

## RECENT APPEAL DECISIONS TO 21 JANUARY 2013

**Application Ref:** S11/1890/FULL ADH  
**Planning Inspectorate No:** APP/E2530/A/12/2176367

Appeal Type: **Written Evidence**

Appellant:	Larkfleet Homes
Proposal:	Erection of 4 No dwellings and replacement garage to Tricklebank
Site:	Land at Tricklebank, Uffington Road, Stamford

Appeal Decision – Date:	Appeal Allowed – 11 December 2012
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### SUMMARY

This application was determined under delegated powers and related to the proposed erection of 4 No. dwellings on a rear garden area site along with the provision of a detached double garage to the existing dwelling at Tricklebank; a large detached property situated on Uffington Road at the eastern entry into Stamford. The application was refused on the grounds that the proposed scheme in terms of its backland form of development would not be well integrated with the existing prevailing pattern of low density frontage development in the area and would represent an unacceptable form of 'garden grabbing' that would compromise the character of the locality.

In allowing the appeal the Inspector, commented that the insertion of four dwellings to the rear of Tricklebank could appear as an anomaly (at least in plan form) in the light of the fact that the present area around the appeal site is characterised by low density development. The Inspector did not, however, consider that this in itself was evidence of harm. Rather, given that the site was well screened from the streetscape the Inspector concluded that it would be difficult to envisage any perceptible impact on the character and appearance of the area, or identify any conflict with development plan policies.

**Application Ref:** S11/2807/FULL RV  
**Planning Inspectorate No:** APP/E2530/A/12//2178836/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr R Cooke
Proposal:	Construction of pair of two storey semi-detached cottages
Site:	Adj 47, High Street, Market Deeping, PE6 8ED

Appeal Decision – Date:	Appeal dismissed - 16 January 2013
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### SUMMARY

An application was submitted for the construction of a pair of semi-detached cottages.

The proposed site area was deemed to have limited for new dwellings leaving little or no amenity space. The overall affect would be one of overdevelopment with loss of privacy to the private amenity space of 47 and 49 High Street and limited and unacceptable amenity space to the proposed dwellings. The development of the site would also have an impact on the visual appearance of the area to the detriment of the overall character by virtue of the creation of a cramped appearance in an area of predominantly spacious plots. It was also considered the likely increase of on-street parking will create an interference with the safety and free flow of traffic on the High Street. The permitting of this proposal would make it difficult to resist further applications of a similar nature with attendant on-street parking effects.

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The Inspector, whilst indicating that she did not think the proposal would have a major impact on the amenity and privacy of the surrounding dwellings did feel that the proposal would have an impact on the character of the area. She also felt that the proposal was overdevelopment of a small site giving a cramped appearance incongruous in this area. She agreed with the reason regarding traffic safety and on street parking and concluded that the proposals would be contrary to NPPF Paragraph 17 regarding design, NPPF Section 4 Paragraph 32 and South Kesteven Core Strategy Policies SP1 and EN1.

No application for costs was made by either party.

**Application Ref: S12/0050/FULL PWM**  
**Planning Inspectorate No: APP/E2530/A/12/2177951**

Appeal Type: **Written Evidence**

Appellant:	Mr S Ballaam, Oak Valley Developments
Proposal:	Erection of three dwellings
Site:	The Paddock, 6, School Lane, Claypole, Newark, NG23 5BQ

Appeal Decision – Date:	Appeal dismissed - 20 December 2012
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**SUMMARY**

This application was recommended for refusal by officers and subsequently refused by committee on 03 May 2012. It was refused on the grounds that the provision of a further dwelling on a plot that already had an extant permission for 2 dwellings was fundamentally contrary to the spatial policies of the South Kesteven Core Strategy. It was considered that as Claypole was not designated as a Local Service Centre in the Core Strategy that the development did not fall under any of the categories of dwelling allowed under policies SP1 and H1.

The appellant had argued that Claypole is a sustainable location and because the Development Control Committee had previously ignored officers' advice and approved a number of dwellings in Claypole, contrary to the development plan, that this had set a precedent and justified approval of further dwellings. However the inspector disagreed with this argument, acknowledging that whilst Claypole did have a moderate level of services, it did not have sufficient attributes to be considered sustainable in the context of the district as a whole. She also considered that previous decisions by the Committee to allow development in Claypole contrary to the Council's own policy did not oblige her to do the same. She stated that

“further acceptance of development which goes against the adopted spatial strategy would only serve to further undermine the adopted policy and to do so would further undermine the adopted development plan. As such this is not a matter of sufficient weight for me to set aside the planning policy considerations set out in the adopted development plan”

She also considered that the development would undermine the setting of the adjacent listed building. This had not been given as a reason for refusal by the Council. The appeal was **dismissed**.

No application for costs was made by either party.

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**Application Ref:** S12/1436/OUT LDPP  
**Planning Inspectorate No:** APP/E2530/A/12/2183778/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr Julian Dodd
Proposal:	Demolition of existing dwelling and erection of 3 no. dwellings
Site:	Land adjacent The Laurels, Bottom Street, Allington, Grantham, NG32 2DT

Appeal Decision – Date:	Appeal dismissed - 11 January 2013
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**SUMMARY**

The main issue of the appeal was considered to be whether the proposal would constitute sustainable development in this rural location.

The village of Allington lies within a category where development is restricted and new developments are only acceptable if they satisfy a list of criteria this includes replacement of buildings on a like for like basis, it was the inspectors opinion that the hierarchy including LSCs is in accordance with the Governments approach to sustainable development in rural areas in paragraph 55 in the National Planning Policy Framework.

The inspector noted the level of local facilities and felt the level of provision is not sufficient for the reasonable everyday needs of future occupiers of the proposed dwelling thus being reliant on the use of motor vehicles and as such, this is not a sustainable location. There was not considered to be physical constraints on the site and the appeal site is of a suitable size to accommodate three dwellings however the proposal would not constitute sustainable development in this rural location. The proposal has been determined on its individual merits, whatever the circumstances of other examples, it was considered that the proposed development would not constitute sustainable development and would thus be contrary to Core Strategy Policy SP1.

**Application Ref:** S12/1521/OUT SB  
**Planning Inspectorate No:** APP/E2530/A/12/2182164/NWF

Appeal Type: **Written Evidence**

Appellant:	Miss H Smitheringale
Proposal:	Erection of one 2 storey dwelling
Site:	Adj. 2, Limetree Avenue, Towngate West, Market Deeping, PE6 8DQ

Appeal Decision – Date:	Appeal dismissed - 08 January 2013
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**SUMMARY**

An outline application was submitted for the erection of one 2 storey dwelling within the rear garden of 2 Limetree Avenue, Market Deeping.

The Inspector found that the application was sustainably located development, being located in the built-up area of the town. The new dwelling was not considered to result in loss of outlook or appear overbearing or dominant to neighbouring occupiers thus it would not be unacceptable in terms of its impact on the living conditions of neighbouring occupiers.

The Highway Authority had been concerned that the application would not provide satisfactory visibility or car parking, however, the Inspector found that in the context of limited traffic movement associated with the small cul-de-sac estate and adjoining garages and taking into account the visibility available she found the absence of turning facilities unlikely to be detrimental to highway safety and that a satisfactory amount of car parking could be achieved on the site.

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In dismissing the appeal, the Inspector concluded that the proposed new dwelling would be much closer to the road than other dwellings on the estate and, coupled with its height and scale, would result in an incongruous and obtrusive development that would appear cramped and at odds with the existing character and appearance of Lime Tree Avenue. The proposal would not be in accordance with Core Strategy policies SP1 and EN1. As the Site Allocations and Policies DPD has not been adopted, she gave it limited weight, but agreed that it would not meet the criteria of policy SAP H1. It would also fail to meet the aim of paragraph 17 of the NPPF to achieve a high quality design for new development.