The Planning Inspectorate

Appeal Decision

Site visit made on 8 May 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/A2525/W/23/3334067
Land at Blackbird Close / Peterborough Road, Crowland, Lincolnshire PE6 0BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Mark Blackbird against the decision of South Holland District Council.
- The application Ref is H02-0899-22.
- The development proposed is the erection of 3 bungalows with garages.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Mark Blackbird against South Holland District Council. This application is the subject of a separate decision.

Main Issues

3. The Council's decision notice is written as one reason for refusal. However, it encompasses multiple issues. As such, the main issues are:

    - the effect of the proposal on the character and appearance of the area; and
    - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and light.

Reasons

Character and appearance

4. The surrounding area is predominantly residential, with dwellings of varied age and design. Typically, properties either directly face the highway or are set in a backland position. Whilst long, enclosed drives to the rear are common, the street maintains an open, spacious character through the use of low level boundary treatments and verdant frontages. In addition, the vast majority of dwellings maintain an active frontage with front doors. The appeal site comprises an open area of land between No 4 Peterborough Road and Blackbird Close which serves the properties to the rear of the site.

5. The west elevation of plot 1 would align with the front elevation of No 4. However, it would not have a front door and would instead be orientated towards Blackbird Close. In order to provide a good standard of amenity for the future occupiers, the southern boundary would predominantly comprise high-level fencing.

6. Whilst the resultant enclosure of Blackbird Close itself would be in keeping with other drives seen in the area, the proposed dwellings would be enclosed on all sides with a lack of functional relationship to either Peterborough Road or Blackbird Close. I note the reduction in scale from previous iterations and that the density of development would be commensurate with the surrounding area. Further, the roof pitches would be relatively low, with spacing provided between the plots. However, due to the overall footprint of development and the degree of enclosure, when viewed in relation to the surrounding properties, the proposal would appear cramped and incongruous.

7. My attention has been drawn to several properties which are set perpendicular to Peterborough Road. Whilst the proposed dwellings would address a narrow drive to the south in the same manner as Nos 21 and 21a Peterborough Road, the east and south elevations of these properties are open with low level boundary treatments. Consequently, despite the lack of front doors which directly address Peterborough Road the spacious, street fronting character is maintained. Similarly, although Nos 1 and 2 Tatwin Drive have blank elevations which address Peterborough Road, they are set back substantially with open frontages.

8. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy 3 of the South East Lincolnshire Local Plan 2011-2036 (March 2019) (SELLP) which seeks to create distinctive places through high quality design and layout that considers street patterns and visual closure.

Living Conditions

9. There are three dwellings immediately to the north of the appeal site, No 4 adjacent to the highway and Nos 4a and 4b to the rear, in addition No 8 is located to the south, set behind Blackbird Close. All four properties are orientated east to west.

10. There are a number of windows in the south elevation of No 4, with the ground floor outlook predominantly comprising a boundary fence and the first floor overlooking the open appeal site. Whilst only an obscurely glazed ensuite window is positioned in the south elevation of No 4b, the property benefits from a large bay window with clear views down the narrow drive.

11. Whilst the proposal would be visible from the windows located in the south elevation of No 4, due to the existing boundary treatments, the separation distances and the single storey design of the proposed dwellings, the outlook from the property would not be detrimentally affected nor would there be a loss of light. Similarly, due to the separation distances achieved the occupiers of No 4a would not suffer from reduced outlook or light.

12. Although the built form of Plot 3 would extend beyond the front elevation of No 4b due to the offset distances and the shallow slope of the roof, the proposal would not harmfully reduce light entering the property. Notwithstanding this, the boundary wall extension, which is necessary to prevent overlooking, would increase its height along the entirety of the access drive and would form a dominant feature, when viewed from the ground floor bay window. Whilst it would not disrupt the views directly down the drive, due to the already narrow proportions of the drive and the increase in height, the

boundary wall extension would have an enclosing effect, ultimately harming the outlook currently afforded to the occupiers of No 4b.

13. The Council have raised further concerns within the appeal statement regarding the living conditions of the occupiers of No 8 with regard to noise and disturbance as well as future occupiers in terms of overlooking.

14. Whilst there would be additional vehicle movements this would not be significantly different from the existing situation with vehicles utilising Blackbird Close to access the properties to the rear. Moreover, there are a limited number of windows located on the north elevation of No 8 and the rear garden is enclosed by a brick boundary wall. Consequently, the occupiers would not experience a detrimental increase in noise and disturbance. Whilst there are several first-floor windows, which face the appeal site from both the north and south, due to the intervening distances, the level of overlooking would not be such that the privacy of the future occupiers would be harmfully affected.

15. Nevertheless, I conclude that the proposal would harm the living conditions of the occupiers of No 4b with particular regard to outlook. It would conflict with Policy 3 of the SELLP which requires development to secure residential amenity.

Other Matters

16. I acknowledge that the explanatory text which accompanies SELLP Policy 3 does not refer explicitly to overlooking, overbearing or overshadowing. However, the wording of the policy itself does not limit the interpretation of 'residential amenity' to the matters listed.

17. The proposal would provide three dwellings in an accessible location, making use of an allocated site. In addition, they would provide a good standard of amenity for future residents. Whilst the National Planning Policy Framework (the Framework) seeks to boost the supply of housing and create places with a high standard of amenity for future users, these matters do not outweigh the harm I have identified above.

Conclusion

18. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR