



Appeal Decision

Site visit made on 18 June 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/A2525/W/23/3331314

Victoria Cottage, Stockwell Gate North, Whaplode, Spalding, PE12 6WH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs I Sloan against the decision of South Holland District Council.
 - The application Ref is H23-0731-23.
 - The development proposed is one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with details of access, scale, layout, appearance and landscaping all reserved for subsequent approval. I have therefore treated the submitted block plan as being for indicative purposes only.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area; and ii) the living conditions of occupiers of the existing and proposed dwellings with particular regard to privacy.

Reasons

Character and appearance

4. Victoria Cottage is an extended two-storey detached house situated within a substantial plot of land. It is set back from the roads which bound it on three sides. The original front elevation and large front garden face south onto Stockwell Gate West. There are also large areas of garden to either side, but limited space to the rear, beyond which lies another dwelling. There is a two-storey detached outbuilding and parking on the western side of the dwelling, adjacent to the vehicular access, which is from Stockwell Gate North. The site is surrounded by a variety of detached and semi-detached houses and bungalows that are also set back from the road on generous plots of land.
5. It is proposed to erect a new dwelling in the large garden area on the eastern side of Victoria Cottage, which could be accessed directly from Stockwell Gate. Accordingly, the proposal would not constitute backland development.
6. The western boundary of the proposed new plot would be in excess of 6 metres from the eastern side elevation of Victoria Cottage. Whilst this would ensure

adequate separation between the existing and proposed dwellings, it would also result in the new plot appearing disproportionately smaller and narrower than that retained for Victoria Cottage and other plots on the northern side of Stockwell Gate West. The proposed new plot would be further constrained by its triangular shape and as such, to accommodate suitable access, parking and turning, any future dwelling would most likely need to be squashed into the northwest corner of the plot, close to its side and rear boundaries, as shown on the indicative block plan. This would not be in keeping with surrounding dwellings which have more space around them. Whilst there does appear to be scope to increase the width of the plot by at least 2 or 3 metres, I must consider the proposal based upon the plans before me, which were considered by the council and other interested parties.

7. I therefore conclude that the proposal for a new dwelling, due to the combined size and shape of the plot, would result in a cramped form of development, which would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036 (SELLP) and paragraph 135 of the National Planning Policy Framework (the Framework). These policies require amongst other things that new development respects the character and appearance of the area. However, I find no conflict with Policy 30 of the SELLP, which is referred to in the council's decision notice and relates to pollution.

Living conditions

8. The eastern side elevation of Victoria Cottage, which faces the appeal site, contains only two small first floor obscure glazed bathroom windows, a ground floor small obscure glazed WC window and clear glazed bi-fold doors into the kitchen, which has an additional large window into a separate garden area on the opposite side of it. Having reviewed its case, the council has rescinded its objection on the grounds of overlooking from Victoria Cottage. As any views from the ground floor kitchen doors towards the appeal site could be screened by appropriate boundary treatment, I agree that the proposed dwelling would not be directly overlooked by occupiers of the existing dwelling.
9. The council has maintained its view that a two-storey dwelling on the appeal site could potentially overlook the garden of Victoria Cottage. However, the scale and siting of the proposed dwelling, together with the position of any first-floor windows could be controlled at the reserved matters stage. Should it be necessary, planning conditions could also be used to control any windows that need to be non-opening below a certain level or obscure glazed, and to prevent new windows from being created without planning permission. Furthermore, some overlooking of neighbouring gardens at oblique angles is neither unusual nor unacceptable.
10. The privacy of occupiers of the dwelling to the rear of Victoria Cottage and occupiers of those dwellings across the road from the site, would not be adversely affected given the orientation of those dwellings and the separation distances between them and the appeal site.
11. I therefore find no conflict with Policies 2 and 3 of the SELLP or the Framework in respect of privacy.

Other Matters

12. Reference has been made to various other residential developments that have been granted planning permission in Whaplode. As I have not been provided with the details of those sites or the developments permitted, I cannot be sure that they are comparable to the proposal before me or its surroundings. As such I can afford this very little weight.
13. Given that the site forms part of the appellants garden and is screened by the high hedge that surrounds it, it is unlikely to become an eyesore in the village. Moreover, the council has powers to address untidy land and as such I afford this no weight. The proposal would however make more efficient use of land in a sustainable location, which I afford modest weight.
14. Notwithstanding the fact that all details are reserved, it is likely that a 3 or 4 bedroom one or two-storey dwelling, as referred to in the Design and Access Statement, in the position shown on the indicative plan, would need to have at least some habitable room windows in the north and west facing elevations, within very close proximity to the site boundaries. This would be likely to have implications in terms of light and outlook to and from the ground floor windows and overlooking from the first-floor windows, due to the constrained width and shape of the plot as submitted.

Conclusion

15. Whilst I have concluded that a dwelling could be designed for the site that would ensure suitable privacy for residents of both the existing and proposed dwellings, the size of the plot would not be commensurate with those surrounding it and due to its constrained width and shape any new dwelling is likely to appear cramped. Consequently, the proposal would not comply with the development plan and the modest benefits of the scheme would not outweigh this.
16. For the reasons given above the appeal is dismissed.

R Bartlett

INSPECTOR