The Planning Inspectorate

Appeal Decision

Site Visit made on 27 April 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/A2525/D/21/3269162
9 Dale Cottage, Mill Lane, Whaplode, Spalding, Lincolnshire PE12 6TP

- 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 & Mrs P Walton against the decision of South Holland District Council.
- The application Ref H23-0842-20, dated 28 September 2020, was refused by notice dated 3 February 2021.
- The development proposed is single storey / first floor extensions to existing dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised 'Location & Block Plan' has been submitted as part of the appeal which annotates the 'vehicle parking area' serving the host dwelling. Given the layout of the appeal site and the proposed extensions are unaltered on this revised drawing, no party would be prejudiced by me taking it into consideration as part of my assessment.

3. There is some ambiguity in the wording of the Council's first reason for refusal insofar as whether or not the proposal would result in an overlooking impact on No 6 Middle Road. Given that the appellant's appeal statement seeks to address the potential for any loss of privacy through the reduction in size of a window in the proposed first-floor extension, I have considered this matter as part of my assessment.

Main Issue

4. The main issues are:

   (i) the effect of the proposal on the living conditions of occupants of No 7 Mill Lane with regard to light and No 6 Middle Road with regards to outlook and privacy; and

   (ii) whether the proposal would give rise to highway safety issues and/or inconvenience for road users in the area arising from additional demand for on-street parking.

Reasons

Living conditions for occupiers of neighbouring dwellings

5. The first-floor extension would be orientated to the east of No 7 Mill Lane. Its rear elevation would align closely with the ground floor rear elevation of No 7

and therefore would also be set back from the garden serving this neighbouring property. The nearest first-floor window serving No 7 is set away from the shared boundary. Taking these factors into account, I am satisfied that this element of the proposals would not result in material harm to internal or external levels of light for occupiers of No 7.

6. Even though the single storey rear extension would project beyond the ground floor rear elevation windows serving No 7, a gap would be retained between the shared boundary fence and the extension would be of a flat roofed design, thereby minimising its height. Together these factors would ensure that the proposals would not result in any material loss of light for occupants of No 7.

7. There is an existing intimate relationship between the host dwelling and No 6 Middle Road. Even so, the combined bulk, mass and height of the extensions would be overbearing for the occupants of No 6 Middle Road, particularly when experienced from the closest rear windows and the outdoor space located immediately to the rear of this neighbouring property.

8. In addition, a window would be provided to the rear elevation of the first-floor extension and the first-floor window serving 'Bedroom 3' in the host dwelling would be repositioned closer to the shared boundary with No 6. Even accounting for the relative angles and distances, this would result in an increased perception of overlooking which would compound the dominating impact of the proposal on the living conditions of occupiers of No 6.

9. The appellant has suggested that the window to the proposed first floor gable end could be reduced in size to match the size of the repositioned window serving 'Bedroom 3'. However, I must consider the plans before me. In any case this would not be sufficient to overcome the harm identified.

10. I conclude that the development would have a harmful effect on the living conditions of occupiers of No 6 Middle Road with particular regard to outlook and privacy. In that regard, the development would conflict with the requirements in Policies 2 (Development Management) and 3 (Design of New Development) of the South East Lincolnshire Local Plan (2019) (LP) for development to have regard to the relationship with existing development and residential amenity. For the same reasons the proposal would also conflict with Paragraph 127 of the National Planning Policy Framework which amongst other things requires that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Whether or not the proposal would give rise to highway safety issues and/or inconvenience for road users

11. The extension would increase the number of bedrooms in the dwelling from 3 to 4. This has the potential to marginally increase parking demand at the property when compared with the existing situation.

12. Policy 36 (Vehicle and Cycle Parking) of the LP requires that all new development should provide vehicle and cycle parking in accordance with the minimum parking standards. For dwellings with 4 or more bedrooms a minimum of 3 parking spaces are required within the curtilage. The reasoned justification for Policy 36 sets out amongst other things that poor design and inappropriate provision has in places, created road-safety concerns and cluttered, car dominated environments.

13. At the time of my site visit, I noted the residential nature of surrounding roads. There were relatively few vehicles parked on the highway on Mill Lane and Middle Road and numerous opportunities to park on the street in close proximity to the appeal site. Whilst my observations on site only provide a snapshot of parking conditions in the area, there is no substantive evidence before me to indicate that there are particularly high levels of parking stress in the area.

14. From what I saw on site the current off-road parking facilities serving the host dwelling do not comfortably facilitate the parking of 3 vehicles and therefore would fall below the minimum LP requirement for a dwelling with 4 bedrooms. However, the appellant suggests that they would be willing to reposition the existing garden shed to allow for additional parking. Such an alteration could be secured by condition. On that basis, I consider it likely that suitable parking provision could be achieved. Any residual parking would be likely to be limited and could reasonably be accommodated on surrounding roads in this particular instance.

15. I conclude that the proposal would not give rise to highway safety issues or inconvenience for other road users in the area. In that regard, any conflict with Policy 36 of the LP and the Council's parking standards, is unlikely to be materially harmful in this particular instance. In reaching this conclusion I have also given regard to Paragraph 109 of the Framework which amongst other things confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

16. The proposal would harm the living conditions of occupants of No 6 Middle Road and would therefore conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR