The Planning Inspectorate

Appeal Decision

Site visit made on 12 April 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 16th May 2017

Appeal Ref: APP/A2525/W/16/3166889
Halmer Grange Residential Home, Grange Drive, Spalding PE11 2DX

- 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 Market Homes Ltd against the decision of South Holland District Council.
- The application Ref H16-1023-16, dated 8 October 2016, was refused by notice dated 7 December 2016.
- The development proposed is six houses.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this case is the effect of the development on the living conditions of adjoining and future occupants, with particular regard to noise and disturbance, outlook and the provision of private amenity space.

Reasons

3. The appeal site forms part of the grounds of the former Halmer Grange residential care home, which is a large detached building that sits in a backland location behind dwellings fronting onto Grange Drive. There is a single point of access to the site from Grange Drive which runs between No 25 and No 27. The former care home was subject to a recent successful planning appeal[1] which sought to convert it into 17 flats. These were not occupied at the time of my visit.

4. The Council has not objected to the principle of development on the site, but have raised concern that the increased level of activity associated with the development would result in unacceptable levels of noise and disturbance. The previous Inspector concluded that the increase in noise, disturbance and activity over and above the previous care home use would not result in material harm. However, this does not mean that any further development or increase in activity would automatically be acceptable in principle.

5. The addition of six high density dwellings would alter the overall character of the wider site and create something somewhat different to what the previous Inspector considered. The additional movements and activity associated with the dwellings may not be significant in their own right, but when added to what

[1] Appeal reference: APP/A2525/W/15/3011299

has already been permitted the cumulative impact would be significant. Not only would there be an increase in the number of vehicular and pedestrian movements taking place across the site, the source of the noise would be spread across its full extent rather than being focussed in the flats and associated parking areas. This would be particularly felt by the occupants of dwellings along Exeter Drive. The dwellings would introduce a different type of noise and activity with the potential for families living within the site. The use of the gardens running alongside the boundary with dwellings on Exeter Drive would be a particular additional potential source of disturbance in this respect.

6. While I have no particular concerns in relation to the safety or width of the access, it would nevertheless be the focal point for all movements through the site in terms of occupants, visitors and for such things as deliveries. The additional levels of coming and going from the site and the associated vehicular movements would result in a harmful cumulative level of general disturbance to adjoining properties when added to that already likely to be generated by the permitted flats.

7. I recognise that this is a residential area with associated noise and activity. However, the development would result in a particularly intensive level of residential activity in a densely populated and relatively enclosed backland area. As a result of the specific nature of the site and its location behind Grange Drive and Exeter Drive, I do not consider the development as a whole would have a particularly typical relationship with neighbouring dwellings and the focus and intensity of residential activity across the site would result in unacceptable harm to the living conditions of adjoining occupants.

8. Turning to the matter of outlook; in order to mitigate concerns over flood risk, the design of the dwellings incorporates a raised ground floor level which is reached by external steps. First floor accommodation would be within the roof space. While the overall height of the dwellings may not be taller than an average pitched roof dwelling, the roof profile would lead to a row of dwellings with a significant mass and bulk in close proximity to the boundary of the site. The visual effect and prominence of this would be exacerbated by the relatively limited space between the buildings and the overall density of the development.

9. I accept the nearest neighbouring dwellings would have some degree of separation and screening from the development and, in the main, would not offer views directly onto the site. However, the overall mass and bulk of the dwellings would result in imposing and intrusive features. Even if viewed at an oblique angle, the overall bulk would be sufficient to unacceptably harm outlook from the neighbouring dwellings. This would also have a negative impact in terms of the enjoyment of garden space. This would be particularly the case for 23 Grange Drive and 42 Exeter Drive, where there would be insufficient space between the dwellings to mitigate the impact.

10. In addition, the front facing outlook of plots 3-5 would be dominated by the flank wall of the block of flats, the first storey of which is currently a large blank grey elevation. This would not allow for an open or attractive outlook from those properties. While there would be some degree of separation by virtue of the access road and parking spaces, the relationship between the buildings would result in a feeling of enclosure in these dwellings, particularly in the ground floor rooms. As such, the living conditions of the occupants of

these plots would be unacceptably harmed. Whilst I accept there would be little alternative to this, it does not mean it would be appropriate to subject future occupants to what would be a significantly constrained and oppressive outlook.

11. The development would provide 2 parking spaces at the front of each dwelling and I note there has been no objection from the Highway Authority. In addition the previous Inspector concluded that there may be some overspill parking onto Grange Drive as a result of the conversion to flats but this would be unlikely to cause harm as Grange Drive would have sufficient capacity to absorb any increase. I see no reason why the same argument cannot apply here. If additional on-street parking were needed from time to time, it is unlikely there would be any adverse impacts on living conditions as a result, nor would the likely levels of parking involved have any particular highway or pedestrian safety implications.

12. Turning to the issue of amenity space, I accept that the appeal site could function as amenity space for the flats. However, this area was excluded from the previous appeal and the Inspector clearly did not consider it was needed in order to create a satisfactory living environment for the flats. There is no substantive evidence before me that would lead me to a different conclusion.

13. Therefore, bringing all of these matters together, the proposal would result in an over intensive form of development that would generate an unacceptable cumulative level of noise and disturbance and would negatively affect the outlook of existing and future residents to such an extent that their living conditions would be unacceptably harmed. Accordingly, there would be conflict with saved Policies SG1, SG14 and SG17 of the South Holland Local Plan (2006) which seek, amongst other things, to ensure development does not cause material harm to residential amenity and the quality of life of residents is not impaired.

14. The Council has also referred to Section 7 of the National Planning Policy Framework (the Framework). This does not specifically relate to the effect of development on living conditions. Nonetheless, that development should seek to ensure a good standard of amenity is a core planning objective of the Framework as set out in paragraph 17. I therefore also see conflict with the requirements of national policy.

Other Matter

15. The Council raised no concerns in relation to the character and appearance of the area or flooding. I saw nothing that would lead me to conclude differently on these matters. However, a lack of harm is neutral and does not weigh in favour of the development or lead me to alter my overall conclusion as to the harm that would be caused by the development.

Planning Balance and Conclusion

16. The Council has acknowledged that they cannot demonstrate a five year supply of deliverable housing land. Paragraph 49 of the National Planning Policy Framework states that in such circumstances, relevant policies for the supply of housing should not be considered up-to-date. In this context, paragraph 14 of the Framework states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework taken as a whole.

17. The proposal would be contrary to the development plan in relation to the effect of the development on the living conditions of existing and future occupants. It would also conflict with the requirements of the Framework in this regard. Balanced against this is the valuable contribution the dwellings would make to the acknowledged shortfall in housing land supply. There would also be associated economic benefits in terms of an increase in local expenditure. However, this would not be significant and neither this nor other factors considered carry any more than limited weight in favour of the proposal.

18. While the Framework recognises the importance of delivering housing, it also highlights the importance of securing a high standard of amenity for all existing and future occupants of land and buildings. Taking all matters into account, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of the appeal, the material considerations above do not justify making a decision other than in accordance with the development plan.

19. For the reasons given above the appeal should be dismissed.

S J Lee

INSPECTOR