



Appeal Decision

Site visit made on 22 September 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/A2525/W/20/3254358

Land at Holbeach Drove Gate (Site on corner of Holbeach Drove and B1166), Holbeach Drove, Spalding PE12 0RX

- 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 Kevin Vaughan against the decision of South Holland District Council.
 - The application Ref H09-0192-20, dated 26 February 2020, was refused by notice dated 22 April 2020.
 - The development proposed is the erection of a three bedroom detached house with on site parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a three bedroom detached house with on site parking at Land at Holbeach Drove Gate (Site on corner of Holbeach Drove and B1166), Holbeach Drove, Spalding PE12 0RX in accordance with the terms of the application, Ref H09-0192-20, dated 26 February 2020, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The appellant has submitted amended plans to correct minor discrepancies in the plans upon which the Council made its decision. This relates to the fact that two high level velux windows were not shown on the roof of the dwelling on the site and location plan and that the rear elevation drawing did not correctly visualise the rear off-shoot of the proposed dwelling. However, in both instances, the other plans clearly showed the proposed design and relationship to adjacent properties. I am therefore satisfied that accepting the amended plans would not prejudice any party who may have an interest in the proposal.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area, with particular reference to layout.

Reasons

4. The appeal site is located in a prominent position on the corner of Holbeach Drove Gate and the B1166. It would be set away from Holbeach Drove Gate but closer to the boundary with the B1166, to which its front elevation would address. There is substantial variation in the design and scale of houses in the

surrounding area, and in terms of their positioning in relation to the public highway.

5. The positioning of the proposed dwelling would be similar in its set back from the B1166 to the nearest two dwellings beyond its side boundary. Its relationship to this public highway would also not be dissimilar to that of other buildings within the wider area. There would be adequate distance between the proposal and Holbeach Drove Gate. For these reasons, the proposed development would assimilate well into the street scene when viewed from along both the B1166 and Holbeach Drove Gate and it would not form a visually harmful feature.
6. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area by reason of its layout on the appeal site. Consequently, the proposal accords with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 (LP), which seek to protect character and appearance. There would also not be conflict with The National Planning Policy Framework or The National Design Guide, where they seek to achieve the same aims.

Conditions

7. A condition confirming the approved plans and documents is necessary to provide certainty. Conditions relating to land contamination matters and the closing of the existing access point are required to ensure that the development is undertaken in a safe manner. These details however must be submitted to the local planning authority, as the Planning Practice Guidance confirms that it is not appropriate to require such works to be carried out to the satisfaction of a third party.
8. The requirement for new residential dwellings to meet the optional Building Regulation standard for water efficiency is set out in Policy 31 of the LP. Therefore, this establishes a planning policy requirement for compliance with a standard which would ordinarily only be optional under the Building Regulations. The condition is therefore necessary to ensure that the requirements of Policy 31 are met, which in turn seeks to ensure that developments make efficient use of water.
9. I have reworded the Council's proposed conditions where appropriate, in the interests of precision.

Conclusion

10. For the reasons given above, I conclude that the appeal should, subject to conditions, be allowed.

Graham Wraight

INSPECTOR

Schedule of 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 and details:
 - Application form
 - Drawing number V3393-3A
 - Drawing number V3393-9A
 - Drawing number V3393-10
 - Drawing number V3393-11
 - Design and Access Statement (Ref: V3393) dated February 2020
 - Drainage Strategy (Ref: V3393) dated October 2019
 - Landscaping Details (Ref: V3393) dated October 2019
 - Details of Sash Windows
 - Schedule of External Materials
 - Tree survey (Arboricultural Impact Assessment) (Ref: FH-Vaughan-Holbeach-Drove-Gate) by Dr Frank Hope dated 8th August 2018
- 3) No development shall take place until a site investigation for landfill gas has been carried out in accordance with a methodology which shall have previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development takes place. If any landfill gas issues are found during the site investigation, a report specifying the gas protection measures to be taken to render the site suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall thereafter be carried out in accordance with the approved measures.
- 4) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 5) Within seven days of the new access being brought into use, the existing access at the junction of the B1166 and the B1168 shall be permanently closed in accordance with details that have first been submitted to and agreed in writing by the local planning authority.
- 6) The dwelling shall not be occupied until the Building Regulations Optional requirement for water efficiency of 110 litres per person per day has been complied with.