The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2019

Appeal Ref: APP/A2525/W/18/3208059
49 Peterborough Road, Crowland, Peterborough PE6 0BB

- 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 Mrs Linda Lee against the decision of South Holland District Council.
- The application Ref H02-0330-18, dated 9 April 2018, was refused by notice dated 25 June 2018.
- The development proposed is a bungalow.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration. Drawings showing an indicative layout of the development were submitted with the application, and I have considered them on this basis.

3. During the determination of the appeal the South East Lincolnshire Local Plan (LP) was adopted on 8 March 2019. This forms the new development plan for the area. The Council has referred to the most important LP policies for determination (Policies 1, 2, 3 and 4) within its Statement. I am required to determine this appeal on the basis of the development plan and national policy which are in place at the time of my decision and accordingly I have determined the appeal on that basis. Given that the appellant has had the opportunity to comment on these policies, nobody has been prejudiced by this approach.

Main Issues

4. The main issues are:

   - the effect on the character and appearance of the area; and
   - the effect of the proposal on the living conditions of the occupants of surrounding properties, with particular regard to noise and disturbance.

Reasons

Character and Appearance

5. No 49 is a detached, single storey, dwelling positioned on an unusually wide plot. It is located within Peterborough Road, which is a long street

characterised by residential properties which vary in size and design, sited on relatively large plots. The prevailing pattern of development along Peterborough Road in the immediate vicinity of the appeal site is of dwellings set back from the carriageway in a traditional layout with large, open gardens to the rear. This common layout gives the spatial pattern of these properties a sense of rhythm. The open and undeveloped rear garden at No 49 contributes positively to this character.

6. Beccelm Drive, to the rear of the appeal site, has a more uniform and planned estate style layout comprising more modern properties. There is less space for each dwelling in this street compared to nearby properties along Peterborough Road. This is also true for properties along Tatwin Drive to the north of the appeal site. As such, both Beccelm Drive and Tatwin Drive are materially different in character to this part of Peterborough Road.

7. This proposal seeks to sub-divide the appeal site to provide a new bungalow in the rear garden of No 49. I accept that the proposal would be positioned on a plot that would be commensurate in overall area to some surrounding plots. Nonetheless, it would introduce considerable built mass to the above mentioned garden. This would erode this open space and disrupt the rhythm and pattern of built form along this part of Peterborough Road.

8. Moreover, although the proposed dwelling would be positioned further from surrounding properties compared to some dwellings at Beccelm Drive and Tatwin Drive, the indicative plans shows that it would be at a right angle to No 49, sited close to its flank boundaries and would only have a small garden to its rear. Consequently, the proposed layout would be markedly different to, and at odds with, the layout of nearby plots along Peterborough Road. When viewed in this context, I also find that the proposal would have a cramped and overdeveloped appearance.

9. I do not share the Council's concern that the proposal would set a precedent for other similar developments, as no similar/comparable sites to which this might apply have been put forward and each development must be considered upon its own individual merits. Nevertheless, backland development of this nature is not a prevailing feature of the immediate area and, with regard to all of the above, I am not persuaded that the proposal would respect the character of its locality. On the contrary, in my view it would fail to integrate effectively with the spatial pattern of surrounding built form, particularly along this part of Peterborough Road. Its alien and conspicuous layout would be apparent from the rear gardens of nearby properties and from certain vantage points along Peterborough Road.

10. I am aware that the scheme at this stage is indicative only, and the detailed design of the scheme would be reserved for consideration at a later stage. Whilst an acceptable design for the bungalow itself could be attained through such reserved matters, given the size of the site, I am not satisfied that a layout that would integrate effectively with the spatial pattern of the area could be achieved through future applications. Neither would the removal of the large flat roofed workshop and garage at the site or the provision of adequate external amenity space diminish the harm I have identified.

11. My attention has been drawn to a development at Broadway[1] and a development at No 65 Peterborough Road[2]. I have not been provided with the full details of these developments and therefore cannot make meaningful comparisons with the appeal scheme. However, from the limited information provided, both of these schemes appear to be more comprehensive than the appeal proposal and involve the construction of dwellings on larger sites. They are therefore not comparable to the appeal proposal and do not alter my findings on this main issue.

12. Additionally, I note that there are backland developments south of the appeal site at Nos 61a and 73 Peterborough Road. However, the dwelling approved at No 61a is positioned in-between two properties, rather than in the rear garden of an existing dwelling. Furthermore, the development at No 73 appears to concern a light industrial building. Consequently, I find that these developments are not directly comparable to the appeal scheme and they therefore do not justify the significant harm identified.

13. My attention has also been drawn to developments for backland dwellings at Nos 2, 4, 8, 10, 14 and 31a Peterborough Road. I have not been provided with the full details of these developments. Nonetheless, these developments appear to be set back further from Peterborough Road compared to the appeal proposal, reducing their visual impact upon the streetscene. They are also located in an area where backland development is far more prevalent compared to the immediate vicinity of the appeal site. The individual circumstances in which these developments were considered therefore differ from the appeal proposal, which I have assessed on its own merits.

14. For the reasons given, I conclude that the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with Policy 2 and Policy 3 of the LP which, amongst other things, seek to ensure that developments create attractive places through the use of high quality design and layout and are appropriate to the character and appearance of the area.

Living Conditions

15. Although in outline form, submitted plans show that access to the proposed dwelling would be taken from a narrow gravel drive. This would be immediately adjacent to the short rear gardens of Nos 1 and 3 Tatwin Drive to the north. Two parking spaces for the proposed dwelling are also shown at the northwest corner of the site, adjacent to fencing and served by a small turning area.

16. Given the length of the access drive, I accept that vehicles would not be on it for a considerable period of time. Nonetheless, the proposal would still introduce daily noise close to surrounding properties from vehicular movements along this gravel drive. There would also be additional noise from manoeuvres in and out of proposed parking spaces (which themselves are in a tight area which would increase the duration of such manoeuvres) and from the slamming of car doors. In my view, this would have a detrimental impact on the enjoyment of the rear gardens at Nos 1 and 3. Further, the proposed dwelling would be within extremely close proximity of No 49. Its occupation, including

[1] H02-0147-15
[2] H02-0082-17

the use of its garden, would therefore result in additional noise and disturbance to the occupants of No 49.

17. Taking the above into account, although I accept that the indicative access would remove a section of hardstanding currently used for the parking of vehicles, in my view the proposed residential intensification would have a significant harmful impact upon the living conditions of the occupants of identified properties in terms of noise and disturbance. This is so even though there is existing and historic background traffic noise at the appeal site from passing vehicles and pedestrians.

18. Given its size, there are only a limited number of ways in which the appeal site could be developed. I am therefore not persuaded that a layout or access could be achieved through future applications which did not result in harm to living conditions in the manner identified above. I am also not satisfied that this identified harm could be suitably mitigated through additional planting which could be secured conditionally. Furthermore, given that existing trees close to the boundaries of rear gardens at Tatwin Drive are not in the control of the appellant and do not appear to be protected by preservation orders, I am not persuaded that they could be relied upon to permanently dampen noise.

19. I have again been referred to developments at No 65 Peterborough Road and Nos 59-61 Broadway which appear to have accesses close to existing residential properties. As discussed above, both of these developments are on larger sites and approved dwellings would appear to be positioned further away from surrounding properties when compared to the appeal proposal. I do not consider them to be directly comparable to the appeal proposal, nor are they reasons to set aside the significant harm I have identified in this main issue.

20. I also appreciate that the Council did not appear to raise concern in terms of noise and disturbance for a development at No 10 Peterborough Road[3], where background noise from passing vehicles and pedestrians was also present. However, as only limited details have been provided this does not alter my conclusions.

21. For the reasons given, I conclude that the proposal would result in significant harm to the living conditions of the occupants at Nos 1 and 3 and No 49 in terms of noise and disturbance. It would therefore conflict with Policy 2 and Policy 3 of the LP insofar as they seek to ensure that developments do not result in an unacceptable impact upon neighbouring land uses and amenity in terms of noise and disturbance. I have also been referred to Policy 4 of the LP. However, this concerns flood risk and is not relevant to this, or indeed the first, main issue.

Other Matters

22. I note that the appellant was not made aware of certain objections during the determination of the application by the Council. I also appreciate the appellant's frustration in terms of the limited initial feedback provided by the Council and the lack of negotiation during determination, but it does not appear that formal pre-application advice was sought. These matters do not alter my conclusions on the main issues.

[3] H02-1192-17

Planning Balance and Conclusion

23. The Council originally stated that it was unable to demonstrate a five-year supply of deliverable housing sites (5YHLS). I am mindful that Paragraph 74 of the National Planning Policy Framework (the Framework) states that a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan. However, the Council has not provided an updated 5YHLS position following the recent adoption of the LP to confirm this.

24. Nevertheless, in line with Policy 1 of the LP, the proposal would provide a single dwelling in a location which is close to services and facilities. However, whilst I accept that it could be occupied by elderly or retired residents, it would only make a small contribution to the Council's housing stock. There would also be economic benefits as a result of its construction and occupation. With regard to the scale of the proposal, I afford only limited weight to these social and economic benefits.

25. I appreciate that the appellant has worked with the Council to ensure that the proposal could be acceptable in terms of access. I also note that it would be acceptable in a number of other respects. For example, in terms of flood risk and highway safety. However, these are requirements which have to be met in order for a development to be acceptable in any event and are neutral factors in the overall balance.

26. Set against the identified benefits, I have found that the proposal would be harmful to the character and appearance of the area and would result in harm to living conditions at identified properties. These are matters to which I give considerable weight.

27. Overall, even if paragraph 11 of the Framework was engaged as a result of the lack of a 5YHLS, in my view the harm to the character and appearance of the area and to the living conditions at identified properties would significantly and demonstrably outweigh the limited social and economic benefits associated with the provision of a single dwelling. Consequently, the proposal conflicts with the development plan when read as a whole and there are no material considerations, including the Framework, which justify a decision other than in accordance with the development plan.

Conclusion

28. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR