The Planning Inspectorate

Appeal Decision

Site visit made on 28 June 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8 August 2018

Appeal Ref: APP/A2525/W/18/3196776
London Road, Long Sutton, Spalding PE12 9EA

- 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 George Oxford, OXF Architects against the decision of South Holland District Council.
- The application Ref H11-0782-17, dated 16 August 2017, was refused by notice dated 17 November 2017.
- The development proposed is construction of a two-storey three-bed house.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Local development plan policies that pre-date the publication should be given due weight according to the degree of consistency with the Framework.

3. The Planning Officer's report stated that the appeal site was close to but beyond the boundary of the Long Sutton Conservation Area (the Conservation Area), which the appellant relied upon and repeated in evidence. However, the Council now states that the site is within the Conservation Area and from the Conservation Area Plan it is apparent that this is correct.

4. Although the effect of the scheme on the character and appearance of the Conservation Area did not form a reason for refusal, the decision notice does refer to the height, scale and massing of the proposed development and I consider that the parties would not be prejudiced by my taking this matter into consideration. Therefore, I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

5. Therefore, I consider main issues to be the effect of the proposed development on:

   a) the living conditions of the occupiers of neighbouring property at No. 19 London Road, with particular regard to outlook and privacy; and

   b) the character and appearance of the Conservation Area.

Reasons

6. The appeal site comprises an irregular-shaped and relatively small plot of land fronting London Road and positioned between the existing hipped-roof bungalow at No. 19 and an electricity sub-station (the sub-station). The proposal is for the construction of a three-bedroom detached house with a garden to the rear and a hard-surfaced area providing parking for two cars located between the sub-station and one flank wall of the building. The dwelling would comprise a two-storey gable-ended building with a dual-pitched roof and a 1.5-storey gabled flank extension creating a 'T-shaped' footprint. The extension would project from the flank wall closest to the sub-station. The building would be a red-brick construction rendered at first floor level save for the extension gable and the rear gable below the level of the eaves. Fenestration would be concentrated in the front- and rear-facing main gables and dormer windows in the side extension. The flank wall facing No. 19 would be a blank façade of red brick at ground floor level with the first floor rendered up to the eaves.

Living Conditions

7. The 'T-shaped' footprint of the proposed building would make an efficient and effective use of the available land at the appeal site. However, the relatively cramped nature of the site coupled with its irregular shape means that the dwelling would be located close to the shared boundary with No. 19. The shape of the building at No. 19 differs between application drawings No. 3145/PL01 Rev A and 3145/PL03 Rev B, with the latter more accurately reflecting the shape of the building since the construction of a rear extension close to the boundary with the appeal site. This extension appears to provide additional living space with relatively large windows serving habitable rooms looking towards the appeal site. However, while these windows face the appeal site the flank wall of the proposed building would not have any overlooking windows and appropriate boundary treatments would prevent any unacceptable loss of privacy for the occupiers of No. 19.

8. Drawing no. 3145/PL04 Rev A shows that the proposed dwelling would rise to approximately five metres at the eaves compared to a roughly two-metre high flank elevation at No. 19. The house would have a similar building line to No. 19 on the front elevation but would be eight metres or so deep compared to the side elevation at No. 19 measuring approximately eleven metres. However, despite the slightly greater depth of the building at No. 19 the majority of its flank elevation would look out onto a blank façade of the proposed dwelling over twice the height and only two metres or so distance away. The juxtaposition of the buildings and the relative height differences would create an overbearing sense of enclosure that would be unacceptably detrimental to the living conditions of the occupiers of No. 19. The close proximity and orientation of the buildings would also be likely to result in significant harmful overshadowing and loss of direct light to the habitable windows in the flank wall of No. 19.

9. The appellant states that the existing boundary treatment comprises a chain-link fence, which could be replaced with a more solid structure such as a close-boarded fence. However, an alternative treatment of the boundary would not rise to the height of the proposed building so would not have the same negative impact in terms of overbearing and overshadowing. I therefore attach little weight to this argument. While the front and rear windows at No. 19 would not be overshadowed by the development, the orientation of the building is such

that the flank wall would be the main receptor of direct light for much of the day with the respective levels to the front and rear elevations varying considerably dependant on the time of the year. The loss of direct light to the flank elevation would be a permanent and likely year-round detriment and therefore the varying light that the front and rear elevations are likely to receive would be insufficient to overcome the unacceptable impact on the loss of direct light to the flank wall.

10. Therefore, although there is likely to be no impact on privacy, the proposed development would not be in accordance with Policies SG1, SG14 and SG17 of the South Holland Local Plan 2006 (the Local Plan), which seek to ensure that the scale and layout of developments do not harm the amenity of neighbours in terms of loss of light, overbearing and overshadowing. Policies SG1, SG14 and SG17 are consistent with the Framework, which advises at paragraph 127 that policies should ensure that developments add to the overall quality of the area and create places that are safe and inclusive, and promote health and well-being with a high standard of amenity for existing and future users.

Conservation Area

11. The appeal site lies within the defined settlement limit of Long Sutton, near to the centre of the town and within the Conservation Area. London Road is one of the main vehicular routes into the town and is an important element in setting the overall appearance of the Conservation Area. The character of the surrounding area is residential with an eclectic mix of architectural styles in the immediate vicinity comprising two-storey buildings and bungalows, and detached properties and short terraces. To the rear of the site is a large area of open land used as a sports field with a vehicular entrance to the fields and a pavilion building a short distance away on London Road. While there is an eclectic mix of styles and materials, buildings are predominantly of a traditional style with dual-pitched slate or pantile roofs and elevations built of brick or stone with some walls rendered. The style of the proposed building would match the prevailing pattern of development and some more modern elements of its design would be complementary to the overall appearance of the area.

12. The appellant states that the front boundary wall would be retained, and elsewhere the boundary will be defined by a 1.8 m high close-boarded timber fence. However, drawing no. 3145/PL04 Rev A shows a low red-brick wall across approximately half the front boundary, which accords with the description in the application form. The existing wall adds little to the appearance of the area and the proposed low wall and fencing would better frame the development.

13. I consider that the proposed development would have no harmful effect on the character or appearance of the Conservation Area. However, while there is therefore no requirement to weigh any benefits of the scheme against harm to the Conservation Area, the lack of such harm would not outweigh the significant detrimental impact of the proposal on the living conditions of the occupiers of No. 19.

Other Matters

14. The Council accepts that it cannot demonstrate a five year housing land supply at present. However, while Policies SG1, SG14 and SG17 of the Local Plan, which were the most important in determining the application, refer to housing the relevant elements of the policies relied on related to amenity of neighbours

and are not out of date for the purposes of paragraph 11 of the Framework. In any event, the modest addition that the proposal would provide towards the Council's housing land supply would not be sufficient to overcome the significant detrimental impact of the proposal on the living conditions of the occupiers of No. 19.

Conclusion

15. For the reasons given above, and taking into account all other matters raised, I conclude that the Appeal should be dismissed.

D Guiver

INSPECTOR