructed using the site layout drawing, 028.P01C, without reference or consideration of the tree protection plan. Appropriate construction methods should have been adopted for the construction of the driveway to comply with established good practice for the construction of driveways within the area of root protection zones, in accordance with the recommendations contained within the AIA for the long term protection of tree T4., and under Condition 7 of the approval.
22. If the Huntingdon District Council is minded to approve Application 23/01137/S73, we trust that the Council will ensure that the additional applicable CIL will be charged to the applicant for the increase in floor area over 2 metres high created at first floor level by the increase in height of the building.
23. The Parish Council note that Application 23/80278/COND has been submitted as a NMA to discharge Condition 2 and 7 of planning application 20/01146/FUL. Please note that the content of clauses 17 to 21 in our letter of 21 July 2023 specifically relate to the landscaping proposals submitted in this application to satisfy Condition 7.

Bythorn and Keyston Parish Council

Contact BKPC via the Clerk – clerk@bythornkeystonparishcouncil.org.uk

The Parish Council is available for further consultation and discussion as may be required.

Yours faithfully

Bythorn and Keyston Parish Council

Design and Conservation Consultation

Proposal: Variation of Condition 2 application 20/01146/FUL.		Location: The White Gates, Thrapston Road, Bythorn.
DC Case Officer: ██████████	Conservation Officer: ██████████	Application Ref. No: 23/01137/S73 -

Application 23/01137/S73 seeks permission for a variation of Condition 2 of application 20/01146/FUL to seek approval of amended plans that incorporate an increase in ridge height of approximately 450mm above the previously approved scheme. The site is partially located within the Bythorn Conservation Area and the application is retrospective.

Planning History

The first application for development of the site (0900530FUL) was refused and dismissed at appeal (APP/H0520/A/10/2125912). The Inspector concluded that the site was within the open countryside and the development would be harmful to the rural character and appearance of Bythorn. The Policy objections to development within the countryside were re-stated in the response to a preliminary enquiry (1207035PENQ) for a bungalow on the site. At that time the assessment of impact to the conservation area considered that the bungalow would be mostly obscured behind planting which would mitigate its impact.

The current dwelling was granted permission under application 20/01146/FUL after changes to the Local Plan. At that time it was considered that the scheme was appropriate as it would reflect local character and distinctiveness by reproducing a small rural outbuilding using a traditional form and historic materials. The building was extended with permission under application 22/00964/S73.

The completed building has been constructed with a ridge height approximately 450mm over the height of the approved plans.

Significance

The site is located at a distance from the more significant parts of the conservation area which are generally nearer the historic core of the village near the parish church. The character of the conservation area in the locality of the new dwelling is one of dispersed detached houses that form part of settlement edge to the south of the village as it merges with its wider countryside setting. The scale of dwellings is generally vernacular and predominantly of one and a half storey height although there is a scattering of more formal two storey dwellings both historic and modern.

Assessment

The dwelling as built has an increased scale and massing compared to that which was initially given permission. However, a large proportion of that increase is due to the extension that was given permission in 2022. The issue is therefore whether the additional height of the roof and taller appearance of the building results in a building that fails to preserve the character and appearance of the Bythorn Conservation Area.

When looking at the building in context it is not uncharacteristically larger than neighbouring dwellings and its appearance in the conservation area remains mitigated by its set back location and use of traditional materials. At a maximum ridge height of 7m above ground level the building offers at most a one and a half storey scale which is not excessively larger than other nearby

dwellings. Taken as a whole it is considered that the dwelling as built will not have an unduly increased impact on the character and appearance of the conservation area than the schemes already given permission.

Conclusion

The dwelling as constructed preserves the character and appearance of The Bythorn Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. It satisfies NPPF paragraph 195 and local plan policy LP34 by maintaining local distinctiveness with reference to height, scale, massing, form and materials.

Conclusion: No objections.

Signed



Date: 22/11/2023

Signed.....Date.....

Development Management Committee



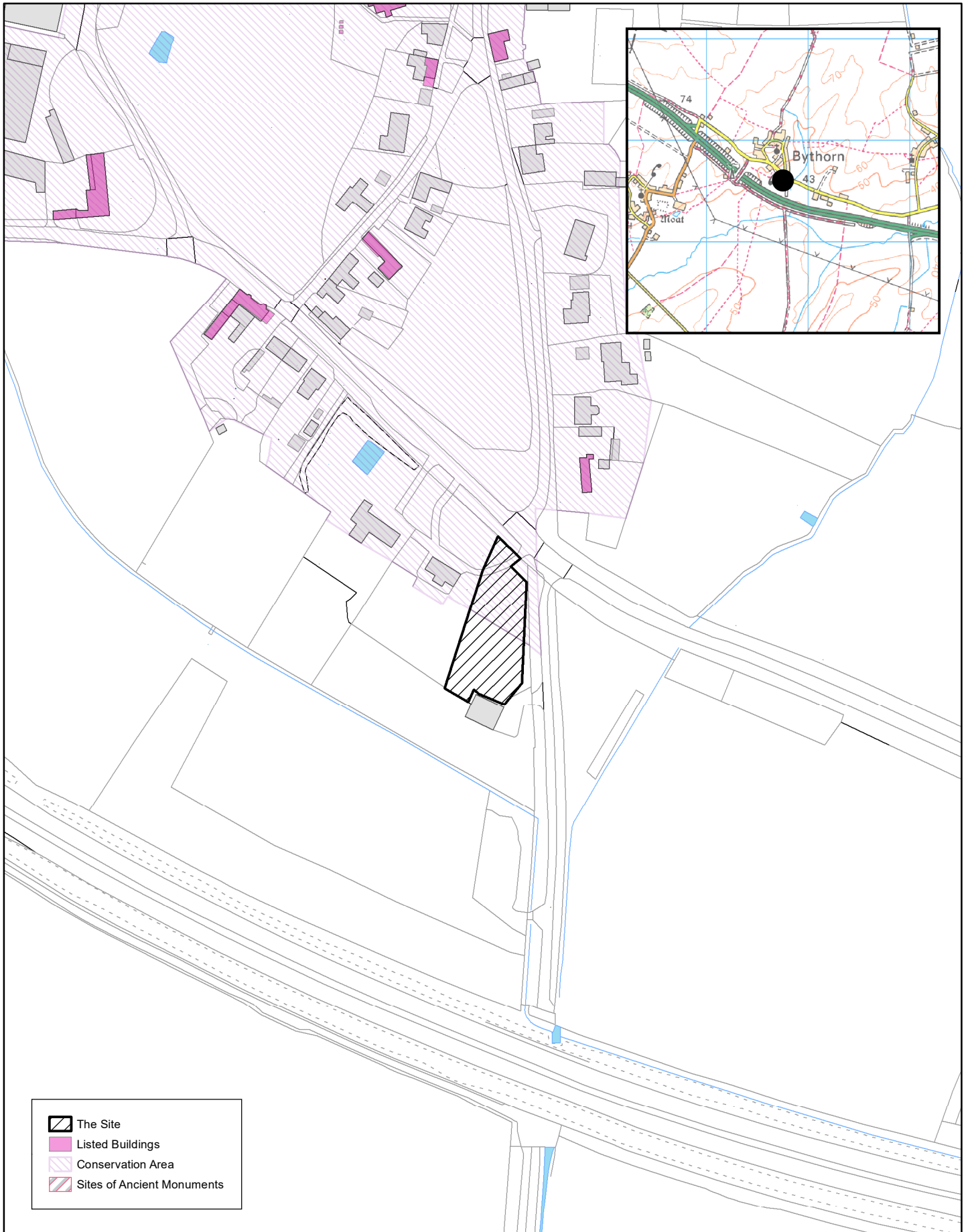
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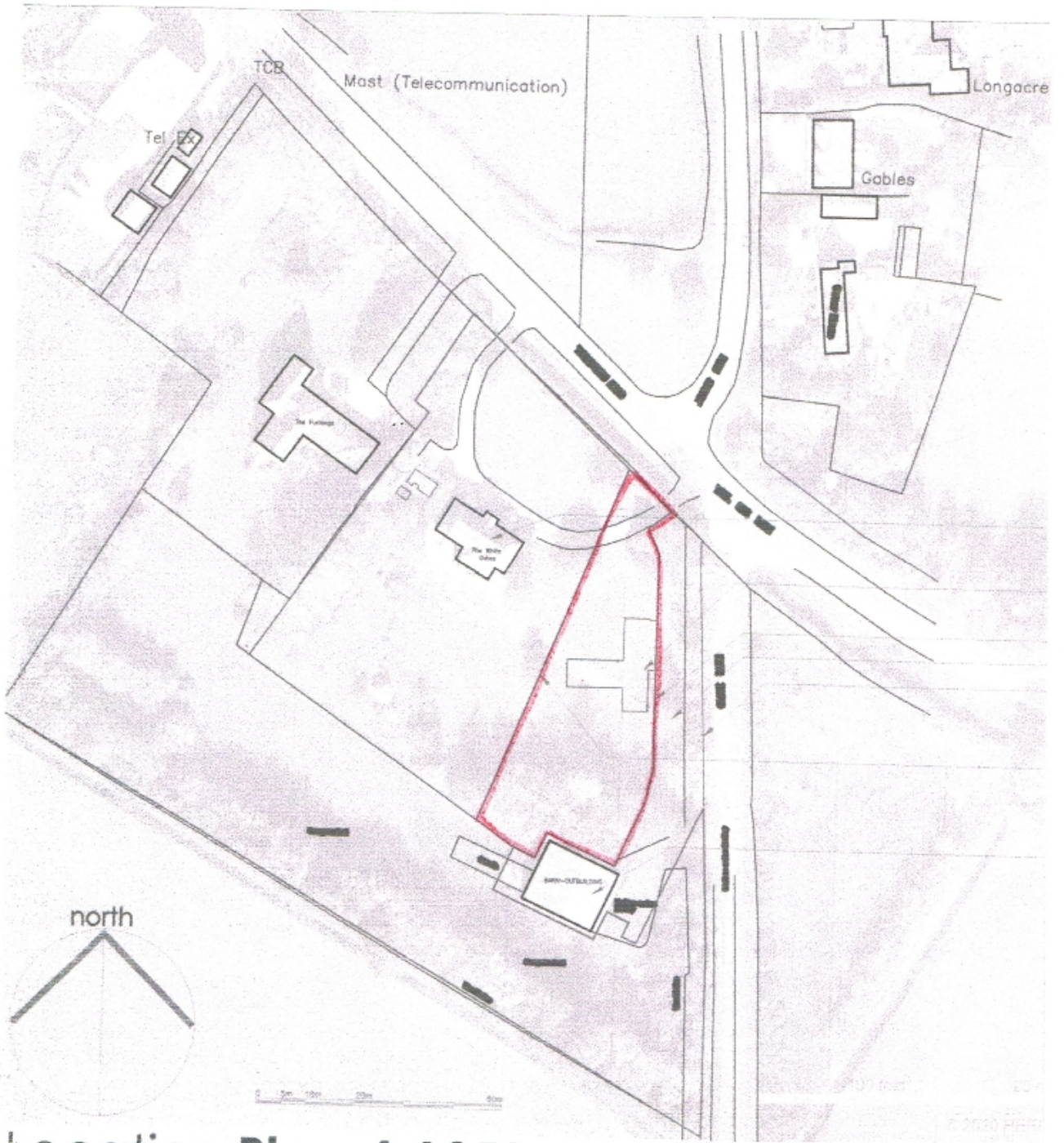
Application Ref: 23/01137/S73

Date Created: 05/12/2023

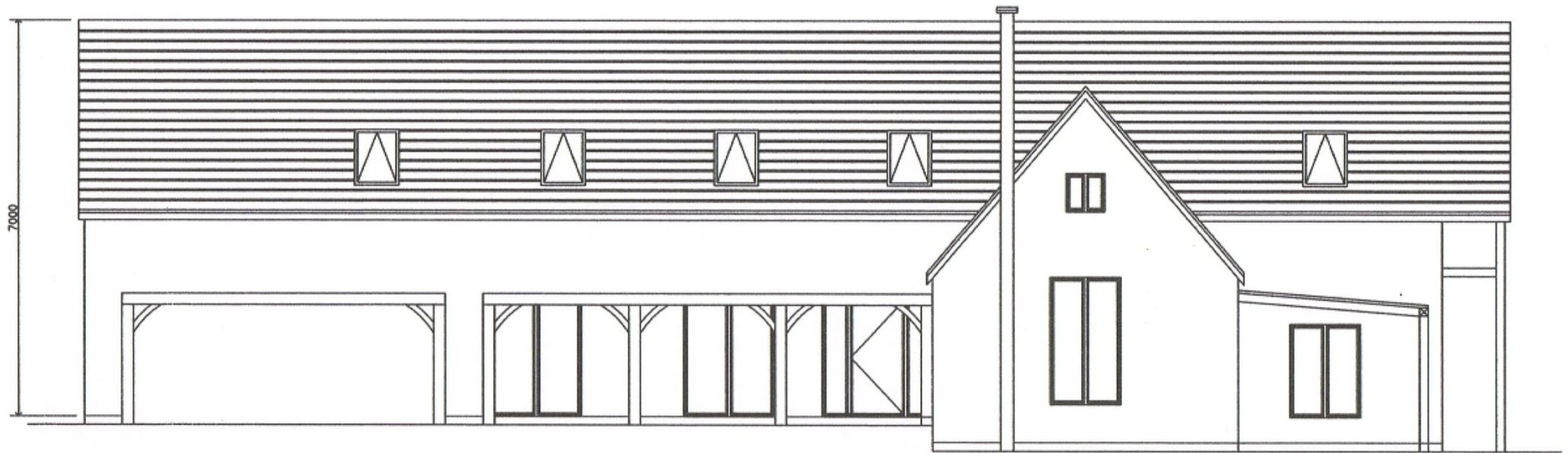
Parish: Bythorn

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Ordnance Survey HDC 100022322

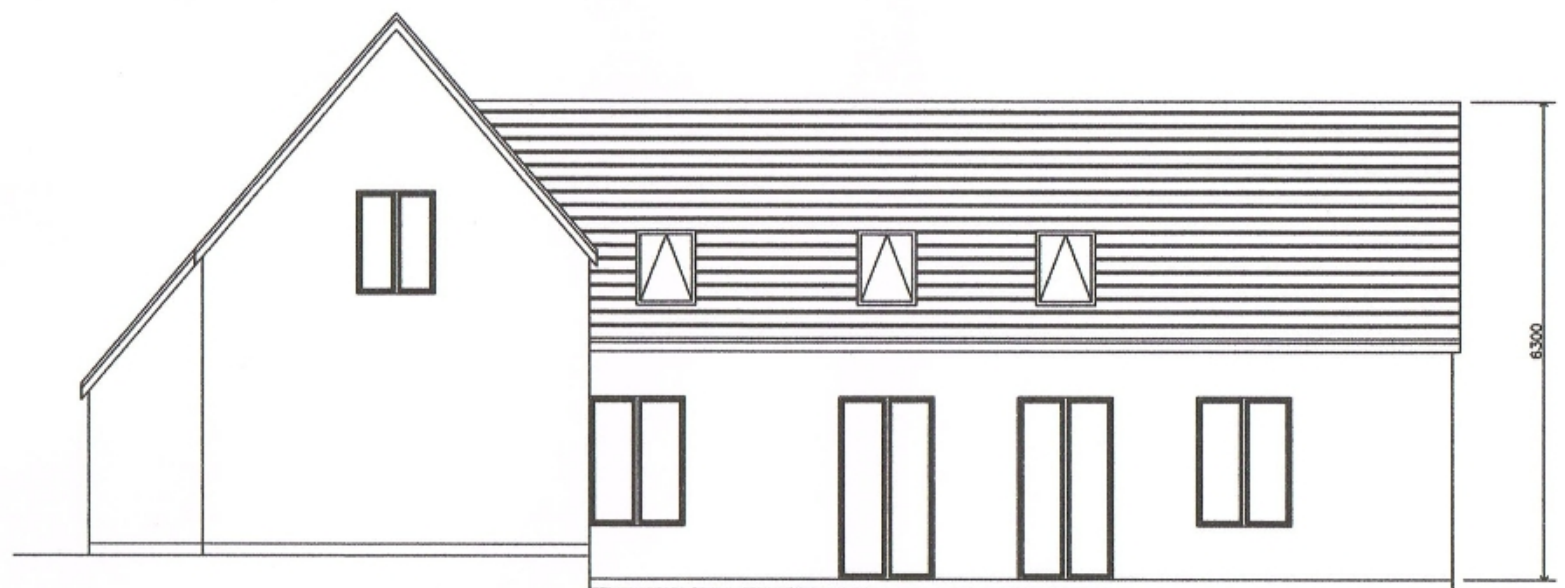




Location **Plan** 1:1250

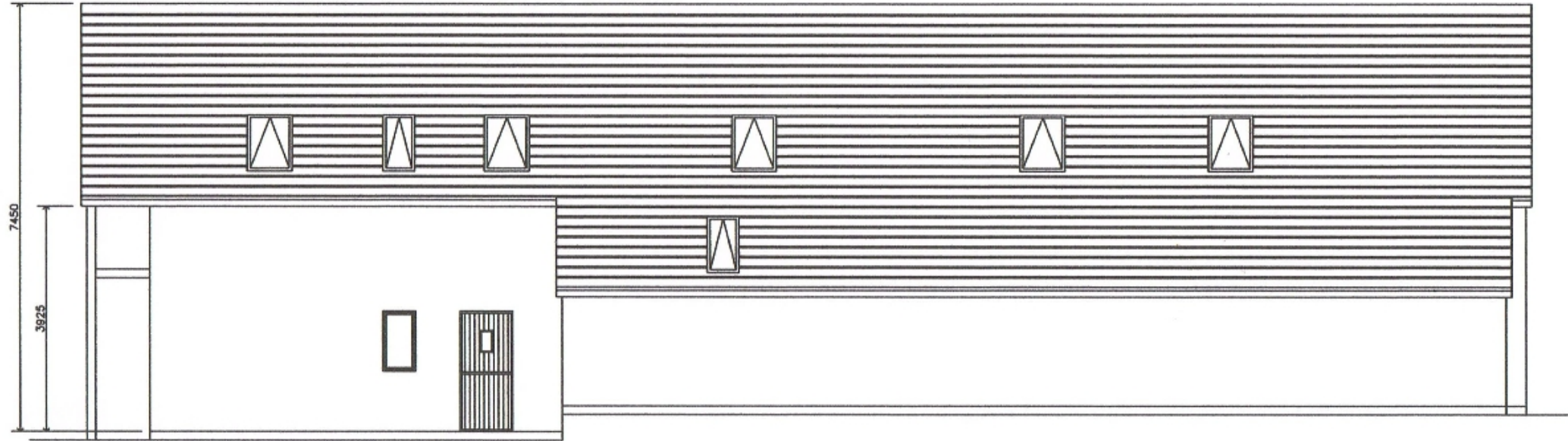


WEST ELEVATION

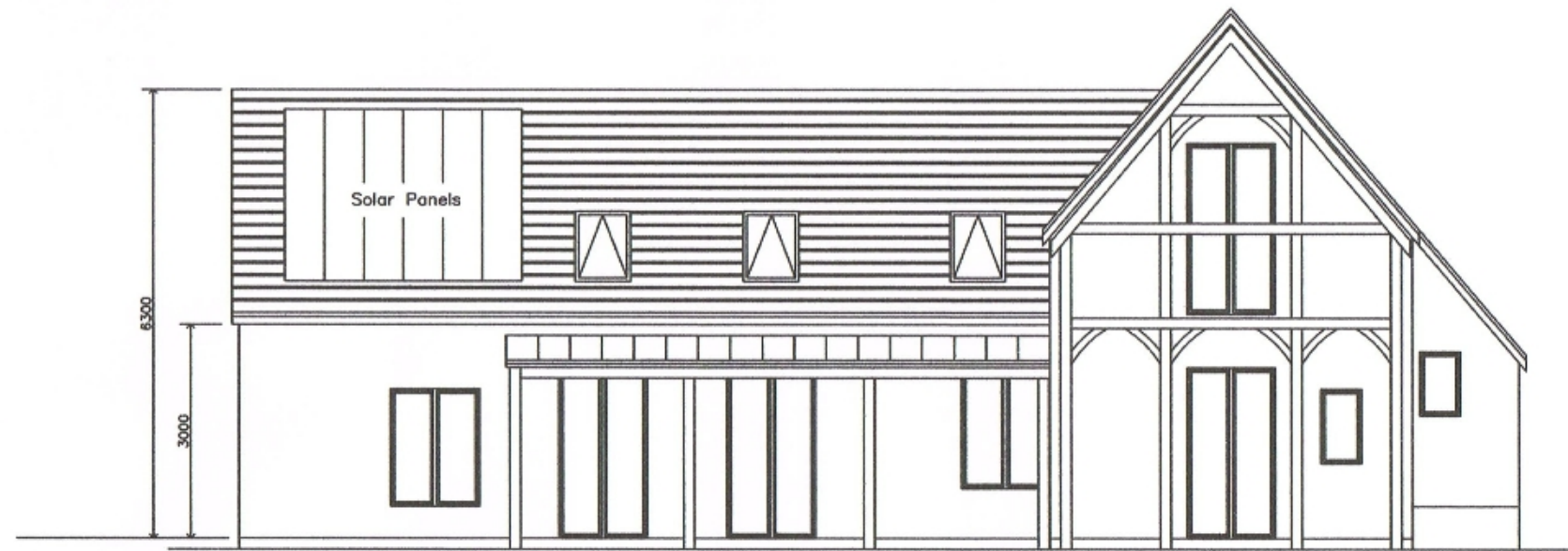


NORTH ELEVATION

B.	As Built.	Jun 23	M.J.F.
A.	Dimensions added.	Feb 22	M.J.F.
No	Description	Date	Dem
Revision			
Project Proposed Development @ White Gates, Thrapston Rd, Bythorn			
Drawing Proposed Elevations			
Dwg No	WG/52 ^B	Scale	1:100
M. V. G. DESIGN			
M.V.G Design Dovecote House Dovecote Close Barton Seagrave Northants. NN15 6GT Tel: 01536 410309 Fax: 01536 410309			



EAST ELEVATION



SOUTH ELEVATION

C.	As Built.	Jun 23	M.J.F.
B.	Solar Panels added	Apr 22	M.J.F.
A.	Dimensions added.	Feb 22	M.J.F.

No	Description	Date	Drm
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Revision

Project
Proposed Development @
White Gates, Thrapston Rd,
Bythorn

Drawing
Proposed Elevations

Dwg No WG/53^c Scale 1:100

M. V. G.
DESIGN

M.V.G Design
Dovecote House
Dovecote Close
Barton Seagrave
Northants. NN15 6GT
Tel: 01536 410309
Fax: 01536 410309

From:

Sent:

To:

Subject:

25 August 2023 17:43

23/01137/S73 - The White Gates Thrapston - site photos













