



Appeal Decisions

Development & Growth

23 AUG 2012

Admin Team

Site visit made on 10 July 2012

by **P J Asquith MA(Hons) MA MRTPI**

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

Decision date: 21 August 2012

Appeal A, Ref: APP/E2530/E/11/2167119

51 Scotgate and land to the rear of 51 - 58 Scotgate, Stamford, PE9 2YQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by Mr Robin Graf against South Kesteven District Council.
- The application, Ref. S11/0903/LB, is dated 18 April 2011.
- The development proposed is described as the construction of 12 new flats and housing on parking lot and vacant land. Conversion and part demolition of Blenheim Court from 12 bedsitting rooms (occupying 15 people) to three flats.

Appeal B, Ref: APP/E2530/A/11/2167104

51 Scotgate and land to the rear of 51 - 58 Scotgate, Stamford, PE9 2YQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Robin Graf against South Kesteven District Council.
- The application, Ref. S11/0902/MJRF, is dated 18 April 2011.
- The works proposed are described as the construction of 12 new flats and housing on parking lot and vacant land. Conversion and part demolition of Blenheim Court from 12 bedsitting rooms (occupying 15 people) to three flats.

Procedural Matters

1. Having regard to Appeal A, the application was for listed building consent applying to the grade II listed Blenheim Court (51 Scotgate). I consider it is more accurate to describe this application as simply the conversion and part demolition of Blenheim Court from 12 bedsitting rooms (occupying 15 people) to three flats. It is on this basis that I have determined this appeal.
2. Although the application subject to Appeal B is as described above, it is clear that, once submitted and following discussions with the Council, the application was amended to relate to the construction of 11 new flats and housing rather than 12, together with the conversion and part demolition of Blenheim Court to three flats. It is on this latter basis that I have determined Appeal B.
3. Questions have been raised about the ownership title of certain small sections of the appeal site within the context of the drawing up of an agreement under Section 106 of the Town and Country Planning Act 1990. However, the applications were accepted by the Council on the basis of the certificates accompanying them, the appeals have been accepted as valid and I shall determine the appeals accordingly.

4. The Council failed to determine the applications within the prescribed period. However, following the lodging of the appeals the cases were reported to its relevant committee to seek views as to its response had the Council been in a position to determine the applications. I have taken these views into account in determining the appeals.

Decisions

Appeal A

5. The appeal is allowed and listed building consent is granted for the conversion and part demolition of Blenheim Court from 12 bedsitting rooms (occupying 15 people) to three flats at 51 Scotgate, Stamford, PE9 2YQ in accordance with the terms of the application Ref. S11/0903/LB, dated 18 April 2011, subject to the following conditions:
- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
 - 2) The works hereby authorised shall be carried out in accordance with the following approved plans: DR114B, DR110, DR109, DR107.
 - 3) No works shall take place until samples of the materials (including where appropriate colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.
 - 4) No works shall take place until full details of all proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the agreed details and maintained as such thereafter.
 - 5) Collyweston slates shall be retained on the roof of the property.

Appeal B

6. The appeal is dismissed.

Main Issues

7. From all I have read and seen the main issues in these cases are:
- The impact of the proposals on the special architectural and historic interest of the listed Blenheim Court.
 - The effect of the proposals on the appearance and character of the Stamford Conservation Area No. 1 and the setting of adjacent listed buildings.
 - Whether the scheme would safeguard the living conditions of adjoining residents and provide adequate living conditions for future residential occupiers of the development.
 - Whether the proposals would adequately secure the provision of appropriate affordable housing, and educational and health care contributions.

Reasons

Blenheim Court

8. The overall appeal site comprises the listed Blenheim Court, fronting directly onto Scotgate, a principal entrance to the town, together with land to the rear of this and other frontage buildings. The other frontage buildings of No. 52, and Nos. 57 and 58, which are not within the appeal site, are also grade II listed buildings, currently in commercial use. Together with No. 59 Scotgate they are listed as part of a group. The land to the rear is partially down to hardstanding used for informal parking, together with an area that is overgrown and temporarily fenced off. The site is within the extensively-drawn conservation area which encompasses much of the central, mostly stone-built, market town.
9. Blenheim Court is a two-storey, stone-built building of late 18th or early 19th century origins with a stone-slatted mansard roof containing attic rooms. The building, which has latterly been used as bed-sitting accommodation, has had more recent lower extensions to its rear, including a flat-roofed brick-built addition, which have no particular architectural merit. The proposal is to remove these later unsympathetic additions, leaving the original building fronting Scotgate divided into three, two-bedroomed affordable flats. Having regard to the listed building consent, the Council has expressed no objection to the scheme and would have been minded to grant consent. I have no reason to disagree with this assessment. Subject to the imposition of appropriate conditions (which are discussed in paragraph 23 below) the proposed works would have an overall beneficial impact on the building's special architectural and historic interest and would assist in maintaining its significance as a heritage asset.

Conservation Area and setting of listed buildings

10. The Council similarly appears to have no objection to the principle of the residential development of the land to the rear of Blenheim Court and the adjacent buildings. The new-build combined house and flat proposal would result in a courtyard development with vehicular access/egress from two existing points off Scotgate. It would be a fairly high-density development but in terms of the character of this part of the conservation area, general townscape and urban grain its form would not be inappropriate. The detailing would be largely conventional and domestic in style, with external stone walling under slated roofs.
11. There would be variation in roof and eaves heights, some elements being single-storey, some of two-storeys and others having gabled dormers. Even with a slight rise in land levels from Scotgate towards the rear of the site, all the roof heights would be lower than that of Blenheim Court, which is the most prominent and imposing of the buildings fronting the site. Some elements would be slightly taller than the lower and more varied roofscape of the other listed properties along the Scotgate site frontage. However, there are limited views of the rear of the site from within this road. Views across the car parking area of the bathroom and tile showroom that adjoins the site to its west would be principally of an element whose overall height would be no greater than Blenheim Court. There would be additional views of the development along the access points between the Scotgate frontage buildings. From here, because of the angle of view, it would be difficult to appreciate that some elements of the

development were slightly taller than Nos. 52 to 59. Overall, the scheme would be of a varied and well-articulated form with an interesting roofscape.

12. I do not consider that the proposal would dominate or appear overbearing in relation to the listed buildings to the front in a manner that would be materially harmful to their setting. The development would make a positive contribution to both the character and appearance of the heritage asset of the conservation area. It would result in enhancement of what is currently a somewhat neglected and uninspiring part of the area and approach into the centre of the town and which is currently markedly at odds with the attractively varied townscape to the opposite side of Scotgate. I do not view the proposals as being contrary to Policy EN1 of the South Kesteven Core Strategy (CS) which requires development to be appropriate to the character and significant historic attributes of the district. Nor would it be out of step with advice provided within the National Planning Policy Framework (the Framework). This requires account to be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

Living conditions

13. The eastern element of the proposals would back onto residential properties within North Street which are separated from the site by existing walling. It would be of two-storeys and would be inset from the site boundary such that the proposal would not appear overly dominant or oppressive from the rear of the North Street properties. I accept that there could be scope for overlooking of the rear of the North Street properties and their short rear gardens from first floor windows. However, given the configuration of the proposed accommodation, were permission to be granted it would be feasible for a condition to be imposed to ensure the first floor east-facing windows could be obscure-glazed to prevent any actual or perceived loss of privacy.
14. I have also noted objections from the owners of land off Radcliffe Road to the north of the appeal in respect of possible loss of privacy and amenity. This is in connection with an existing planning permission for two town houses. I have been provided with no details of this permission and am not therefore able to assess how the proposed scheme might affect such matters. Nevertheless, I note that in its committee report the Council does not make reference to this as a drawback of the scheme. Furthermore, the internal configuration of the appeal development could mean that it would not be unreasonable to require the first floor windows in the north-facing gable nearest to this adjacent site to be obscure-glazed should this be deemed necessary if permission was to be granted.
15. The proposed development would have limited amenity space for its occupiers, which the Council notes would be smaller than is considered typical for a conventional housing development. Nevertheless, having regard to the site context close to Stamford town centre, it considers the amenity space provision to be acceptable. I do not consider this to be an unrealistic assessment. However, I note from the submitted plans that areas between the proposed housing and the steeply sloping bank that forms the northern boundary appear to be divided, with pockets of space relating to individual units separated one from another. Given that there is no rear direct door access from these proposed units it is unclear how beneficial use could be made of these areas for their occupiers. Whether this is something of an oversight or intentional, in my view, it would be necessary to rectify this to ensure that this space became

genuinely available for potential use by future occupiers. Were permission to be granted it would be possible to overcome this drawback by the imposition of a suitable condition. On this basis I consider the scheme need not have a materially adverse impact on the amenity of adjoining residential occupiers and would provide adequate living conditions for its potential occupiers.

Section 106 - Affordable housing and financial contributions

16. CS Policy SP4 indicates that the Council will enter into planning obligations with developers to secure the provision of (or financial contributions towards) infrastructure and community benefits considered necessary in conjunction with development; obligations will cover those matters which would otherwise result in planning permission being withheld.
17. The proposals would provide three units of affordable accommodation within Blenheim Court, which it is intended would be within the control of a Registered Housing Provider. Because of the nature of the overall accommodation to be provided it is clear that the development would be likely to result in additional demands on education and health care provision. Accordingly, financial contributions, worked out on a formula basis, are sought for these. It is clear that the appellant has no objection in principle to entering into a Section 106 agreement to provide a mechanism to secure the affordable housing element and to provide the suggested financial contributions; a draft agreement has been provided. Furthermore, I have no reason to doubt that such requirements would be compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. They would be necessary to make the development acceptable, they would be directly related to the development, and would be fairly and reasonably related in scale and kind to it.
18. However, it appears that because of some uncertainties over title to land no signed and executed agreement has been provided; the Council has clearly not received a signed and executed agreement, and no copy of an executed agreement has been provided with the appeal documentation. It may be possible to secure the affordable housing provision by condition, were the planning appeal to be allowed. Nevertheless, paragraph 83 of Circular 11/95, *The Use of Conditions in Planning Permissions* makes clear that it would not be correct to secure the necessary financial contributions by this means. The absence of a mechanism to secure the necessary contributions therefore makes the proposal unacceptable and contrary to the thrust and intent of CS Policy SP4.

Conclusions

19. I therefore conclude that, subject to the imposition of appropriate conditions, the proposals would not be harmful to the special architectural and historic interest of the listed Blenheim Court. In this regard the appeal relating to listed building consent for the works to this building is allowed.
20. The overall proposals relating to the whole development would make a positive contribution to the appearance and character of the Stamford Conservation Area and would not be harmful to the setting of adjacent listed buildings. Furthermore, subject to the imposition of appropriate conditions, the scheme would safeguard the living conditions of adjoining residents and provide adequately for those of its future occupiers. However, the scheme would fail to provide necessary financial contributions for health care and educational

provision in the absence of an executed Section 106 agreement. This is a considerable drawback of the scheme which, on balance, outweighs my favourable findings on the other main issues identified. On this basis the appeal in respect of the planning application must fail.

Other matters

21. I have taken account of all other matters raised, including expressed concerns regarding access and parking provision. There are two existing vehicular access points to the site from Scotgate and it is proposed that these should operate on a one-way, in-out basis given their narrowness as they pass between frontage buildings. The Council's adviser on highways matters has offered no objections to the proposals, subject to the imposition of appropriate conditions. This follows a traffic survey undertaken on behalf of the appellant which suggests that the proposal would be likely to generate very similar levels of vehicular movements to those which currently takes place. I have noted one objector's concerns as to whether the survey conducted only on one day could be considered as truly representative of the present situation. Nonetheless, I consider the survey provides a reasonable pointer to how the site is presently used and the fact that, subject to controls relating to access/egress to and from the site, the proposal need not result in traffic conflict.
22. Although some residents and businesses have expressed concern regarding the level of parking to be provided, neither the Council nor the local highway authority have expressed objections on this front. I have no reason to suppose that the provision would not be adequate. Overall, in the absence of any compelling evidence to the contrary, I do not consider the scheme would be likely to result in conditions prejudicial to highway safety. I have also noted comments about rights of access to the site and concerns regarding future maintenance of property abutting the site, which are not strictly planning matters. However, neither these nor any other matters raised are sufficient to alter the balance of the conclusions reached above regarding the planning issues.

Conditions relating to listed building consent

23. Having regard to the conditions suggested by the Council, I shall impose a condition specifying the plans to which the listed building consent applies, for the avoidance of doubt. Conditions are also necessary requiring the submission and agreement of samples of external materials and plans for joinery details, to ensure a satisfactory appearance and to maintain the special architectural interest of the building. For the same reason a condition is required to ensure Collyweston slates are retained on the building.

P J Asquith

INSPECTOR



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6. The appeal is dismissed.

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Reasons

Blenheim Court

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Living conditions

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genuinely available for potential use by future occupiers. Were permission to be granted it would be possible to overcome this drawback by the imposition of a suitable condition. On this basis I consider the scheme need not have a materially adverse impact on the amenity of adjoining residential occupiers and would provide adequate living conditions for its potential occupiers.

Section 106 - Affordable housing and financial contributions

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18. However, it appears that because of some uncertainties over title to land no signed and executed agreement has been provided; the Council has clearly not received a signed and executed agreement, and no copy of an executed agreement has been provided with the appeal documentation. It may be possible to secure the affordable housing provision by condition, were the planning appeal to be allowed. Nevertheless, paragraph 83 of Circular 11/95, *The Use of Conditions in Planning Permissions* makes clear that it would not be correct to secure the necessary financial contributions by this means. The absence of a mechanism to secure the necessary contributions therefore makes the proposal unacceptable and contrary to the thrust and intent of CS Policy SP4.

Conclusions

19. I therefore conclude that, subject to the imposition of appropriate conditions, the proposals would not be harmful to the special architectural and historic interest of the listed Blenheim Court. In this regard the appeal relating to listed building consent for the works to this building is allowed.
20. The overall proposals relating to the whole development would make a positive contribution to the appearance and character of the Stamford Conservation Area and would not be harmful to the setting of adjacent listed buildings. Furthermore, subject to the imposition of appropriate conditions, the scheme would safeguard the living conditions of adjoining residents and provide adequately for those of its future occupiers. However, the scheme would fail to provide necessary financial contributions for health care and educational

provision in the absence of an executed Section 106 agreement. This is a considerable drawback of the scheme which, on balance, outweighs my favourable findings on the other main issues identified. On this basis the appeal in respect of the planning application must fail.

Other matters

21. I have taken account of all other matters raised, including expressed concerns regarding access and parking provision. There are two existing vehicular access points to the site from Scotgate and it is proposed that these should operate on a one-way, in-out basis given their narrowness as they pass between frontage buildings. The Council's adviser on highways matters has offered no objections to the proposals, subject to the imposition of appropriate conditions. This follows a traffic survey undertaken on behalf of the appellant which suggests that the proposal would be likely to generate very similar levels of vehicular movements to those which currently takes place. I have noted one objector's concerns as to whether the survey conducted only on one day could be considered as truly representative of the present situation. Nonetheless, I consider the survey provides a reasonable pointer to how the site is presently used and the fact that, subject to controls relating to access/egress to and from the site, the proposal need not result in traffic conflict.
22. Although some residents and businesses have expressed concern regarding the level of parking to be provided, neither the Council nor the local highway authority have expressed objections on this front. I have no reason to suppose that the provision would not be adequate. Overall, in the absence of any compelling evidence to the contrary, I do not consider the scheme would be likely to result in conditions prejudicial to highway safety. I have also noted comments about rights of access to the site and concerns regarding future maintenance of property abutting the site, which are not strictly planning matters. However, neither these nor any other matters raised are sufficient to alter the balance of the conclusions reached above regarding the planning issues.

Conditions relating to listed building consent

23. Having regard to the conditions suggested by the Council, I shall impose a condition specifying the plans to which the listed building consent applies, for the avoidance of doubt. Conditions are also necessary requiring the submission and agreement of samples of external materials and plans for joinery details, to ensure a satisfactory appearance and to maintain the special architectural interest of the building. For the same reason a condition is required to ensure Collyweston slates are retained on the building.

P J Asquith

INSPECTOR



Appeal Decision

Site visit made on 2 August 2012

by R W Moon BSc MCD MRTPI

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

Decision date: 29 August 2012

Appeal Ref: APP/E2530/D/12/2177196

1 Saxon Court, Water Street, Stamford, Lincolnshire, PE9 2WZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jane Knight against the decision of South Kesteven District Council.
 - The application Ref S12/0250/HSR was refused by notice dated 26 March 2012.
 - The development proposed is the fitting of solar PV panels to garage roof.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue in this appeal to be the effect of the proposed development on the setting of nearby listed buildings and whether it would preserve or enhance the character or appearance of the Stamford Conservation Area.

Reasons

3. The appeal site is in a very prominent and important position within the Stamford Conservation Area. The Conservation Area is an extensive one but no details of any Conservation Area Statement have been provided. However, it appears clear to me that its character is based on a large collection of old stone-built buildings of great quality that are closely grouped in an intricate pattern of streets and passages. There is a remarkable unity of townscape created by use of stone walls and roof tiles of similar colour and texture. Given the contours of the town centre the roofs are particularly prominent. The appeal building, being a garage backing onto Water Street within a group of similar buildings, is in full view of the public from several directions, most prominently from the junction of High Street St Martins with Station Road and Water Street. There are several listed buildings within the vicinity of the appeal site including The George Hotel, Lord Burghleys Hospital and the Grade II Listed Building which is now a restaurant next to the Town Bridge. The bridge is itself another important feature of the area and together these heritage assets provide the context for the appeal proposal.
4. The recently built Saxon Court has been carefully designed to integrate with the Conservation Area. This is particularly noticeable in respect of the building materials and as a result of weathering the imitation Collyweston roof tiles have taken on the appearance of the older tiles on neighbouring roofs.

5. The Design and Access Statement indicates that there would be 8 panels and the drawings indicate that these would cover a significant part of the southern roofslope. It is appreciated that non-reflective glass is intended but nevertheless the solar panels would stand out as a most alien feature in the special context of its surroundings described above. The fact that a restrictive condition was imposed on the originating permission for this newer scheme appears fully justified due to its prominent location and the care taken with the details of its design. On my site visit I did not see any other solar panel from the site itself or from the nearby roads. Were the appeal to be allowed it would be an invitation for applications on the roofs of other garages in this group to follow.
6. The general ability of occupiers to place solar panels within conservation areas without seeking planning permission combined with the support in national policy for sustainable energy developments are important considerations but are outweighed heavily in this case due to the outstanding quality of the townscape and the prominent location of the site. I conclude that the proposed development would fail to preserve the character and appearance of the Stamford Conservation Area as a whole and would have a harmful impact on the nearby listed buildings. It would also be in conflict with Policy EN1 of the Core Strategy of the Local Development Framework for South Kesteven and Policy EN3 which seeks to encourage energy from renewable resources providing it does not conflict with other Core Strategy policies. In this case the proposal is contrary to Policy EN1 which seeks to protect historic character, amongst other things.

R W Moon

INSPECTOR



Appeal Decision

Site visit made on 13 August 2012

by **G M Garnham BA BPHIL MRTPI**

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

Decision date: 21 August 2012

Appeal Ref: APP/E2530/D/12/2177938

The Cottage, Little Humby, Grantham, Lincolnshire, NG33 4HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil O'Keefe against the decision of South Kesteven District Council.
 - The application Ref S12/0320/HSH was refused by notice dated 3 May 2012.
 - The development proposed is a two storey extension to existing dwelling.
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Application for Costs

1. An application for costs was made by Mr Neil O'Keefe against South Kesteven District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for a two storey extension to the existing dwelling at The Cottage, Little Humby, Grantham, Lincolnshire, NG33 4HW in accordance with the terms of the application Ref S12/0320/HSH, dated 7 February 2012, and the plans submitted with it, subject to the conditions in the Schedule at the end of this decision.

Main Issue

3. I consider that this is the effect of the proposal on the living conditions of the occupiers of the adjoining dwelling at Red House Farm.

Reasons

4. The Cottage occupies a plot forward of but to the side of a detached dwelling known as Red House Farm. The rear (north) wall of The Cottage abuts the south side of the main part of the garden of Red House Farm.
5. Planning permission exists for a 2 storey side extension of The Cottage (ref S10/2514/HSH). At ground floor level, this scheme would add 4.8 metres to the width of the building, very close to the common boundary with Red House Farm. At first floor level, the extension would be stepped back 1 metre from the ground floor end wall. The roof would have a gable end.
6. I understand that this planning permission is valid until December 2013. I consider that it represents a realistic fall-back position that could be implemented if the present appeal fails. This is an important material consideration. This is a recent planning permission, from which I take it that the Council was satisfied that there would be no overriding harmful effect from

it on the neighbour's living conditions. Consequently, I consider that this appeal turns on whether the additional 1 metre of projection now sought (to bring the first floor out to the ground floor end wall) would harm living conditions to the extent that planning permission should be withheld.

7. Red House Farm is a double fronted house, with ground floor windows either side of the centrally placed front door. The site plan indicates that, at its nearest point, the approved extension would probably be less than 8 metres from the nearest living room window. This window faces south over a landscaped front garden. The back wall of The Cottage is almost parallel with the front wall of Red House Farm. As a result, the additional 1 metre of extension would bring The Cottage closer to this window by a smaller amount. This would be visible from the neighbour's front window, but impinge on outlook only by a slightly greater angle. The same room has a second window on the side (west facing) wall. I consider that the extension (both approved and proposed) would be at too sharp an angle from this window to have any significant effect on outlook from it. The effect on outlook would be further mitigated by the facts that the level of the ground floor at The Cottage is significantly below that at Red House Farm, and that the roof of the extension would slope upwards away from the neighbouring property.
8. The relationships between the appeal proposal and the living room windows at Red House Farm similarly mean that overall there would also be little effect on the total amount of daylight entering this room. Consequently I find that the proposal would not result in a material worsening of outlook from or daylight in the living room at the south west corner of Red House Farm.
9. There is a first floor window at Red House Farm, directly above that on the ground floor nearest the appeal site. At this level, I consider that the effect of the proposal on outlook and daylight would be minimal.
10. The effect on sunlight is not part of the Council's reason for refusal. Nonetheless, the shadow diagrams submitted by the appellant show that the proposal would have very little effect on the amount of direct sunlight entering the windows of Red House Farm during the course of the day.
11. The original part of The Cottage abuts the southern edge of the main part of the garden of Red House Farm, and the extension would be very close to it. The existing house and the approved extension measure over 12 metres in width. The approved extension adds to the enclosing effect of the existing house. It would increase midday overshadowing, though the effect would be less in the summer months, when it is expected that the garden might be used more. I consider that the effect of the additional 1 metre at first floor level would not materially alter either the sense of enclosure along the south side of the garden, or the amount of shading of it. In these respects also, the proposal would not have a significant adverse effect.
12. The closeness of the proposal to the boundary with the adjoining property means that any additional windows above ground floor level (apart from the 2 roof lights currently proposed) on the north or east elevations could give rise to overlooking and loss of privacy. Also, any further extensions of these sides of the building could give rise to an unacceptable effect on outlook. As a result, I need to impose planning conditions to withdraw rights to permitted development in these respects, in the interests of the living conditions of the occupiers of the adjoining property.

13. Subject to these conditions, I conclude that the proposal would not materially harm the living conditions of the occupiers of the adjoining dwelling at Red House Farm. There would be no conflict with policy EN1 in the South Kesteven Core Strategy (2010). Among other things, this policy seeks to avoid problems of visual intrusion.
14. Two other conditions are needed if planning permission is to be given. Firstly, in the interests of a satisfactory appearance of the extension, it is necessary that the materials used should match those of the existing house. Secondly, otherwise than as set out in this decision and conditions, and for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans.
15. Subject to these conditions, I consider that the proposal would be acceptable. Planning permission can be given and I allow the appeal.

G Garnham

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: numbers 01, 02, 03 & 04.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or other openings (other than those expressly authorised by this permission) shall be constructed above ground floor level on the north or east elevations of the extension hereby permitted.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no enlargement or alteration of the extension hereby permitted shall take place on its north or east sides pursuant to Classes A, B or C of Part 1 of Schedule 2 of the Order.
- 5) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.



Appeal Decision

Site visit made on 13 August 2012

by **G M Garnham BA BPHIL MRTPI**

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

Decision date: 17 August 2012

Appeal Ref: APP/E2530/D/12/2178491

39 Minerva Close, Ancaster, Grantham, Lincolnshire, NG32 3LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Payne against the decision of South Kesteven District Council.
 - The application Ref S12/1030/HSW was refused by notice dated 31 May 2012.
 - The development proposed is to reposition a 6ft high wooden fence alongside 39 Minerva Close, Ancaster.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is no description of the proposal on the planning application form. The description above is that found on the Council's decision notice, which has been used by the appellant in his grounds of appeal.

Main Issue

3. I consider that this is the effect of the proposal on character and appearance of the street scene.

Reasons

4. The appeal site occupies a corner plot towards the head of a cul-de-sac in a modern estate of about 50 two storey houses. The houses are built of brick in hues of yellow to red and have tiled roofs. The layout is tightly arranged. Houses lack front gardens of any size, but instead have a narrow strip between the front door and the edge of the highway. In some cases, such as the appeal site, similar strips of land run down the side of an enclosed curtilage. These areas are planted and landscaped in a variety of ways. These strips of green soften and add visual interest to a closely packed urban street scene that is otherwise dominated by the hard surfaces of the buildings and the blocks (or nearer the estate entrance, tarmac) that forms the footways and carriageway.
5. The appellant proposes to enclose the strip of land alongside his side gable wall and the high fence that encloses his back garden. At present the land is covered by shrub planting to about knee high. There is also a healthy looking but still quite young tree (which I understand would be retained). The land would be enclosed by a close boarded fence some 1.8 metres high that would

run along the back of the footway from the far end of the garden to the front face of the house.

6. I consider that this would detract from the street scene in two ways. Firstly, it would involve the loss of a strip of planting that has a pleasant greening effect within the street scene. Where the layout shows a few similar strips of open land that run alongside houses, they remain open, so far as I could see. Secondly, the replacement fence would abut the footway where I consider it would form an intrusive feature in the street scene. These impacts would be prominent, whether approaching the site from the main road or negotiating the T-junction outside the front of the house that forms the head of the cul-de-sac. The fitting of standard garden fencing panels between concrete posts is a treatment that might be acceptable between adjoining gardens. However, I consider that it would detract significantly from the existing coherently planned layout and choices of materials or planting.
7. The appellant says that he has been solely responsible for maintaining the shrubs. I do not dispute this, or that it may be troublesome for him at times. Nonetheless the open space he proposes to enclose is a planned and integral part of tightly drawn layout in which the limited open spaces play an important and intentional role. I consider that this inconvenience to the owner would not outweigh the harm to the public realm that would come from the removal of the planting and the erection of a high fence of an unsuitable design. The fact that visibility for vehicles leaving the adjoining driveway of no.37 could be ensured by a splay in the fence would also not overcome the inherent shortcomings of the proposal.
8. I conclude that the proposal would materially harm the character and appearance of the street scene. This would be contrary to the purposes of policy EN1 in the South Kesteven Core Strategy (2010). Among other things, this policy seeks to protect and enhance the character of the district with respect to such matters as local distinctiveness and sense of place. The proposal would also fall short of the high standards of design required by the National Planning Policy Framework.
9. Planning permission should therefore be withheld and I dismiss the appeal.

G Garnham

INSPECTOR