The Planning Inspectorate

Appeal Decision

Site visit made on 13 February 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2019

Appeal Ref: APP/A2525/W/18/3205493
14 Stockhouse Lane, Surfleet, Spalding PE11 4AR

- 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 and Mrs D M Titterton against the decision of South Holland District Council.
- The application Ref H17-0165-18, dated 16 February 2018, was refused by notice dated 10 April 2018.
- The development proposed is described as 'Residential development (re-application following refusal of H17-1050-17)'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The South East Lincolnshire Local Plan 2011-2036 Adopted March 2019 (LP) has been adopted since the Council's decision notice was issued. I have therefore made my determination having regard to the new LP, which supersedes the policies of the South Holland Local Plan, 2006. The main parties have been given an opportunity to comment on the new LP, and any responses have been taken into account in my assessment.

3. The application was submitted in 'outline' with all matters including access, scale, layout, landscaping and appearance reserved for future consideration. The application includes 'Location and Layout Plans' Drawing No 10 an indicative layout plan which shows layout and access arrangements along with a drawing titled 'Indicative Design' which shows an indicative design for the proposed dwelling. In my assessment of the proposed outline application, I will take these into account.

Main Issues

4. The main issues are the effect of the proposed development on the living conditions of neighbours; and, the character and appearance of the area.

Reasons

Background

5. The appeal proposal is for the erection of a new dwelling on a greenfield site located between the rear of dwellings 10 Stockhouse Lane (No 10) and 12 Stockhouse Lane (No 12), and the River Glenn to the south. To the west is a bungalow at 14 Stockhouse Lane (No 14) and to the east is the garden of the

Mermaid Inn Public House. The northern and eastern boundaries of the site are bounded by metal fencing and the western boundary mostly by hedging. The southern boundary is open on to the river. The site is within the defined settlement boundary of Surfleet.

Living conditions

6. Based on the indicative layout the existing driveway to No 14 would be altered and also utilised for the proposed dwelling. Part of the driveway and the garage for the proposed dwelling are shown to the rear of No 10 and 12. This area would also be adjacent No 14. Nonetheless, there would be adequate separation and screening provided by the existing garage and out-building to the side of No 14. Furthermore, its amenity space is located to the rear of the property. As such the living conditions of the occupants of this dwelling would be safeguarded.

7. However, the driveway and proposed garage would be in proximity of the ground floor living/amenity areas to No 12 and for No 10. Notwithstanding the existing fence and irrespective of the proposed hard surfacing of the driveway, vehicles passing and manoeuvring on this area, in such proximity of these dwellings would result in additional noise. There would also be associated instantaneous activity such as vehicle doors being closed shut this would also result in disturbance to the detriment of the occupiers of these dwellings, along with the undesirable effects associated with vehicle emissions. Such matters would also be of particular concern when occupants of these dwellings would wish to have the option of opening doors and windows for ventilation.

8. The submitted flood risk assessment recommends that the dwelling would incorporate a first floor and that its finished floor levels should be set no lower than 500mm above existing ground level. Furthermore, a 9m distance would also have to be maintained from the edge of the river if the appellant is to avoid the requirement to obtain Flood Defence Consent from The Environment Agency. Notwithstanding these parameters, based on the indicative drawings and the overall size of the site, a dwelling could be designed and located within the plot so as not to have any significant overbearing effect on the occupiers of numbers 10 and 12. In reaching this view, I have taken into account that the outlook from the ground floors of these properties is to a considerable extent supressed by the existing fence. Furthermore, No 10 has no first floor windows facing the site, and No 12 is served by a single small obscure glazed window.

9. Nonetheless, for the above reasons the proposed development would unacceptably harm the living conditions of the occupiers of neighbouring properties (No 10 and No 12) with regard to noise, disturbance and emissions from vehicles using the proposed driveway area. Consequently, the proposal would fail to accord with Policy 3 of the LP, which amongst other matters seeks to ensure that new developments deliver high quality places which secure residential amenity.

Character and appearance

10. Development nearby comprises mainly detached individually designed dwellings of various sizes. These are generally arranged in the form of ribbon development, facing the highway. Nevertheless, there is an example of tandem development at 18 Stockhouse Lane, which contributes to the pattern of development here. There are also variations in the proximity of dwellings to the

highway. In particular, No 14 is set deep within its plot. As such, the location of a new dwelling to the rear of numbers 10 and 12 would not be inconsistent with the varied pattern of development here.

11. There is existing development nearby along the river. Furthermore, given that the proposal relates to a modest sized plot in relation to the river, in this context, development here would not significantly undermine the openness of the area, when viewed from the along the river. The lack of any visual or physical affinity of the proposed development with the frontage of Stockhouse Lane would be a neutral factor.

12. While all matters are reserved for future consideration, from the indicative drawings before me and based on the above observations, the proposed development would not harm the character and appearance of the area. The proposals therefore accord with the aims of Policy 2 of the LP, which amongst other things requires that new developments respect the character and appearance of the area. I also find no conflict with Paragraph 127 of the Framework which amongst other things says that developments are sympathetic to local character.

Planning Balance

13. On the evidence before me, the Council cannot demonstrate a 5-year housing land supply, and so paragraph 11 of the Framework is engaged. The proposed development for a single dwelling would only make a modest contribution towards the housing shortfall locally and so the benefits of the proposal carry only limited weight in favour. The lack of harm to the character and appearance of the area is a neutral factor in the overall balance. On the other hand, the Framework places emphasis on requiring a high standard of amenity for existing and future users. In principle, the proposed development would have an unacceptably harmful effect upon the living conditions of neighbours, to which I attach significant weight. Therefore, the adverse impacts would significantly and demonstrably outweigh the benefits and so the proposal would not represent sustainable development.

Conclusion

14. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR