The Planning Inspectorate

Appeal Decision

Site visit made on 4 October 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/A2525/W/23/3320312
175 St. John's Road, Spalding, Lincolnshire PE11 1JD

- 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 P and Mrs R Bowman against the decision of South Holland District Council.
- The application Ref H16-0949-22, dated 26 September 2022, was refused by notice dated 27 January 2023.
- The development proposed is building works to a) alter and extend existing dwelling and b) extend to form new end of terrace dwelling unit.

Decision

1. The appeal is allowed and planning permission is granted for building works to a) alter and extend existing dwelling and b) extend to form new end of terrace dwelling unit at 175 St. John's Road, Spalding, Lincolnshire PE11 1JD in accordance with the terms of the application, Ref H16-0949-22, dated 26 September 2022, subject to the conditions within the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupants of 177 St. John's Road, with particular reference to outlook.

Reasons

3. The appeal site is located at the end of a row of terraced properties and includes the end of terrace property and land immediately adjoining it. 177 St. John's Road (No. 177) is immediately adjacent to the appeal site and is a detached property which is set significantly back from the row of terraced properties. Currently there is a large single storey outbuilding which is sited on the boundary between the appeal property and No. 177.

4. The appeal proposal includes the extension of the appeal property and the creation of a new end of terrace property immediately adjacent to No. 177 in place of the outbuilding.

5. The side elevation of the proposed dwelling, immediately adjacent to No. 177 would be significantly taller than the existing outbuilding. This would lead to built development at the boundary being above the level of the first floor windows of No. 177. However, the existing view from first floor windows is over the outbuilding toward the side elevation of the appeal property, which is similar to the proposed side elevation. Also, there would only be indirect views of the proposed dwelling as the windows face forward toward the road. The proposed dwelling would also be set further forward than the existing

outbuilding and therefore there would be greater separation between the front elevation of No. 177 and built development.

6. The proposed development would not create an unacceptable sense of enclosure as 179 St. John's Road is a bungalow and is set in line with and on the other side of No. 177 to the appeal site. Therefore, occupants of No. 177 would still have open views toward the road and across to the junction with Lancelot Way.

7. Whilst the proposal would lead to taller development on the boundary with No. 177, it would not be overbearing on neighbouring residents, as a view of the side elevation would only be in indirect views from windows on the front elevation. Residents would also still be able to look out toward the road unhindered.

8. I conclude that the proposed development would not have a harmful effect on the living conditions of occupants of 177 St. John's Road, with particular reference to outlook. It would therefore be compliant with policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036 (LP), Adopted March 2019. These policies indicate that planning permission will be permitted provided that sustainable development considerations are met including the impact on neighbouring land uses, and development proposals will demonstrate how residential amenity will be secured.

9. The proposed development would also be in accordance with paragraph 130 of the National Planning Policy Framework (the Framework) which advises that planning decisions should ensure that developments create places with a high standard of amenity.

Other Matters

10. The proposed window closest to No. 177 would be an oriel window and the pane of glass facing the rear garden of No. 177 would be obscurely glazed. As part of any planning permission, a condition requiring the obscured glazing of this pane and the other first floor window to be installed and retained thereafter could be imposed. Therefore, the proposed development would not lead to a material loss in privacy enjoyed by occupants of No. 177.

11. St. John's Road allows for unrestricted parking on either side of the road and cars would be able to travel between two parked cars in single file. There is no substantive evidence before me that the area suffers from a lack of on-street parking. Therefore, I am satisfied that there is sufficient on-street parking to accommodate the additional demand generated by the extended property and new dwelling. Likewise, the proposed development would not allow parking closer to the driveway of No. 177 than is currently permitted. As such, the proposal would not lead to additional concerns with a lack of visibility when exiting No. 177.

12. Given the orientation and relationship between No. 177 and the proposed development, the proposal would not lead to a material loss in daylight enjoyed by occupants of No. 177.

13. There is no substantive evidence before me that the appeal proposal would not be able to connect to the existing foul drainage network, that the network does not have sufficient capacity, or that it is in a state of disrepair. Anglian Water did not object to the proposal. They are required to accept effluent flows from

the proposed development into their network, if permitted, in an appropriate manner. I am therefore satisfied that appropriate means of foul sewerage could be achieved.

Conditions

14. The council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the Planning Practice Guidance and paragraph 56 of the Framework.

15. Conditions specifying a time limit to implement the permission and approved plans are required in the interest of certainty. Conditions requiring a scheme for the disposal of surface water and for measures identified in the Flood Risk Assessment to be implemented are necessary to ensure that the proposed development is not at risk of flooding throughout its lifetime. A condition requiring a copy of the water efficiency calculator for new dwellings to be submitted to the local planning authority is necessary to ensure the requirement of LP policy 31 is met. Conditions restricting the installation of new windows, without planning permission, and requiring obscured glazing to be installed and retained are necessary to ensure there is no unreasonable overlooking of No. 177.

Conclusion

16. For the reasons given above, the proposed development complies with the development plan when considered as a whole. Therefore, I conclude that the appeal should be allowed, and planning permission should be granted.

J Hobbs

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 3534-3 and 3534-2B.

3) Prior to commencement of the development, full details of the means of surface water disposal shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to first occupation.

4) Prior to first occupation of the new dwelling, a copy of the water efficiency calculator for new dwellings from Building Regulations Approved Document Part G shall be submitted to the local planning authority, detailing the sanitary ware and water-consuming appliances for the new dwelling. This shall demonstrate that the new dwelling will achieve water use of not more than 110 litres per person per day.

5) The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Flood Risk Assessment (prepared by Ellingham Consultants Ltd dated October 2022). Additionally, the following measures shall be fully implemented:

   i) finished floor levels of the new dwelling and extended section of the existing dwelling shall be set no lower than 300mm above the existing surveyed ground level,

   ii) floor resilient construction shall be used up to a height of 300mm above the finished floor level.

   All the mitigation measures shall be fully implemented prior to first occupation and shall be retained thereafter throughout the lifetime of the development.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order or Statutory Instrument revoking and re-enacting that Order, the installation of new windows, other than those shown on the plans hereby approved, shall not be carried out.

7) The windows shown on drawing no. 3534-2B as obscure glazed and non-opening shall be retained and maintained as such for the lifetime of the development hereby approved.