Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2025

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/A2525/W/24/3348978
20 Reservoir Road, Surfleet, Spalding PE11 4DJ

- 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 and Mrs John Heppenstall against the decision of South Holland District Council.
- The application Ref is H17-0261-24.
- The development proposed is a replacement dwelling and detached double garage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The third reason for refusal refers that although the application was validated, the drawings provided with it fail to adequately demonstrate the design or relationship of the proposed development and its setting within the site or surrounding area, which creates significant uncertainty as to the appearance and likely impacts of the proposal.

3. The Council has not explained why the application was validated, if the plans were deemed so poor quality so as to justify a refusal on this basis. However, revised plans have been submitted for the appeal[1], which make no amendments to the design, but which are of a more professional standard. The Council has confirmed no objection to the use of these amended plans. In accordance with the Holborn Studios Ltd 2017 judgement, accepting this evidence as the basis for the appeal therefore meets the substantive and procedural tests, and no parties would be prejudiced in the interests of natural justice. The third reason for refusal has therefore fallen away.

4. The Government published a revised version of the National Planning Policy Framework ('the Framework') in December 2024. I do not find the revisions to be substantive or determinative in relation to this appeal outcome.

Main Issues

5. The main issues are the effect of the proposed development on:

   - the character and appearance of the area; and
   - flood risk.

[1] 'Proposed Garage' (undated); 'Proposed Dwelling' (undated)

Reasons

Character and Appearance

6. The site comprises a dwelling with its main elevation overlooking the River Glen. A private road separates it from the land to its north. This property layout is replicated along the riverbank, with dwellings also lying on the opposite bank. The original dwellings are generally single storey prefabricated with wood cladding, as on the appeal site. However, cumulatively the dwellings display a variety in design and age, including several more recent 2 storey dwellings faced in render. The proposal is for a replacement 2 storey dwelling, with render and grey concrete roof tiles, plus a 2 storey garage to the north of the access road.

7. The site lies outside of settlement boundary limits. Policy 22 of the South East Lincolnshire Local Plan 2011-2036 (SELLP) permits replacement dwellings outside defined settlement boundaries in principle, subject to various criteria. I agree with the parties that the proposal would comply with criteria 1 to 5, but they dispute criterion 6. This requires the replacement building to not exceed the floor area of the original dwelling by more than 40%, unless of exceptional quality or innovative in nature in terms of its design, use of materials, and levels of energy efficiency.

8. An accurate calculation is not possible as there are no existing floor plans. The appellant identifies the existing footprint as approximately 66.7sqm. I note there is also some first floor space, although with some height limitations. The new dwelling would increase the footprint by 18%, and have a floor area more than 134sqm across both floors. The parties thus agree that the new dwelling would be a more than 40%.

9. I find it unlikely that this increase would be significantly above 40%. Furthermore, this would predominantly be due to the new first floor space. In this regard, several similar sized or larger dwellings have been recently built along the waterfront, including directly adjacent. Although I have no information as to their relative size increases, there is a clear general precedent in this area of 2 storey replacements. Indeed, the officer's report for No. 25 The Reservoir[2] refers that the replacement dwelling floor area would exceed that of the original dwelling by more than 40%, but that the plot can accommodate a larger dwelling.

10. Moreover, the justification text for Policy 22(6) states that it will help protect the rural landscape from the intrusion of large dwellings which have a greater visual impact on the character of the area, as well as mitigating the impact of the progressive reduction in the supply of smaller rural dwellings. Considering the above in totality, as a matter of principle I find a 2 storey dwelling would not be obtrusive in this location, even with floor space slightly above a 40% increase. A clear precedent has been set as a material consideration, and the proposal would not conflict with the aims and objectives of Policy 22 when read as a whole. I thus find no harm from the minor conflict with criterion 6 in this instance.

11. Notwithstanding this, and the existing relatively eclectic mix of dwellings, overall the proposal would result in a somewhat contrived design. This includes its varying roof pitches including the catslide dormers on the northern roofslope. I note the appellant's reference to the recent dwellings at 43-45 Reservoir Road, including

[2] H17-0110-24, permitted April 2024

their rear dormers, but their physical site context and overall design is sufficiently different to that before me such that they do not lend support in favour.

12. The proposed rear dormer and the large roofslope would also appear incongruous and overbearing in design, creating a top heavy emphasis to its rear façade. Although this design was intended to reduce the river frontage massing and dominance, if deemed necessary this could also be achieved through a more sympathetic arrangement. Furthermore, only one existing dwelling includes a dormer window facing the water, and that is also more modest and in better balance with that dwelling's roofscape as a whole than is proposed under this appeal. Overall, the proposal would not be an improvement on the existing dwelling in terms of design and impact on the character of the area.

13. At approximately 6.4m high, the built form of the proposed garage would be only 0.5m lower than the proposed dwelling. Their relative topographical heights are not identified clearly. Other properties do include relatively substantial outbuildings in similar positioning, but their relative height differences from ground level are less apparent. On the evidence before me, the garage would not appear sufficiently subservient in its function as an ancillary building, and would be overdevelopment within the plot.

14. Overall therefore, the proposed development would harm the character and appearance of the area, and would conflict with the SELLP Policies 2 and 3. Together and amongst other matters, these require development to create distinctive places through high quality design and layout which is appropriate to the local area, including with regard to size and scale.

Flood Risk

15. The dwelling would fall within the flood risk vulnerability classification of 'more vulnerable', and the site is situated in Flood Zone 3b Functional Floodplain. The Surfleet Reservoir has experienced previous flooding incidents. The ground level in the area of the proposed dwelling is approximately 3.6m above ordnance datum (AOD). The Flood Risk Assessment (FRA) identifies that for a flood with a 1% annual exceedance probability and with allowance for climate change, the site could experience flood depths of approximately 1.2m, equivalent to a predicted flood level of 4.78m AOD.

16. Notwithstanding this, the principle of residential use on the site is established. Section 5.2 of the FRA thus proposes the dwelling to have a finished floor level of 5.08m AOD. The Environment Agency (EA) and the Council consider that this floor level would be acceptable to mitigate the dwelling's own flood risk.

17. However, the EA also highlights as imperative that there is no ground raising at this site, to ensure no loss of floodplain storage which would increase the risk of flooding for third parties. Although Section 5.2 of the FRA and the appellant's Statement of Case identify that the dwelling shall be built with openings underneath that should be left unobstructed to allow floodwaters to flow beneath the structure, this is not identified on the plans. Moreover, there are no topographical scale drawings to be able to clearly identify the necessary earthworks to raise the dwelling to this level.

18. My site visit identified that nearby dwellings under construction are raised up from the existing ground level, with such voids underneath. It is clear that this needs to

be an integral element of the appeal scheme design, in part to address flood risk and also because of character and appearance implications. The Proposed Dwelling plan instead shows the land raised up to create level access into the dwelling. The site layout does not identify where compensatory flood water storage would be located.

19. I have considered whether this matter could be addressed through the imposition of conditions, such as initially suggested by the EA. However, this would be inappropriate because the condition discharge stage would require substantial amendments to the approved plans.

20. The proposal would therefore conflict with the SELLP Policy 4(f), and the Framework paragraphs 170 and 181, which together require the development to be made safe for its lifetime without increasing flood risk elsewhere. It would thus also conflict with the SELLP Policies 2(7) and 3(12) regarding the consideration and mitigation of sustainable drainage and flood risk.

Other Matters

21. The appellant identifies that the dwelling would fall under the definition of a self-build in the Self-build and Custom Housebuilding Act 2015, as it has been designed on behalf of and would be completed by tradespeople working with or for the appellant. I acknowledge the SELLP Policy 17 support for self-build as a general principle. However, no legal mechanism has been presented to secure that the proposal would be a self-build, nor is this referenced in the description of development. These methods are identified in the Planning Practice Guidance as elements to be considered in recording suitable permissions as self-build[3]. As such, I cannot be certain that the dwelling would be delivered as a self-build, and so do not find support for the scheme on this basis.

22. A temporary caravan is identified on the plans, but is not a part of the proposal before me. The Council has clarified that the site benefits from permitted development rights for the temporary siting of a caravan during construction. Although the EA raises flood risk concerns regarding such occupation, as I am dismissing the appeal then I have no need to consider this matter further.

Conclusion

23. Overall, the proposed development conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR

[3] Paragraph: 038 Reference ID: 57-038-20210508