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## Appeal Decision

Site visit made on 20 August 2012

by **Jeremy Eagles DipTP DMS MRTPI**

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

Decision date: 24 September 2012

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**Appeal Ref: APP/E2530/A/12/2173125**

**Land south of Manor Farm, Main Street, Baston, Lincolnshire PE6 9PB**

- 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 David Gibbons against South Kesteven District Council.
  - The application Ref: S11/1796/FULL, is dated 26 July 2011.
  - The development proposed is a new dwelling.
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### Procedural matters

1. The proposed development affects the setting of the nearby listed buildings, The Barn and the adjoining dovecote. However, the proposal was not advertised at application stage in accordance with section 67 or section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Council's decision is invalid. I have therefore considered the appeal as though the local planning authority had failed to determine the application within the prescribed period. I have assumed that the reasons for refusal given in the decision notice are those which the Council would have adopted had it had the opportunity to do so.
2. The position of the proposed dwelling is shown in different positions on the submitted plans. However, it is common ground between the parties that its position shown on Drwg. No. 09/3630/01 Rev A is correct. I have determined the appeal on this basis.
3. After the site visit the Environment Agency submitted a revised statement which confirmed that it had reviewed the appellant's Flood Risk Assessment dated March 2012 and was prepared to withdraw its objection. The Council confirms that this means that reason for refusal No 2 has been overcome.

### Decision

4. The appeal is dismissed and planning permission for a new dwelling is refused.

### Main Issues

5. In view of the Council's withdrawal of reason for refusal No 2, relating to flood risk, the main issues in this case are whether the proposed development would:
  - (i) comply with national and local policies relating to sustainable development, and
  - (ii) adversely affect the setting of two Grade II listed buildings (LB).

Development & Growth

25 SEP 2012

## Reasons

6. The appeal site comprises an area of rough grass and recently planted trees on the shore of a large, restored, flooded gravel pit which is set in an extensive area of replanted and reclaimed former mineral workings. Active mineral extraction continues some distance away but the appeal site and its surroundings were restored and extensively landscaped between five and ten years ago. The land and water areas are used as a private nature conservation and amenity area in association with the nearby houses, Manor Farm and The Barn which are occupied by the appellant and members of his family. The proposed dwelling would be a sizable, largely single storey building of an attractive modern design, extending to over 37m in length and up to 6.3m in height, for which a range of energy efficient measures is proposed.

### *Sustainable development*

7. The site lies in a well landscaped area of land and water located to the east of the village. It is generally open in character and although not in agricultural use it lies well beyond the edge of the built-up area of Baston. The appellant argues that the site lies within a line drawn between the last property in the village on Main Street and the southern edge of the Aveland Way estate which he feels naturally encloses the south-east corner of the village. However, this line follows no natural features or boundaries but cuts arbitrarily across adjoining fields and the appellant's nature reserve, outside the developed area of the village. The site clearly lies in open countryside.
8. Policy SP1 of the *South Kesteven Core Strategy (CS)* sets out the Council's Spatial Strategy for the District and restricts development in the countryside to affordable housing, local services, replacement dwellings and the conversion of historic and vernacular buildings. This largely reflects guidance in paragraph 55 of the *National Planning Policy Statement* which advises that authorities should avoid new isolated houses in the countryside except in special circumstances, such as agricultural worker's dwellings, optimal use of heritage assets, re-use of redundant buildings or where the dwelling is of exceptional or innovative design. Although the appellant's Design and Access Statement refers to the modern, simple design of the dwelling it does not address the exceptional design requirements of the *Statement*. The appellant feels it is desirable to be within sight of the lake to observe and monitor it on a daily basis but the proposal would not fall within any of the specified exceptions to national or local rural housing policies.
9. The appellant argues that the site constitutes "brownfield" land. However, Annex 2 (Glossary) to the *Statement* excludes from the definition of previously developed land mineral extraction sites where provision for restoration has been made through development control procedures. The appeal site falls within this category and advice in paragraph 111 of the *Statement*, that planning decisions should encourage the effective re-use of previously developed land, does not apply in this case.
10. The approval of a scheme for 35 holiday lodges around a lake to the east is likely to have been considered under different, tourism and leisure, policies. Paragraph 28 of the *Statement* supports economic growth in rural areas, including the provision of tourist and visitor facilities in appropriate locations, and that decision does not provide a precedent for this residential proposal. The conversion of the nearby listed barn to a dwelling resulted in the re-use of

an existing redundant building and the preservation of a heritage asset, in accord with local and national policy. Similarly, the more recent approval of a household waste recycling centre at Baston Outgang Road is, as a local service facility, provided for in CS Policy SP1. Notwithstanding the energy efficiency measures proposed, the location of the new house would be such that its occupiers would be almost entirely reliant on the use of the private car to access most local services. I conclude on this issue that the proposal would not constitute sustainable development, in conflict with relevant national and local policies.

#### *Setting of Listed Buildings*

11. The appeal site is nearby to the recently converted barn and the adjoining dovecote and the Council is concerned that the proposed dwelling would cause harm to the setting of these listed buildings. CS Policy EN1 seeks to protect and enhance the character of the District by, amongst other things, requiring that development must be appropriate to the character and historic features of the landscape.
12. I saw that the proposed dwelling would be sited on the banks of the restored gravel pit in a landscape area dominated by the body of water and the maturing planting around its fringe. The appearance of this area is in contrast to the more open setting of the listed buildings which is marked by its flat topography and relative lack of natural features. Whatever the historic setting of the barn and dovecote was, before the gravel extraction process began, they have lost their agricultural context and use and their setting is now characterised by the newly created residential curtilage of the converted barn. This is relatively limited in area and does not include the appeal site. The additional landscaping carried out as part of the barn conversion will, when mature, further screen the listed buildings from the appeal site. I conclude, on this issue, that the proposed development would not have a significant adverse effect on the setting of two Grade II listed buildings, in accord with relevant development plan policy.
13. Although the Council has withdrawn its reason for refusal No. 2 and I have found that the development would not have a significant adverse effect on the setting of the nearby listed buildings this is insufficient to outweigh the harm arising from the unsustainable location of the proposal in open countryside. I have taken all other matters raised into account, including the views of the interested parties, and conclude that for the above reasons the appeal should be dismissed.

*Jeremy Eagles*

INSPECTOR



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# Appeal Decision

Site visit made on 13 August 2012

**by Graham M Garnham BA BPhil MRTPI**

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

Decision date: 14 September 2012

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## **Appeal Ref: APP/E2530/A/12/2172888**

### **Plot adjacent No 3 High Street, Pointon, Sleaford Lincolnshire, NG34 0LX**

- 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 W Addison against the decision of South Kesteven District Council.
  - The application Ref S11/1898/FULL, dated 4 August 2011, was refused by notice dated 6 December 2011.
  - The development proposed is resubmission of previously approved dwelling to cover the amendments made/proposed.
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## **Decision**

1. The appeal is dismissed.

## **Procedural Matter**

2. The appeal proposal is for amendments to a scheme that was given planning permission on appeal (APP/E2530/A/02/1094826, dated 20 December 2002). This scheme bore the application number S01/1047. The Inspector then concluded that that scheme would not materially harm the character or appearance of the surroundings.
3. Work started on the building in April 2003. It is now largely complete, albeit not in accordance in all respects with the approved plans. In addition, the appellant proposes to add 3 dormer windows to the main roof of the house, and a second floor window in the south gable end. The part retrospective nature of the proposal does not affect my consideration of its planning merits.

## **Main Issues**

4. I consider that these are the effects of the proposal on firstly, the character and appearance of the area; and secondly, the living conditions of the occupiers of nearby dwellings.

## **Reasons**

### ***First main issue – effect on character and appearance***

5. The appeal site is towards the southern end of a row of detached properties on the west side of High Street. From the north, these increase in height from a
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- bungalow, through a dormer bungalow to two 2-storey houses, the nearest of which to the appeal site (no.3) also has a dormer window above its attached garage. Properties on the other side of the road are also largely 2-storey detached houses. I went along several roads in the village and noted that the types of dwellings on High Street were typical of the village in general. I noticed no houses with 3 floors of accommodation. Several of the larger, more recent 2-storey houses had semi-dormers at the front, which have the appearance of reducing the overall scale and height of the buildings.
6. The appellant has described several changes as built compared to the approved plans. Some of these are minor elevational changes, such as the entrance porch, which have little impact on the overall character and appearance of the building. The main front elevation is 1.5 metres closer to the road. However, the house now lines up with those to the north and I consider that this change is not of itself harmful. Of more significance is the fact that the northern gable end now physically touches a lean-to side extension at no.3. This gives a cramped appearance to the development which is not compensated for by the southern end being further from the other side boundary of the site.
  7. Of greater significance still in my view are the increased heights of the roofs. The ridge over the main part of the house has been increased by 0.7 metres to 9.2 metres high. That over the garage has been increased by 0.75 metres to 7.35 metres. Although these differences do not sound great, careful comparison of the approved and proposed drawings indicates to me that the changes are significant. They materially increase the height and mass of the roof in relation to the rest of the building, and increase the bulk of the upper part of the building for its full (and increased) width. The height of the garage, a subordinate part of the overall building, is significantly higher than the 2 storey house next door. Combined with its juxtaposition with the common boundary, this adds to the cramped appearance of this side of the site.
  8. I find that other changes not noted by the appellant add to the overall perception that the house is an unduly large addition to the street scene. The pitch of the garage roof is now greater than that of the main house, which emphasises its increased height. In addition, the forward projecting bay feature at the other end of the building is shown to project forward materially more than on the approved ground floor drawing. This change draws attention to this feature which now has an ungainly asymmetrical face towards the road. These changes add to the "presence" and prominence of the house in the street scene.
  9. So far as character and appearance are concerned, the main proposed changes are the addition of 2 dormer windows on the front elevation and 1 at the rear. These would not be disproportionately large in relation to the main roof, and would be of the same design and size as that built over the garage. In themselves these would be relatively minor amendments. However, I consider that they would add noticeably to the mass and prominence of the roof, and serve further to emphasise the overall increase in scale and height that the amendments would achieve.
  10. Taking all the changes into consideration, it is evident to me that they amount to a considerable enlargement of what was already a large detached house, as originally approved. The building is wider, deeper and higher than that

approved and is intended to include an additional floor of accommodation. These changes may have little impact on a large and secluded plot. However, the appeal site is the main road through a village characterised by houses and bungalows of modest proportions, usually with clear physical spaces between buildings. In contrast, the appeal building is significantly larger in scale than its neighbours, more cramped on its plot and more prominent in the street scene. The proposed dormers would give added emphasis to the inappropriate size and overall adverse effect. I consider that the harm arising from these changes would not be outweighed by the good standard of the workmanship or the suitability and quality of the materials.

11. I conclude that the proposal would materially harm the character and appearance of the area. This would be contrary to the purposes of policy EN1 in the South Kesteven Core Strategy (2010), which says that development should be appropriate to and protect or enhance the character of the district. In particular I find that the proposal falls short with respect to local distinctiveness and sense of place, the layout and scale of buildings and the quality and character of the built fabric and their settings. The proposal would also fall short with respect to the high standards of design sought by the National Planning Policy Framework. This also says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

***Second main issue – effect on living conditions***

12. Objections have also been made in relation to loss of privacy and an overbearing effect on the occupiers of dwellings opposite and adjoining the appeal site. Nos 8 & 6 are detached houses on the opposite side of High Street. They have living room and main bedroom windows that face the road. The 2 front dormers would add to the opportunity to look towards these houses from a higher level. Nonetheless, I estimate that even with its re-siting forward, the appeal house is about 30 metres away from the houses opposite. This kind of separation distance is usually regarded as adequate in terms of avoiding undue loss of privacy. The dormers would add to the perception of additional overlooking, although at the further distance away they would be, I consider that little material additional loss of privacy would arise. I consider that the effect on living conditions on the far side of High Street would not warrant the withholding of planning permission.
13. The properties at the rear of the site, in St Gilbert's Close, are bungalows. The appeal house appears large when viewed from the rear of these bungalows, especially no.12 immediately to the rear. The extra height of the building adds to this effect, as would the additional dormer (although overlooking could be prevented by the use of obscure glazing for what would be a shower room). At first floor level, the windows are as already approved, and that elevation is slightly further from the bungalows than originally approved. The wall to wall separation distance is again about 30 metres. While the changes would add to the harm as perceived by the neighbour, I consider that the main effect arises from the house as originally approved which, presumably, was considered acceptable at that time.
14. I consider that the additional second floor window in the south gable end would enable overlooking into the garden and windows at no.1 to the south, causing

loss of privacy. This effect could be overcome by imposing a condition to the effect that this window to a proposed store should have obscure glazing.

15. The widened garage now abuts the side extension at no.3 and has blocked off light to a window that was on the boundary. I consider that these changes relate more to boundary and other private issues between the parties, and do not add significant harm with respect to material planning considerations.
16. Overall, I conclude that the changes involved in the proposal would not add materially to any harm to living conditions to the extent that planning permission should be withheld for this reason. Nonetheless some adverse impacts are perceived by local residents, arising from the increased size of the building (including the dormers).

***Overall conclusion***

17. Overall I find there would be a significant adverse effect with respect to the first main issue. The harm to neighbours' living conditions, whilst not in itself warranting the refusal of planning permission, arises from the same changes that give rise to harm to character and appearance and therefore adds some weight to it.
18. I conclude therefore that planning permission should be withheld and I dismiss the appeal.

*G Garnham*

INSPECTOR



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## Appeal Decision

Site visit made on 6 September 2012

**by David Kaiserman BA DipTP MRTPI**

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

Decision date: 24 September 2012

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### Appeal Ref: APP/E2530/A/12/2172808

### County Car Auctions, East Gate, Bourne PE10 9JY

- 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 J Smith against the decision of South Kesteven District Council.
  - The application Ref S11/2438/FULL, dated 4 October 2011, was refused by notice dated 29 November 2011.
  - The development proposed is the change of use of store-room to food retail (Class A1).
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of store-room to food retail (Class A1) at County Car Auctions, Eastgate, Bourne PE10 9JY, in accordance with the terms of the application, Ref S11/2438/FULL, dated 4 October 2011, subject to the following 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 approved plans referenced CCA: 0001 – 0007 (all endorsed revision 01).
3. The shop hereby permitted shall not be open to customers outside the following times:
  - 08.00 to 18.00 on Mondays to Saturdays
  - 08.00 to 12.00 on Sundays and Bank Holidays.

### Main Issue

2. The main issue in this case is the effect of the proposal on policies designed to protect the retail function of Bourne town centre.

### Reasons

3. The appeal premises occupy 77 sq m of the ground floor of a two-storey workshop-type of building of utilitarian design, part of a larger complex of premises in a range of uses, including car sales and servicing. The building adjoins Cherry Holt Road, which appeared to me on my visit to be a busy all-purpose route serving as a southern and eastern ring road for the market town of Bourne. In the vicinity of the appeal site, the road contains a mixture of residential and

commercial uses. I estimated that the appeal property lies about 1km from the middle of the town centre.

4. It is proposed to change the use of this small area from its existing use as a store-room (*sui generis*) to a shop. The appellant states that her specific intention is to serve the needs of the local Polish community, adding that around three-quarters of the workers at two large factories in the area are from eastern Europe, that they do not have cars, and that the nearest Polish shops are in Spalding and Peterborough, 12 and 18 miles away respectively. She does not dispute the fact that the premises lie outside the town centre.

5. Policy E2 of the Core Strategy seeks to support the District's town centres by adopting a sequential approach to the selection of sites for retail uses. The Council say that this has not been properly followed in this case, and that without any reasoned justification, permission for an out-of-centre shopping use should not be granted. They also say that the land is within an employment development area where retail uses would again generally be resisted.

6. I agree that these broad strategic policies are important, and that they are supported by elements of the National Planning Policy Framework. However, in my opinion, significant weight should also be given to the appellant's assessment of the community benefit of her proposal, which (as with her assertion that it would be difficult for her to find a suitable and affordable site within the town centre) is not commented on by the Council. In my view, these factors, together with the very small scale of the proposal, suggest that the appeal could be allowed without any measurable effect on the health of Bourne as a main centre. I also take into account the fact that Bourne Town Council have lent their support to the scheme.

7. There being no other material considerations, I have decided to allow the appeal, subject to standard conditions. I do so having also taken into account the concerns raised by Mr Boyfield, who lives close to the site, some of which are supported by another neighbour. He objects to the proposal mainly on traffic grounds and because he complains of noise and disturbance over the years arising from other activities on and adjacent to the site. I have noted that the highway authority raise no concern on the first point; on the second, the stated intention is to open during normal trading hours six days a week and close at noon on Sundays. This would prevent any disturbance from the use at unsocial times and I have imposed the restriction as a third condition.

*David Kaiserman*

INSPECTOR



# Appeal Decision

20 SEP 2012

Site visit made on 20 August 2012

Admin Team

by **Jeremy Eagles DipTP DMS MRTPI**

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

Decision date: 19 September 2012

**Appeal Ref: APP/E2530/A/12/2172614**

**26 Roman Bank, Stamford, Lincolnshire PE9 2SS**

- 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 J Galilee against the decision of South Kesteven District Council.
- The application Ref: S12/0095/FULL, dated 11 January 2012, was refused by notice dated 7 March 2012.
- The development proposed is the erection of dwelling.

## Decision

1. The appeal is allowed and planning permission is granted for the erection of dwelling at 26 Roman Bank, Stamford, Lincolnshire in accordance with the terms of the application, Ref: S12/0095/FULL, dated 11 January 2012, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) No development shall take place until full details of the landscaping of the site, the means of enclosure, the methods to be employed in the protection of any trees to be retained on or near the site during construction and all hard surfacing, have been submitted to and approved in writing by the local planning authority. The approved tree protection scheme shall be carried out prior to the commencement of any other works or site preparation and retained throughout the construction phase. The hard surfaced areas and means of enclosure as may be approved shall be completed prior to the first occupation of the dwelling hereby approved and retained thereafter. The soft landscaping works shall be carried out before the end of the first planting season following the completion of the development. For a period of five years following the completion of the works any plant damaged, dying or removed shall be replaced with one of a similar type and size during the next planting season.
  - 4) The dwelling hereby approved shall not be occupied until the means of vehicular access and the turning and parking area for both the approved dwelling and No 26 Roman Bank have been constructed in accordance

with the approved plans and made available for use. These areas shall thereafter be so retained.

- 5) The development hereby approved shall be carried out in accordance with the submitted plans No'd: ST-105/100 Rev A and ST-105/101 Rev B.

### **Main Issues**

2. The main issues in this case are the effect of the proposed development on:
  - (i) the character and appearance of the appeal site and its surroundings, and
  - (ii) the living conditions of the occupiers of the proposed and adjoining dwellings, including No 26 Roman Bank, having regard to overlooking, adequacy of amenity space and noise and disturbance.

### **Reasons**

#### *Character and appearance*

3. The appeal site comprises the well planted, long front garden of a detached two storey house set a significant distance back from Roman Bank. The unusual siting of the present property is in contrast to the characteristic form of frontage development in the surrounding residential area where detached and semi-detached dwellings run in fairly uniform rows, parallel and closer to the highway. Policy SP1 of the *South Kesteven Core Strategy* sets out the Council's Spatial Strategy and gives priority to development on sustainable sites within the built-up part of towns, such as Stamford, where this would not compromise the nature and character of the town. Policy EN1 states that development must be appropriate to the character and features of the landscape and contribute to its conservation, enhancement or restoration.
4. The proposal includes the erection of a four bedroom, brick and tile, detached house in the front garden of the present property. The front wall of the dwelling would be in line with the adjacent property, 28 Roman Bank, although a little further forward than the house on the other side, No 24. The size of the gaps separating the proposed building from the dwelling on each side would be similar to others in the area and although the plot width would be a little less than typically found locally this would not be so noticeable as to create a discordant feature in the street scene. The overall depth of plots in the area varies considerably, with those on either side of the site being amongst the longest. However, plot depth and rear garden length of the proposal is consistent with other local properties, especially those in *The Hermitage* and *Queen's Walk*. The design, scale and siting of the development is in keeping with its context and the size of the new house would be in proportion to the area of its plot.
5. Whilst the appeal site forms part of a well planted front garden, it is not particularly prominent in the street scene, being screened on either side by the adjoining properties. Like all the other front gardens in the locality it is part of the landscaping of this built-up area rather than an important open space, such as allotments or public open space, which Policy EN1(14) seeks to protect. However, where existing planting can be retained it should be protected during construction and a condition requiring a scheme of tree protection is necessary. The new dwelling would result in No 26 becoming a backland plot but the unusual siting of the existing house, which is clearly untypical of the form of development in the area, has existed since it was built and the appeal proposal would not affect that situation. The proposal would not have a cramped

appearance and would have a neutral effect on the character of the locality thereby contributing to the conservation of the suburban landscape. I conclude on this issue that the proposed development would not have a significant adverse effect on the character and appearance of the area in accord with relevant development plan policies.

*Living conditions*

6. The principle rear windows of the proposed house would face the front windows of No 26 at a distance of approximately 23 m and this would be a sufficient separation distance to ensure that there would be little loss of mutual privacy between the properties. I accept that there will be a degree of mutual overlooking of private gardens between No 26, the proposed house and No 24, but not to an extent that would be unusual or unexpected in a built-up area. Similarly there would be a limited loss of sunlight in part of the rear garden of No 24, but this would not have a significant effect on the occupiers' enjoyment of their garden as a whole.
7. Policy EN1(11) advises that development proposals should be assessed in relation to, amongst other things, noise and light pollution. The erection of the new house would require the relocation of the driveway to No 26 to the south eastern edge of the site where it would pass close to the side elevation of the proposed dwelling. The Council is concerned that vehicles passing along the drive would intrude on the amenities of the future occupiers. However, there would be no principle windows to habitable rooms on this elevation and the provision of a substantial fence or wall between the drive and the rear garden of the proposal would be sufficient to screen much of the vehicle noise and light likely to be created. A condition requiring the approval of details of the means of enclosure is necessary. I accept that the construction process may at times be a source of disturbance to immediate neighbours but this would, by its nature, only be temporary. I conclude on this issue that the proposed development would not have a significant adverse effect on the living conditions of the occupiers of the proposed and adjoining dwellings, in accord with relevant development plan policy.
8. I have considered the conditions suggested by the Council and although No 2 appears to mistakenly assume that this is an outline proposal I agree that details of the external materials, landscaping and means of enclosure are necessary in the interest of amenity. I accept that the provision of the access facilities is necessary in the interests of highway safety and that a condition specifying the approved plans is required for the avoidance of doubt. However, the layout, scale and appearance of the development are already included in the submitted drawings and no further condition relating to these matters is necessary. Insufficient evidence has been submitted to justify a condition requiring the approval of surface water drainage details by the planning authority and this matter can be dealt with under the Building Regulations.
9. I have taken all the other matters raised, including the views of local residents, into consideration and conclude that for the above reasons the appeal should be allowed.

*Jeremy Eagles*

INSPECTOR



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# 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**

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**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/HSB 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/HSB, 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/HSB). 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.



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# Appeal Decision

Site visit made on 10 September 2012

by **J L Cheesley BA(Hons) DIPTP MRTPI**

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

Decision date: 13 September 2012

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**Appeal Ref: APP/E2530/D/12/2180682**

**The Barn, 21 High Street, Carlby, Stamford, Lincolnshire PE9 4LX**

- 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 Jonathon Harvey against the decision of South Kesteven District Council.
  - The application Ref S12/0494/HSW was refused by notice dated 17 May 2012.
  - The development proposed is an erection of a detached garage and annexe.
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## Decision

1. The appeal is dismissed.

## Main issue

2. I consider the main issue to be the effect of the proposal on the character of the surrounding area.

## Reasons

3. The proposed garage building would be situated to the side of a barn currently being converted to a dwelling. The site is situated within the village where there is a variety of design, size and style of dwelling. There are a number of outbuildings in the area, particularly to the side of the appeal site. Many of these outbuildings are characteristically of traditional design and are distinctively single-storey. Whilst it does appear that some outbuildings have been converted to extensions to dwellings, the overriding character is one of dwellings with single storey outbuildings.
4. The proposed garage building would be around 6 metres to the ridge height and would be situated close to the site boundary adjacent to a row of various single-storey outbuildings. From my observations, due to the height of the proposed building, I consider that it would appear as an incongruous addition not in keeping with the characteristic scale of outbuildings in the area. I appreciate that the barn currently under conversion was previously an outbuilding. The proposed garage building would be neither of that scale nor of the scale of neighbouring outbuildings and as such would appear at odds with the character of the area.
5. For the above reasons and having taken into consideration all other matters raised upon which I have not specifically commented, I conclude that the proposal would have an adverse effect on the character of the surrounding area. This would be contrary to Policy EN1 in the South Kesteven Core Strategy 2010 where this policy seeks to protect and enhance local character.

*J Cheesley* INSPECTOR



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# Appeal Decision

Site visit made on 6 September 2012

by **David Kaiserman BA DipTP MRTPI**

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

Decision date: 12 September 2012

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**Appeal Ref: APP/E2530/D/12/2178461**  
**10 The Pollards, Bourne PE10 0QB**

- 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 Dr M Kebbeh against the decision of South Kesteven District Council.
  - The application Ref S12/0496/HSB was refused by notice dated 8 May 2012.
  - The development proposed is the erection of a fence and gate to the front garden.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The fencing was in place at the time of my visit, although it is possible that elements of it were in a slightly different position from the details shown on the submitted plan. The appeal is therefore against the refusal of the Council to permit its retention.

## Main Issue

3. The main issue is the effect of the fencing on the street-scene.

## Reasons

4. The Pollards is a main access route within an extensive area of new residential development south of Bourne town centre. In the vicinity of the appeal site, it is wide, straight and somewhat formal in its appearance, something which is clearly a deliberate component of the original design concept for the estate. For most of its length, it is bounded by two or three-storey brick terraces set well back from the carriageway edge by wide footpaths and grass verges.
5. No 10 is anomalous in that it is set further back from the road and aligns with a landscaped former ditch running at an angle to it. This has resulted in the creation of an irregularly shaped garden, and it is to this area of private open space which the appeal scheme relates. It consists of a 1.8m high close-boarded fence running for around 20m at the back of pavement, and including a complicated articulated element, much of which is visible from the road, on the eastern boundary.
6. In my opinion, the fence is a harsh and incongruous feature in the street-scene which ignores completely the coherent palette of materials and colours which prevails throughout the development. The characteristic open-plan approach to

the public-private realm is also severely compromised by the fence. Painting it might result in some visual mitigation, but in my view this would not be sufficient to remove the harm. I am satisfied that the development conflicts with Core Strategy policy EN1.

7. I have some sympathy with the fact that the appellant has in the past had problems of anti-social behaviour from people trespassing across the land, and that he has had advice from the local police force about the best way to protect his property. I am not, however, convinced that the only way this could reasonably be done is to erect a solid fence of the design and in the position implemented. I have also taken into account the fact that a 2m high barrier could be erected under permitted development rights if it were set back from the highway; but neither this nor any of the other points put to me alters my conclusion, which is that the appeal should be dismissed.

*David Kaiserman*

INSPECTOR



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# Appeal Decision

Site visit made on 7 September 2012

**by David Kaiserman BA DipTP MRTPI**

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

**Decision date: 12 September 2012**

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**Appeal Ref: APP/E2530/D/12/2178402**

**The Hawthorns, Kings Road, Stamford PE9 1HD**

- 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 and Mrs P Sullivan against the decision of South Kesteven District Council.
  - The application Ref S12/0715/HSH was refused by notice dated 15 May 2012.
  - The development proposed is the erection of an extension and new screen planting.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of an extension and new screen planting at The Hawthorns, Kings Road, Stamford PE9 1HD, in accordance with the terms of the application, ref: S12/0715/HSH, subject to the following 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 approved plans referenced 2012/21: 1, 2, 3a, 4, 5, 6, 7, 8a, 9a, 10a, 11 and 12a.
  3. Before the development commences, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
  4. The new screen tree planting shown on the approved plans shall be undertaken in the first planting season following the completion of the extension hereby approved. Any tree(s) which, within a period of five years after the implementation of the planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season or within 12 months, whichever is the sooner, with others of a similar size and species, unless the Local Planning Authority gives its written approval to any variation.

## Main issue

2. The main issue is the effect of the proposal on the street-scene, and taking into account the location of the site adjacent to the Northfields Conservation Area.

## Reasons

3. The appeal property is a relatively modern dormer bungalow standing on a small, but prominent corner plot within an established residential area north of Stamford town centre. The corner is demarcated by a mature hawthorn hedge, but the steeply pitched roof-lines and characterful dormers are such that the upper elements of the building are easily seen within the street-scene from a wide range of public vantage-points. Despite the fact that it is of an obviously different design to the period dwellings (and in particular the Victorian development within the Northfields Conservation Area which lies across Kings Road to the east), the building is of a high quality and makes a positive contribution to the overall character of the area.
4. The proposal involves the construction of a 4.5 by 4m single storey extension, described as a garden room or orangery, which would be placed (in part) within the recess formed by the main dwelling and its lower southern projection. It would align with the southern elevation, but project by 2m beyond the longer eastern elevation, reaching to within 2.7-3.3m of the eastern plot boundary along Kings Road. Its parapet, at 2.8m high, would project slightly above the existing prominent eaves line, and a further projection above this would take the form of a glazed lantern roof. The brickwork is intended to match that of the host dwelling. The Council's criticism of the scheme rests on the view that the architectural integrity of the building is such that its extension in the location proposed is unacceptable in principle and that it would fail to respect the building's form and detailing.
6. I have some sympathy with this assessment. However, there is a considerable variety of architectural styles evident in the immediate locality and this, together with the slightly irregular nature of the building-lines close to the road junction, would allow some projection to the east to be absorbed into the wider street pattern. Perhaps more significantly, I consider the Council underestimate the ability of the landscaped screening, especially as the appellants intend to augment it, to soften the visual impact of the proposed addition. This is especially the case in views from the south, as the land drops away in that direction towards the town centre, and on the footpaths immediately adjacent to the plot itself.
7. Overall, while I accept that the upper section of the extension would be visible and would introduce a small discontinuity in the "pure" lines of the existing elevations, I have concluded that any resulting harm would be insufficient to warrant a refusal of planning permission on those grounds. The Council have not provided any evidence for their wider concern about the impact on the setting of the Conservation Area, and none was apparent to me on my visit.
8. In my opinion, therefore, the scheme does not materially conflict with Core Strategy policy EN1, and subject to the imposition of conditions which would allow the Council to approve samples of the materials and to ensure the satisfactory completion of the planting scheme, I have decided that the appeal should be allowed.

*David Kaiserman*

INSPECTOR