The Planning Inspectorate

Appeal Decision

Site visit made on 1 August 2017

by R A Exton Dip URP MRTPI

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

Decision date: 30th August 2017

Appeal Ref: APP/A2525/W/17/3173845
74 Holbeach Road, Spalding PE11 2HX

- 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 Mark Lawrence against the decision of South Holland District Council.
- The application Ref H16-1200-16, dated 26 November 2016, was refused by notice dated 10 January 2017.
- The development proposed is described as drop the kerb outside my property to allow vehicle access. This will create two parking spaces at my property.

Decision

1. The appeal is allowed and planning permission is granted for proposed vehicular access at 74 Holbeach Road, Spalding PE11 2HX, in accordance with the terms of the application Ref H16-1200-16 dated 26 November 2016, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans:
   A site location plan with a red line around No 74 and land around it, at a scale of 1:1250, and with the title '74 Holbeach Road Spalding, PE11 2HX' Unique Ref #00170343-A16569.
   A drawing with a red line on a section of highway kerb, at a scale of 1:200, and with the title '74 Holbeach Road Spalding, PE11 2HX' Unique Ref #00170344-AE84C2.

Procedural Matter

2. In the formal decision I have used the description of development from the Council's decision notice as this provides a straightforward description of the proposal.

Main Issue

3. The main issue is the effect of the proposal on surface water flooding in the area.

Reasons

4. The appeal site comprises a detached dwelling set within its associated curtilage on the south side of Holbeach Road. From the centre of Holbeach Road there is an apparent downwards slope to the south. This extends across the appeal site into the public open space behind it. Properties on the south side of Holbeach Road are set at a lower level than the surface of the road.

5. The kerb separating the pavement from the road in front of the appeal site is raised to a higher level than others in the surrounding area. The raised level runs from approximately mid-way along the frontage of No 74 Holbeach Road to approximately mid-way along the frontage of No 82 Holbeach Road. The pavement behind this kerb drops to a lower level. At either end of the raised section of kerb are dropped kerbs, level with the surface of the road.

6. The County Council, acting as Lead Local Flood Authority, identify that the surrounding area has previously been subject to surface water flooding issues which has involved water from the footway and carriageway entering the grounds of properties. It states that the raised kerb was installed as part of works carried out approximately ten years ago to prevent water from the carriageway entering properties.

7. I have no evidence of the frequency or intensity of the flooding events referred to. However, given the topography of the area and the lower level of properties on the south side of Holbeach Road, it is likely that the appeal site and nearby properties would suffer ingress of surface water in a flooding event that caused severe run-off. The raised kerb would offer some protection from this. This protection would however be significantly diminished by the presence of the dropped kerb partly across the frontage of the appeal site and partly across the frontage of Nos 72 and 74B Holbeach Road. Water flowing from the carriageway over the dropped kerb would quickly find its way behind the raised kerb, onto the pavement and into the appeal site and neighbouring properties.

8. In light of this, and in the absence of any evidence to the contrary, I consider that the proposal would make very little difference to the flow of surface water in the area. The risk of surface water flooding to the appeal site and surrounding properties would not be significantly increased. Consequently, the proposal would not conflict with Policy SG17 of the adopted South Holland Local Plan 2006 insofar as it relates to protection of residential amenity. It would also comply with the relevant aims of the Framework including those within Section 10 – Meeting the challenge of climate change, flooding and coastal change.

Conclusion

9. For the above reasons and taking all other matters raised into account I conclude that the appeal should succeed. A condition in relation to the approved drawings is necessary in the interests of proper planning and certainty.

Richard Exton

INSPECTOR