

Appeal Decision

Site visit made on 14 July 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 22 July 2016

Appeal Ref: APP/A2525/W/16/3148720

Rear of 18 West End, Holbeach, Spalding, Lincolnshire PE12 7LW

- 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 A W Jackson against the decision of South Holland District Council.
 - The application Ref H09-1055-15, dated 12 November 2015, was refused by notice dated 8 January 2016.
 - The development proposed is the change of use of redundant building to two-bedroom apartment (Re-application following refusal of H09-0016-15 and appeal dismissal APP/A2525/W/15/3032626).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the future residents of this property with regard to outlook and noise.

Reasons

3. A similar proposal was previously considered by an inspector who found that because of the backland nature of the site, future occupants of the apartment would suffer from a poor and unattractive outlook, as the main windows serving the property would face the rear elevations of other buildings and the boundary walls of the existing yard area. Furthermore, when considering the potential for noise and disturbance from the neighbouring tyre-fitting centre, given the absence of a detailed noise assessment and associated attenuation measures, it was considered that it had not been demonstrated that future residents would not be adversely affected by noise.

Living conditions

4. The corrugated metal building that previously adjoined the rear of the main property and is shown in the photographs, has been removed. It has been replaced by a courtyard garden area. I am unclear of the exact details of what the previous inspector considered but the removal of the building would result in a more open aspect from the dining and kitchen area of the proposed unit. Although still constrained because of the properties that face West End, the south facing windows would allow for an adequate outlook for future residents.
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Privacy within the main living area would however be limited because of the small area in front of it and any attempt to improve privacy, without extending the front garden area, would unacceptably reduce outlook.

5. Providing the new seating area was retained for use by the future residents, this area, together with the two proposed side patio areas, would offer a reasonable level of outdoor amenity space. The two private areas would be extremely enclosed given their limited size and the proposed high fences. However, given the range of opportunities for outdoor amenity, I am satisfied that these areas, when taken together, would be acceptable for a small dwelling of this nature.
6. The outlook from the kitchen door and window, in the east elevation, would be into the small side courtyard. This would only be less than three metres wide at these points, with a 1.8 metres high fence and a higher wall beyond. This would result in a very constrained outlook but given that the kitchen would have another window that faces south, this does not weigh significantly against the proposal.
7. The two bedrooms would have full length glazed doors in the west elevation. Whilst these would help to provide reasonable light levels, the outlook from them would be restricted by the 1.8 metres high fence that would be less than three metres away. Although these rooms would have a high level of privacy, their outlook would be extremely limited. I appreciate that privacy would be an issue if one of these rooms took advantage of the now more open aspect to the south.
8. I understand that pedestrian access is required through this courtyard by a number of residents. I am not entirely clear what other constraints exist with regard to the use and division of the courtyard. However, the layout currently proposed results in a very poor outlook from both bedroom windows and although the main living area has a more satisfactory outlook, attempts to ensure privacy within the dining room would be likely to result in this becoming unacceptably constrained given the limited size of the front garden area.
9. Overall, the layout of the courtyard with regard to private and more public space, the lack of private space to the front of this building and the arrangement of the accommodation with regard to the proposed high fences, would result in living conditions that would be relatively poor, despite the level of space available, both internally and externally. Given the constraints, I am not persuaded that a two-bedroom unit can be adequately accommodated. Although these plans represent an improvement on those previously proposed, I find the quality of the living conditions to weigh against the development.

Noise

10. The site lies adjacent to a tyre fitting business. It is proposed that the new dwelling would be heavily insulated although no evidence has been provided to demonstrate that this would be sufficient. It is suggested that an acoustic report could be commissioned but this has not been undertaken. Insulation would not address concerns with regard to noise when outside the property or with the windows open. I appreciate that the number and position of amenity spaces means that residents could use the areas that are screened from noise to some extent, at certain times. I also note the relatively limited opening

hours of the adjacent business, although I have no certainty that there are any controls place with regard to the future operation of those premises.

11. Overall, the evidence is unsatisfactory given the very close relationship of this building to an incompatible use. Policy SG17 states that planning permission will be granted for development that does not cause harm to residential amenity. This is consistent with the *National Planning Policy Framework* which requires that planning should always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings. I therefore afford the policy considerable weight. The *Framework* also states that developments should create attractive and comfortable places to live. I am not satisfied that this would be achieved.

Other matters and conclusions

12. The Council have accepted the conversion of the building opposite to a bed-sit. I do not have the details of the permission or the full circumstances that led to it being approved. However, it has resulted in accommodation with a constrained outlook and very little private amenity space. Although I understand it is a listed building, I am not satisfied that this justifies the conditions now evident. Whilst this provides some weight in favour of this proposal, it does not indicate that poor living conditions should be accepted in this case and in any event, I must consider this proposal on its own merits and in light of the development plan policies and national guidance.
13. There are a number of matters that provide considerable weight in favour of this proposal. The central location, the high levels of insulation and the effective use of this building for a new dwelling, including the investment required to convert it, would ensure that it would have some excellent sustainability credentials. I must also however consider the other elements of sustainability set out in the *Framework*.
14. The previous inspector found that the development would preserve the character and appearance of the conservation area and as this proposal would use more satisfactory materials, it would result in a limited enhancement. The Council refer to Policy SG14 of the South Holland Local Plan 2006 which seeks to ensure that new development is designed to make a positive contribution to the architectural and visual quality of its surroundings. The appearance of the building would be improved so I find support from its requirements.
15. Although there are clearly significant benefits to this proposal, the concerns with regard to noise have not been adequately addressed and whilst outlook has been improved by the removal of a building, I am not satisfied that the layout of the unit or the courtyard is satisfactory. I am also concerned that it may not represent the most effective internal and external design solution. Overall, the benefits of the proposal do not outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR