



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: 11 December 2012

Appeal Ref: APP/E2530/A/12/2176367

Tricklebank, Uffington Road, Stamford PE9 3AA

- 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 A Lea (Larkfleet Homes) against the decision of South Kesteven District Council.
 - The application Ref S11/1890/FULL, dated 5 August 2011, was refused by notice dated 8 December 2011.
 - The development proposed is the erection of four detached dwellings and associated garages, and a new detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of four detached dwellings and associated garages, and a new detached garage, at Tricklebank, Uffington Road, Stamford PE9 3AA, in accordance with the terms of the application, Ref S11/1890/FULL, dated 5 August 2011, subject to the conditions set out in the Schedule below.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

3. "Tricklebank" is a large detached house on the eastern outskirts of Stamford. It stands in a substantial plot fronting Uffington Road (A1175) which sits between allotment gardens and another similar-sized house, with a garage and a recreation use opposite. The River Gwash forms the northern boundary of the site. The scheme involves the erection of four detached houses within part of the existing rear and side garden of the property, with access taken direct from Uffington Road following the demolition of an existing garage block.

4. Despite its somewhat peripheral location, the Council accept that the site is a sustainable one in strategic planning terms. They have no technical objections in relation to such matters as access, residential amenity, layout and overall design. Their concern is that the scheme would constitute "backland" development which would not integrate well with the pattern of built form in the surrounding area. They also say that it would involve an unacceptable form of "garden-grabbing".

The Council's conclusion is that the scheme would conflict with policies SP1 and EN1 of the adopted Core Strategy. I am not convinced by their arguments.

5. Policy SP1 does not rule out small-scale development on the edge of Stamford. More detailed guidance is found in the latest version of the Site Allocations and Policies Development Plan Document (June 2012), to which significant weight can be given. Policy SAP H1 of this would permit the development of small infill sites (up to 10 houses) lying within the built-up area of the town so long as certain criteria are met; the only one of these in dispute is the third, which seeks to protect the character of the area. Since the Council do not suggest that the site lies outside the built-up area of Stamford for these purposes, this is the only matter on which it is necessary for me to come to a view. The fact that the site would no longer be considered "previously-developed" land (*Planning Policy Statement 3* having been withdrawn) seems to me irrelevant to the appeal, as is the vague term "garden-grabbing".

6. The Council do not appear to have any policies against "backland" development as a matter of principle – indeed, their statement of case says that proposals involving gardens should be assessed on their individual merits, a view with which I agree. I accept that the area immediately around the appeal site is characterised by low-density development, and that the insertion of four houses to the rear of Tricklebank could appear as an anomaly (at least on plan); but that is not, of itself, evidence of harm. This is because the appeal site is entirely hidden from public vantage points. It would be opened up to some extent by the demolition of the garage to provide for the extension of the existing access (a replacement garage being built in the south-west corner of the site), but the substantial landscaped screen to the front of the site would remain in place. The existing mature boundary features to the east, north and west of the plot would also be unaffected.

7. In these circumstances, it is difficult to envisage any perceptible impact on the character and appearance of the area, or to identify any conflict with development plan policies. There being no other material considerations, I have therefore decided to allow the appeal. I should add that, while there is some disagreement between the parties as to the housing land supply position (a matter raised in the light of the requirements set out in paragraph 53 of the National Planning Policy Framework), given my assessment of the local policy context, the issue is of only limited relevance to the appeal.

8. In the event of my allowing the appeal, the Council have asked for a number of conditions to be imposed. These deal with the need for the submission of details of drainage and landscaping (including boundary treatment) works; the timing of access and parking provision; and the need for appropriate obscure glazing. They also include a condition tying the permission to the approved plans. These are all reasonable and relevant requirements, and I have imposed them all. A further condition relates to action in the event of the discovery of contamination on the land: while I have been given no reason to believe there is a risk of any contamination, the wording of the condition is not onerous, and a precautionary approach can be justified.

David Kaiserman

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. No development shall be commenced on the site until a scheme for the provision of surface and foul water drainage works, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and the approved programme.
3. No development shall be commenced on the site until details of the proposed boundary treatments, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and the approved programme.
4. No development shall be commenced on the site until details of hard and soft landscape works, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and the approved programme. Any trees that die, are removed or become seriously damaged or diseased within a period of five years from the date of the completion of the scheme shall be replaced in the next available planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
5. No development shall be commenced on the site until a tree protection plan and method statement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
6. If, during the course of the development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy has been submitted to, and approved in writing by, the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, together with a programme of implementation. Any agreed remediation strategy shall be implemented in accordance with the approved details and the approved programme.
7. Before any dwelling hereby permitted is first occupied, the access from Uffington Road, the private drive and the turning space shall be completed in accordance with the details shown on Drawing No. SK01 Rev B and thereafter retained available for use at all times.
8. The proposed first floor window units to the eastern side elevation of the dwelling on Plot 2 shall be installed with obscure glazing to level 3. The obscure glazed window units once installed shall thereafter be permanently retained as such.

9. The development hereby permitted shall be carried out in accordance with the approved plans referenced :

- SK01 Rev B
- Bungalow Plot 1 Rev A
- SK02 (dated 31/09/11)
- 2507-01
- 2507-02
- 2410-01
- SG203-001
- 2864-01



Appeal Decision

Site visit made on 3 December 2012

by **Anne Napier-Derere BA(Hons) MRTPI AIEMA**

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

Decision date: 16 January 2013

Appeal Ref: APP/E2530/A/12/2178836

Land adj. to 47 High Street, Market Deeping, Peterborough PE6 8ED

- 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 Cooke against the decision of South Kesteven District Council.
 - The application Ref S11/2807/FULL, dated 8 November 2011, was refused by notice dated 4 January 2012.
 - The development proposed is two 2-storey semi-detached cottages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council failed to attend the site visit that took place. I visited the neighbouring property accompanied by the appellant's agent and the neighbour and carried out the remainder of the visit on an unaccompanied basis. I am satisfied that I was able to see everything necessary in order to determine this appeal.
3. Amended plans Ref 2030-01A, -02A and -03A were submitted with the appeal. Compared to the earlier ones that formed the basis of the determination of the application by the Council, these plans show the deletion of one rear dormer from each of the proposed dwellings and the proposed use of stone to the exterior walls of the properties. Due to the nature and extent of changes involved, I consider that no interests will be prejudiced by my determining the appeal on the basis of these amended plans.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area, including the setting of the Market Deeping Conservation Area;
 - Whether the proposal would provide for adequate vehicular access and parking; and
 - Whether the proposal would provide for acceptable living conditions for existing and future occupiers, with regard to amenity space and privacy.

Reasons

Character and appearance

5. There is a mix of ages and design of dwellings within the locality and a varied, informal, pattern of development. Elsewhere, examples exist of older properties located adjacent to access drives and with small gardens to the rear. However, around the appeal site, dwellings front onto the main road, many with garden areas to the rear, whilst others are set-back from the road with sizeable garden space about them. From the site, the front elevation of No 47 High Street is clearly visible, but views of other surrounding buildings tend to be of their rear or sides. Gardens with boundary enclosures back onto and are opposite the site and the access also serves a number of individual parking areas and garages. Although, there are some pleasant features that soften its appearance, the character of the immediate backland setting of the site is largely functional and service-related.
6. The appeal site is currently vacant, set back from the High Street and previously formed part of a larger garden area for a neighbouring dwelling. Longer views of the site are restricted to oblique views along the access drive. The proposal would therefore be viewed in the context of its immediate setting. Although the buildings have been designed to complement their surroundings and the variety of designs existing locally, they would be sited within relatively modest plots, fronting onto the access drive and with only limited space about them. This would be in contrast to the prevailing pattern of development around the site and, consequently, I consider that it would result in a form of development that would appear cramped and would be incongruous in its immediate functional backland setting, particularly as appreciated by neighbouring residents.
7. Consequently, I conclude that the proposal would not have an acceptable impact on the character and appearance of the area. It would not be in accordance with the *South Kesteven Core Strategy 2010* (CS) policies SP1 and EN1, which resist development inappropriate to the nature or character of the town. It would also not meet the aims of paragraph 17 of the National Planning Policy Framework (the Framework) to achieve a high quality design for new development.
8. The appeal site is located outside but on the edge of the Market Deeping Conservation Area, behind stone cottages fronting the High Street that present an attractive gateway to the town centre when approaching from the east. The proposal would not impact on any important views into and out of the Conservation Area and would be well screened by the frontage buildings. Although I have found its impact locally harmful, in terms of its wider impact on the Conservation Area as a whole, I consider that it would not have an adverse effect on its setting and would preserve its character and appearance. Accordingly, it would also meet the aims of the Framework to conserve heritage assets.

Access and parking

9. The proposed dwellings would be accessed off a relatively narrow private drive. At its junction with the High Street, the drive passes between two dwellings that abut the footway and a main door to one property opens out onto the access. Beyond this point, the access increases slightly in width until reaching

the appeal site boundary. Although no on-site parking provision is proposed, I consider that some vehicular use of the access drive is likely in connection with the residential development of the site. The access drive appears to be used for access to and parking for a number of existing properties. Notwithstanding this, given its constrained width and the limitations on visibility available, I consider that the potential increase in use of the access as a result of the proposal would be likely to result in additional conflict with other users and with pedestrians at its junction with the main road.

10. I accept that car-free housing may be appropriate in some locations and recognise that this site is within easy walking distance of the town centre, close to local services and facilities and well served by public transport. The dwellings proposed are also each relatively modest in size and, in this location, may appeal to those without cars. However, there is no certainty that this would be the case and, despite the lack of on-site provision, I am not convinced that the proposal would generate no demand for car parking. Although the site is within reasonable walking distance of available public car parking facilities, I consider it unlikely that future occupiers would choose to use these car parks due to the distances involved and the lack of convenience. Therefore, I consider that the absence of on-site provision is likely to lead to a greater demand for on-street parking from future occupiers and is likely to lead to service vehicles waiting or parking on the road.
11. The main road is a busy route providing access into the town centre and, at this point, is subject to parking restrictions along the appeal site side. Although off-street customer parking is also available in the vicinity of the site, the opposite side of the High Street is used for on-street parking. Whilst spaces were available at the time of my visit, I acknowledge I may not have been present at its busiest time. Individual drivers may not, in themselves, be hazardous. However, the proposal is likely to lead to an increase in the use of the access drive and in vehicles waiting or parking on the highway. Given the scale of the development, I consider that the type and amount of traffic likely to be generated would be materially detrimental to highway safety and inconvenient to other road users.
12. I note the Council's concern that, if allowed, the proposal could make it difficult to resist other similar schemes and the cumulative effect of these could increase the harm identified. Although, in itself, I consider the appeal proposal would be harmful, its potential to set a precedent has added weight to my concerns. I also note the appellant's concerns that the local highway authority expanded its argument at the appeal stage. Although, I can understand the appellant's frustration with new points being raised at a late stage in the process, the appellant was able to exercise his opportunity to respond to these points. Consequently, I consider that his interests have not been prejudiced by the actions of the highway authority.
13. Although no specific development plan policies regarding access and parking have been drawn to my attention, I consider that the development would not be in accordance with paragraph 32 of the Framework, as it would not achieve a safe and suitable access to the site for all people.

Living conditions

14. Although the dwellings would be off-set from the front elevation of No 47, this elevation contains a number of windows at first floor level and clear views exist

towards the appeal site. I consider that the oblique angle of the windows in relation to the rear elevations of the proposal would limit the amount of overlooking experienced within the proposed dwellings, so that there would not be an unacceptable impact on the privacy of their future occupiers in this regard. However, I consider that some overlooking of the rear garden areas of the appeal dwellings would be likely.

15. Due to the size of these gardens, I consider that it would be difficult for future occupiers of the appeal dwellings to achieve a high level of privacy within them and retain a usable amount of space, particularly in respect of the dwelling closest to No 47. However, in my view, the gardens would not unacceptably small relative to the size of the dwellings, they would receive an acceptable amount of light and the degree of enclosure experienced within them would not be inappropriate. Taking into account the context of the appeal site, I consider that, on balance, the proposed garden areas would provide for acceptable living conditions of future occupiers.
16. The proposed dwellings would be sited within part of the former garden to No 47. Although its sizeable main garden area is located to the front of the dwelling, it is set well back from the road and relatively private. Accordingly, in terms of both quantity and quality, I consider that the remaining space would still be adequate and the proposal would not result in an unacceptable loss of amenity space for that dwelling. In terms of potential overlooking of neighbouring dwellings to the rear from future occupiers of the appeal dwellings, this would be prevented by the proposed use of high-level rooflights for the second bedrooms. The amended scheme retains a rear dormer to each dwelling but these are proposed to serve bathrooms and, consequently, the use of fixed lights and obscured glazing could be required for these windows and the small stair windows to the side elevations.
17. Consequently, in respect of privacy and amenity space, I consider that the development would meet the aims of CS policy EN1. Although this policy primarily considers the protection and enhancement of the character of the district, ensuring that development makes appropriate provision for the living conditions of existing and future occupiers can be an important consideration in terms of protecting the character of an area and, consequently, I consider that the proposal would be, in these respects, in accordance with the overall objectives of this policy. It would also meet the aims of paragraph 17 of the Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

18. Concerns have been raised about private rights of way and restrictive covenants on the drive preventing access for future occupiers of the proposal and the impact on sewerage during the construction phase of the development. My decision on this appeal does not negate any private legal rights in these respects.
19. Another scheme within the town has been drawn to my attention by the appellant. There would appear to be some differences between the settings for the two sites and I do not have the full background to that decision, including its impact on the neighbouring occupiers. Nonetheless, similar development elsewhere is not a good reason for allowing a proposal that would cause harm. Although no indication of the site's previous use for housing remains, I

acknowledge that it is within the built-up area of Market Deeping close to local services and facilities and, as such, the proposal would meet the overarching aims of the Framework to encourage development in sustainable locations. It would also contribute to the local housing stock. I consider that these are positive benefits that weigh in its favour. However, these benefits together with the preservation of the Conservation Area, the acceptable architectural design of the houses and the provision of acceptable living conditions for neighbouring and future occupiers are not sufficient, individually or cumulatively, to outweigh the harm that I have identified.

Conclusions

20. For the above reasons and having regard to all other matters raised, including the lack of objection from the Town Council, I conclude that this appeal should be dismissed.

Anne Napier-Derere

INSPECTOR



Appeal Decision

Site visit made on 3 December 2012

by Susan Heywood BSc (Hons) MCD MRTPI

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

Decision date: 20 December 2012

Appeal Ref: APP/E2530/A/12/2177951
6 School Lane, Claypole NG23 5BQ

- 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 S Ballaam against the decision of South Kesteven District Council.
 - The application Ref S12/0050/FULL, dated 5 January 2012, was refused by notice dated 3 May 2012.
 - The development proposed is the erection of 3 (no) dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (1) whether the development would be acceptable having regard to local and national policies relating to the location of housing development and (2) whether it would preserve the special architectural or historic interest of the Grade II listed building at The Paddocks.

Reasons

Local and national policy

3. The appeal site lies within Claypole which is situated some 5 miles to the south east of Newark. The Regional Spatial Strategy is set out in RSS¹. Although the Government has pledged to abolish Regional Strategies through the Localism Act, they remain for the time being in force as part of the development plan.
4. RSS Policy 3 sets out the spatial distribution of new development within the Region. Paragraphs 2.4.3 to 2.4.8 reinforce the strategy of prioritising areas for growth from Principal Urban Areas through to larger villages. Claypole falls outside the areas identified for development under this policy. However, criterion (d) advises that the development needs of other settlements and rural areas should also be provided for. Such development should contribute to maintaining the character and vitality of the community, shorten journeys and facilitate access to jobs and services, strengthen rural enterprise and respect tranquillity. The latter two criteria are not relevant to this appeal and the development would not conflict with the first criteria, relating to the character and vitality of the community. However, there is no evidence that it would comply with the requirement to shorten journeys and facilitate access to jobs

¹ East Midlands Regional Plan March 2009

and services. I deal with the matter of the sustainability of the settlement below. Suffice to say here that I have no doubt that residents of the appeal site would be heavily reliant on the private car to access a full range of jobs and services outside the settlement.

5. The South Kesteven Core Strategy (CS) was adopted in July 2010. Policies H1 and SP1 set out the settlement strategy for the District, in line with the RSS. These policies aim to focus growth towards the larger centres including Local Service Centres. In all other areas the policies indicate that development should be restricted to affordable local housing need, agricultural accommodation and conversions, amongst other things (none of which are applicable in this case). Claypole does not feature as one of the areas towards which development is specifically directed in the CS. Neither would the proposal fall into any of the categories of development acceptable under policies H1 or SP1 of the CS.
6. Accordingly, the principle of development of this site does not accord with the provisions of the development plan. I therefore turn to consider whether other considerations would over-ride the provisions of the development plan in this case.
7. The National Planning Policy Framework (the Framework) has at its heart the presumption in favour of sustainable development. One of the core planning principles set out in the Framework is that planning should be genuinely planned. Plans should provide a practical framework within which decisions can be made with a high degree of predictability and efficiency. Until March 2013 full weight is given to policies in development plans adopted since 2004. The only exception to this is where Councils are unable to identify a five year supply of housing sites to meet their objectively assessed needs. The Council have demonstrated that they can provide in excess of a five year supply of sites and this evidence is not disputed by the appellant. Accordingly, the Council's policies set out in the development plan are up to date. In rural areas, the Framework indicates that Councils should plan for housing to meet local needs. There is no evidence before me of a local need for the proposed development.
8. The appellant argues that Claypole is a sustainable settlement with shops, public houses, sports facilities and a school. I accept that the settlement has some facilities. But, there can be no doubt that the settlement lacks many of the services and facilities which would be expected in a larger urban area; health care, a range of employment facilities, larger shops, to name but a few. Furthermore, although the appellant states that there are regular bus services to Grantham and Newark, no details have been provided. I am unable to conclude that these are frequent and that they run into the evenings and weekends. It is often the case in such areas that bus services are limited at certain times of the day and certain days of the week. In any case, the settlement strategy for the area will have been based on a comparison of the sustainability credentials of all of the areas within the District. It would undermine that strategy for me to conclude that development is acceptable in Claypole simply because the settlement has some facilities and some accessibility by public transport. Accordingly, the fact that it has some facilities and public transport availability does not over-ride the settlement strategy set out in the development plan.
9. The Framework indicates that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. I acknowledge that

the development would result in a greater number of dwellings in the village and that this would assist in sustaining the existing facilities. However, the appellant states that Claypole has a population of approximately 1200. Thus, it is unlikely that a further three dwellings (only one additional dwelling over and above that already approved, as set out below) would have a critical impact in enhancing or maintaining the vitality of the community.

10. The appellant has pointed out that the Council themselves have indicated that the settlement is an acceptable location for development as they have granted planning permission for a number of developments in Claypole since the adoption of the CS (and prior to that when a similar interim housing policy was in place). I acknowledge that the stance the Council have taken on many of these other developments does seem to have flown in the face of their own policy. However, the fact that the Council have made these decisions in the past does not encumber me to do the same. Further acceptance of development which does not follow the adopted spatial strategy, without good reason, can only serve to further undermine the adopted policy. 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.
11. Similarly, the appellant has pointed out an approval of residential development in Bourne, also outside the settlement hierarchy. However, that development appears to have been part of a wider redevelopment area and it appears that the regeneration benefits of the proposal formed part of the Council's considerations. The same does not apply in the appeal development. I note that a development of 8 affordable dwellings has also recently been approved in Claypole. However, the CS policies (and the advice in the Framework) would allow for affordable housing to meet local need.
12. I note that the appeal site has an extant planning permission for two dwellings, granted in 2010. It is therefore argued that one additional dwelling would cause no harm. I accept that this would only be a small scale addition to the approved scheme. However, this argument could be repeated often for developments of single houses in areas which are outside the areas identified for growth in the development plan. Again, this would undermine the overall development strategy for the area.
13. The appellant points out that the housing policies in the development plan are not expressed as maxima. I accept that point, but this is not a case where the amount of housing land is at issue; the determinative factor is the location of that housing land.
14. None of the above matters provides sufficient weight for me to conclude that the settlement strategy for the District should be set aside in this instance. Accordingly, I conclude that the appeal site is not an acceptable location for new housing development having regard to both local and national planning policy.

Setting of the listed building

15. The existing building at The Paddocks is a Grade II listed building dating from the early 17th Century but with later additions and alterations. The Council have stated that the proposed development would not harm the setting of that building and I have noted the appellant's views in this regard. However, it is

my duty² as the decision maker in this appeal to have special regard to the desirability of preserving the building or its setting.

16. The building has a narrow, L-shaped form. The main house is two storeys with a long single storey outhouse attached (currently being renovated). The main house has steeply pitched gables facing the outhouse and facing the appeal site to the rear. There are three small windows to the front elevation and one to the side. The area to the side and rear of the building will previously have formed part of its curtilage, but has been sub-divided by the erection of close boarded fencing around the building. Whilst the appeal site has a somewhat overgrown appearance at present, it provides the building with its own space; setting it apart from its surroundings and giving it a prominence in the street scene.
17. The proposed development would introduce three dwellings to the rear of the building. Although the dwellings would have L-shaped layouts, they would have much deeper footprints than the listed building and their form would be less elongated. The proposed dormer windows, canopies over front doors and attached garages would all introduce fussy, suburban features which would be at odds with the simple character of the listed building. In addition, the roof pitches would be shallower than the listed building and much of the fenestration would have different proportions, as well as incorporating uncharacteristic brick headers. The layout of the proposed dwellings would also bear little relationship to the listed building; plots 1 and 2 would be staggered to either side of the gable end of the listed building. The layout appears to have been designed with more regard to the need to incorporate a turning head, rather than to complement the form or siting of the listed building.
18. I accept that there is an extant planning permission for the erection of two dwellings on the site and this proposal must therefore be considered in the light of that permission. However, the dwellings in that case would have a more elongated form; more in keeping with the form of the listed building. In addition plot 2, in the approved development, would be aligned with the end gable of the listed building and the layout of that development therefore appears to have a more comfortable relationship with the listed building than is currently proposed. The elevations of the proposed dwellings were also much simpler than the development now proposed and the dwellings would not have been as tall. In addition, the garage building (in the location of plot 1 in the current appeal) would have been a single storey building with a gable facing School Lane. This would not have been as dominant as the building now proposed on plot 1. Overall, the approved development would have the feel of a courtyard of outhouses within the grounds of the listed building. It would therefore be substantially different to the development now proposed.
19. I conclude, notwithstanding the Council's views on this matter, that the development now proposed would seriously harm the setting of the listed building. This would be contrary to CS policy EN1.

Conclusion

20. I have had regard to all other matters raised, including the outlook from the dwelling at No. 5 School Lane, highway safety and privacy of surrounding

² S66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

dwellings. None of these matters adds further weight to the above concerns. Nevertheless, for the reasons outlined above, I conclude that the development would be unacceptable and that the appeal should be dismissed.

Susan Heywood

INSPECTOR



Appeal Decision

Site visit made on 8 January 2013

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

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

Decision date: 11 January 2013

Appeal Ref: APP/E2530/A/12/2183778

1 Bottom Street, Allington, Grantham, Lincolnshire NG32 2DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Dodd against the decision of South Kesteven District Council.
 - The application Ref S12/1436/OUT, dated 8 June 2012, was refused by notice dated 25 July 2012.
 - The development proposed is demolition of the existing dwelling and the residential redevelopment of the site with three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was in outline form with access to be determined at this stage. I note that the proposed access has planning permission (Ref S12/01118/HSH).

Main Issue

3. I consider the main issue to be whether the proposal would constitute sustainable development in this rural location.

Reasons

4. Policy SP1 in the South Kesteven Core Strategy (2010) seeks sustainable development. It proposes the concentration of the majority of new development in Grantham with the addition of development of sustainable sites in the Market Towns. Within Local Service Centres, there will be a preference for development of brownfield sites and allocated sites. In all other villages and the countryside, development is restricted. The village of Allington lies within this category. The policy states that new development proposals are only acceptable if they satisfy a list of criteria. This includes the replacement of buildings on a like for like basis.
 5. In my opinion, the hierarchy including Local Service Centres is in accordance with the Government's approach to sustainable development in rural areas in paragraph 55 in the National Planning Policy Framework.
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6. I note the level of local facilities and services including the school, local employment area, village shop and post office. The Council has made its assessment of villages it considers are Local Service Centres and has not included Allington within this list. In my opinion, the level of provision is not sufficient for the reasonable everyday needs of future occupiers of the proposed dwellings. Thus, they would be reliant on the use of motor vehicles and as such, this is not a sustainable location.
7. The proposal is to replace the existing dwelling with three dwellings. From my observations, I consider that the appeal site is of a suitable size to accommodate three dwellings. Subject to further detailed drawings, I consider that this could be achieved without having an adverse effect on the amenities of neighbours or the appearance of the surrounding area.
8. I note that the appeal site is bordered on two and a half sides by the Allington Conservation Area. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area. From my observations, I consider that it would be possible for the proposed development to preserve the setting of the conservation area, with careful attention to detailed design and layout.
9. Whilst I do not consider there to be physical constraint to the proposed development, for the reasons stated above, I consider that the proposal would not constitute sustainable development in this rural location. In my opinion, this is sufficient reason to dismiss the appeal.
10. In reaching my conclusion, I have had regard to all other matters raised including comments from local residents. I note the two new dwellings opposite the appeal site. I am not fully aware of the circumstances relating to this development. It does appear that it was granted permission prior to the adoption of the Core Strategy. In addition, I have been referred to examples of other village development elsewhere. I have determined the proposal before me on its individual merits. Whatever the circumstances of other examples, I consider that the proposed development would not constitute sustainable development and would thus be contrary to Core Strategy Policy SP1.

J Cheesley

INSPECTOR



Appeal Decision

Site visit made on 3 December 2012

by **Anne Napier-Derere BA(Hons) MRTPI AIEMA**

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

Decision date: 8 January 2013

Appeal Ref: APP/E2530/A/12/2182164

**Adjacent to 2 Lime Tree Avenue, Towngate West, Market Deeping,
Lincolnshire PE6 8DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Hannah Smitheringale against the decision of South Kesteven District Council.
 - The application Ref S12/1521/OUT, dated 18 June 2012, was refused by notice dated 18 July 2012.
 - The development proposed is described as 'outline for one 2 storey dwelling'.
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Decision

Development & Growth

1. This appeal is dismissed.

- 9 JAN 2013

Procedural Matters

Admin Team

2. Due to an administrative oversight, a neighbouring resident was not informed of the date and time of my site visit and I was unable to view the proposal from within his dwelling. Notwithstanding this, I am satisfied that I have sufficient information to determine the appeal. At the site visit, it was agreed between the parties that the appeal site does not cover the full extent of the land currently enclosed by fencing adjacent to the garage block and I have considered the appeal on this basis.
3. The planning application form and Council's decision notice refer to the address of the site as 'Limetree Avenue'. However, the street sign is written as 'Lime Tree Avenue' and this matches the address used on the appeal form and by neighbouring residents. I have therefore referred to the address of the appeal site in this way.
4. The planning application was submitted in outline, with all detailed matters reserved. Section 4 of *The Town and Country Planning (Development Management Procedure) (England) Order 2010* states that where layout, scale and access are reserved matters, the application shall state the approximate location of buildings, the upper and lower limit for the height, width and length of each building and the areas where access points to the development will be situated.
5. Indicative plans were submitted with the application to show the position of the proposed access point and the siting of the proposed dwelling. In terms of scale parameters, these details do not provide for upper and lower limits but maximum size and height parameters were specified in the submitted Design

and Access Statement and, in respect of width and length, shown on the site plan. I have therefore considered the appeal on that basis.

Main Issues

6. The main issues in this appeal are the effect of the proposal on:
- The character and appearance of the area;
 - The living conditions of existing neighbouring occupiers; and
 - Parking and access arrangements.

Reasons

Character and appearance

7. The appeal site forms part of an existing garden and parking area for the host property, which is one half of a pair of semi-detached two-storey dwellings, within a small estate of five other such pairs of houses. These dwellings are uniform in design and laid out in a regular pattern around the estate road, with front gardens providing a considerable set-back from the road or other houses. The host property fronts an area of green space at the centre of the cul-de-sac and the sizeable gardens of the estate houses, in the main, provide generous separation between the pairs of dwellings. These elements contribute to the spacious and open character of the small estate and its largely consistent pattern of development.
8. Towngate West, whilst still primarily residential in character, is more varied, with a number of older properties and a mixed pattern of development with different designs, layout and form. The dwelling at the junction of Towngate West, No 1A Lime Tree Avenue, is much larger than its neighbours and differs significantly in appearance. Nonetheless, due to its siting and the separation between it and other properties, its different design does not detract from the positive qualities of the area. Opposite this dwelling and adjacent to the appeal site, is a small group of garages fronted by an area of hardstanding. Although the garages have a functional appearance, their visual impact is reduced by their low height and the set-back from the road.
9. The size of the proposed plot is comparable with some others on Towngate West and the site coverage would not be excessive, with space provided about the proposal and an acceptable amount of amenity space retained for the host dwelling. However, in my judgement, the proposal would mainly be seen in the context of the existing housing in Lime Tree Avenue and its form and siting would differ significantly from these houses.
10. The appeal site has a limited depth and irregular shape. This configuration would result in the proposal being much closer to the road than the other dwellings within the estate. In the context of its existing spacious and open character and regular pattern of development, I consider that the siting of the proposal, 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. Whilst the application is in outline, I have seen no suggestion, nor does it appear to me to be possible, that a new dwelling could be accommodated on the site in a form significantly different from that shown on the indicative plan.

11. The proposal would thus not be in accordance with *South Kesteven Core Strategy 2010* (CS) policies SP1 and EN1, which refer to the whole district, both within and outside settlements, and resist development that would be inappropriate to the character of the town. Due to its emerging status, I am only able to give the *South Kesteven Site Allocations and Policies Development Plan Document, Submission October 2011* (SAPDPD) limited weight, but consider that it would not meet the third criterion of policy SAP H1, which carries forward the aims of these CS policies. It would also fail to meet the aim of paragraph 17 of the National Planning Policy Framework (the Framework) to achieve a high quality design for new development.

Living conditions

12. The proposal would have a maximum height of 7 metres and would front onto the estate road, opposite the existing dwelling at No 1. Although views from that and other properties would change, I consider that the separation distances between existing dwellings and the proposal are such that its height and form would be unlikely to lead to an unacceptable loss of outlook or appear overbearing or dominant to neighbouring occupiers. Furthermore, I consider that it would not result in an unacceptable loss of privacy or overshadowing of their dwellings or gardens.
13. Consequently, the proposal would not be unacceptable in terms of its impact on the living conditions of neighbouring occupiers. It would meet the requirements of CS policy EN1, as it relates to visual intrusion and those of SAPDPD policy SAP H1, to avoid detriment to the quality of life of adjacent residents. It would also meet the aims of paragraph 17 of the Framework, to achieve a good standard of amenity for all existing occupants of land and buildings.

Parking and access

14. There is a garage currently on the appeal site used in connection with the host dwelling. In addition to this, parking has been provided to the front of that property, accessing the estate road beyond the appeal site. There is some debate between the parties about whether these current access arrangements are authorised, but this is not a matter that is before me. Nonetheless I observed that the existing garage block adjoining the appeal site does not have turning facilities and that most other dwellings within the estate do not have frontage off-street parking or turning facilities available.
15. The indicative layout shows a vehicular access off the highway and the approximate position of the access point was agreed on site between the parties. From the back edge of the footway on the site boundary, I observed that visibility was available in one direction to the junction with Towngate West and, in the other, to the turning head of the estate road. From the host dwelling, the road layout limits the visibility available towards the junction.
16. I accept that it is preferable, in highway safety terms, to be able to turn within a site and re-enter the highway in a forward gear. Although turning facilities are shown as part of the proposal, these do not meet the standards shown in the Lincolnshire Design Guide for Residential Areas. However, in the context of the limited traffic movements associated with the small cul-de-sac estate and adjoining garages and taking into account the visibility available, I consider

that the absence of turning facilities would be unlikely to be detrimental to highway safety or lead to unacceptable inconvenience to other road users.

17. I further consider that the indicative layout shows that adequate provision for access and parking to serve the proposal, together with an acceptable amount of amenity space, can be achieved within the site and that precise details relating to these matters for the proposed and host dwellings and the height of the frontage hedge could be addressed by condition. Consequently, the proposal would meet SAPDPD policy SAP H1, which requires the proposal to be satisfactorily accommodated by the existing local highway network. It would also be in accordance with the aims of paragraph 32 of the Framework, to achieve a safe and suitable access to the site for all people.

Other Matters

18. My attention has been drawn to the planning history of the site, including the previous refusal of permission and the pre-application advice received by the appellant. The procedures adopted by the Council for determining the application are largely a matter for that authority within the context of local government accountability. However, in this case, the appellant's interpretation of the pre-application advice led to an unexpected outcome to the application, causing some frustration. Nonetheless, the Council has shown reasonable planning grounds for taking its decision and has produced relevant evidence on appeal to support it.
19. My attention has been drawn to another site in the locality. I do not have the full background to that decision but, in any event, it appears that there are material differences to the context and setting of that site in comparison with the appeal proposal.
20. I accept that the site is within the built-up area of the town, in an accessible location close to local facilities and services and its development would contribute to the local housing stock. As such, it would meet the overarching aim of the Framework in terms of achieving sustainably located development. I consider that these matters, together with the proposal's acceptability in terms of living conditions and the provision of satisfactory access and parking, are positive benefits that weigh in its favour. However, none of these matters is sufficient, individually or cumulatively, to outweigh the harm that I have identified.

Conclusion

21. For these reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Anne Napier-Derere

INSPECTOR