

Appeal Decision

Site visit made on 21 March 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 6th April 2017

Appeal Ref: APP/A2525/W/16/3166246

30 Daniels Gate, Long Sutton, Spalding, PE12 9DP

- 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 T Goodson against the decision of South Holland District Council.
 - The application Ref H11-1096-16, dated 26 October 2016, was refused by notice dated 7 December 2016.
 - The development proposed is residential development.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with approval sought for access only. Plans have been provided showing layout, floorplans and elevations but these are marked as being for indicative purposes. I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are the effects of the proposed development upon; (i) the living conditions of the occupiers of the neighbouring dwellings and (ii) the character and appearance of the area.

Reasons

Living Conditions

4. A pair of bungalows with very shallow rear gardens back onto the site. As the site is also shallow, the dwelling would be sited very close to the rear boundaries of these bungalows. Furthermore, the Environment Agency has advised that, to address flood risk, the house should be 2-storey and should be built 1m off the ground. A dwelling, being a large mass of built development, would have an overbearing impact upon the outlook from the gardens of these bungalows and from their windows.
 5. The appellant has referred to an approval for dwellings in Lutton which also had to be built 1m off the ground but the Council says that the circumstances of the Lutton site are different to those of the appeal site. In any event, a two-storey dwelling would be overbearing whether or not it is built 1m off the ground.
-

6. I therefore conclude that the proposed development would have a harmful effect upon the living conditions of occupiers of neighbouring dwellings. Consequently, I find conflict with LP Policy SG17 which seeks to protect residential amenity.

Character and Appearance

7. The site is a grassed area which currently makes a positive contribution to the general spaciousness of the street-scene. Because of the constraints of the plot, the proposed dwelling would be very close to the front boundary of the site. Most houses in the vicinity are set a generous distance from their front boundaries. The position of the house, being so close to the road, would therefore look obtrusive within the street-scene and would erode its spacious nature.
8. I therefore conclude that the proposed development would harm the character and appearance of the area. Consequently, I find conflict with Policy SG14 of the South Holland Local Plan, 2006 (LP) which seeks to protect character and appearance.

Other Matters

9. LP Policy HS4 is quoted in the Council's decision notice. This allows for residential development on suitable sites providing that the site constitutes brownfield land and is within the defined settlement limits. The site is within the settlement boundary but, as it is garden land in a built up area, it does not constitute previously developed land. Therefore, there is some conflict with Policy HS4.
10. Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. This is set out at paragraph 14 of the Framework and indicates that where relevant housing supply policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The Council cannot demonstrate an up to date 5 year housing land supply (HLS) and has confirmed that its supply is 3.25 years.
11. The dwelling would be in a sustainable location and would make a very small contribution to adding to the supply of dwellings in the area. However, in spite of the considerable shortfall in HLS, this benefit does not outweigh the significant harm to the character and appearance of the area, and to living conditions, that would arise as a result of the development. Therefore, the development would not be environmentally sustainable and consequently, would not be sustainable development as set out in the Framework.
12. I have taken account of all other matters raised but none outweigh the conclusions I have reached.

Conclusion

13. I dismiss the appeal.

Siobhan Watson

INSPECTOR