SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H01/0542/93 Received:10-JUN-93 Type:OUTLINE

Name: Mr & Mrs C Russell
47 Stonegate
Cowbit
Spalding
Lincs

Agent: Mr & Mrs C Russell
47 Stonegate
Cowbit
Spalding
Lincs

Description: Residential development

Location : Rear of 47 Stonegate (fronting onto Orchard Way)
Cowbit Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 The site occupies a prominent location fronting onto Orchard Way. In the opinion of the Local Planning Authority, the development of this site would be seriously detrimental to the established character and visual amenities of this part of Orchard Way as a result of the loss of part of the open aspect afforded by the existing grass verge, which was originally provided as part of the landscaping to the development, and the loss of enclosure and screening provided by the existing hedge across the site.

Director of Planning and Building Control Services
11-AUG-93 H01/0542/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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SPALDING
Lincolnshire
PE11 3JA

Your Ref:

Ref: T/APP/A2525/A/94/233334/P2

S.H.D.C. PLANNING DEPT.
RECEIVED
21 APR 1994
Date

20 APR 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS C RUSSELL
APPLICATION NO: H01/0542/93

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the South Holland District Council to refuse outline planning permission for residential development at the rear of 47 Stonegate, Cowbit. I have considered the written representations made by you and by the Council and by an interested person. I inspected the site on 12 April 1994.

2. No Development Plan policies relevant to this appeal have been brought to my attention and so, from the representations and my visit to the site, I consider that the main issues in determining the appeal are first, whether the proposed development would be harmful to the character and appearance of this residential area and second, the effect on the living conditions of adjoining occupants.

3. Although the site is the southern half of the garden of 47 Stonegate, a dwelling on the plot would front on to Orchard Way. The wide, grass verge by the side of Orchard Way, which runs along the whole length of the present garden of No.47, forms a pleasant landscape feature at the entrance to this small estate. The tall conifer hedge behind emphasises the verge as a feature.

4. The Council say that the verge was part of the original landscape design of the estate. Whilst I appreciate that the verge could be extended to form the frontage of a dwelling on the site, there would be no guarantee that the occupants of the dwelling would want to preserve an open frontage particularly as there would be little private land around the building on this relatively small site. They may choose to

change the frontage just as you say that the applicants could choose to remove the conifer hedge.

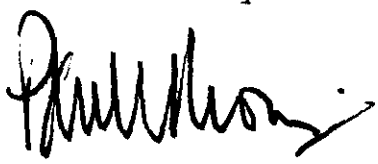
5. Although the loss of a significant length of the hedge would affect the appearance of the verge, this would not be as harmful, in my view, as the verge forming part of a front garden and the loss of part of the verge for the driveway to the detriment of the overall appearance of the estate.

6. In their representations, the Council have mentioned the problems of either a house or a bungalow on the site. I note, however, that the illustrative plan with the application shows a bungalow. The dwellings on the Orchard Way estate are all houses and I share the Council's view that a bungalow on this site would spoil the present character of the estate as it would appear as a contrived form of development and be out of place with its surroundings.

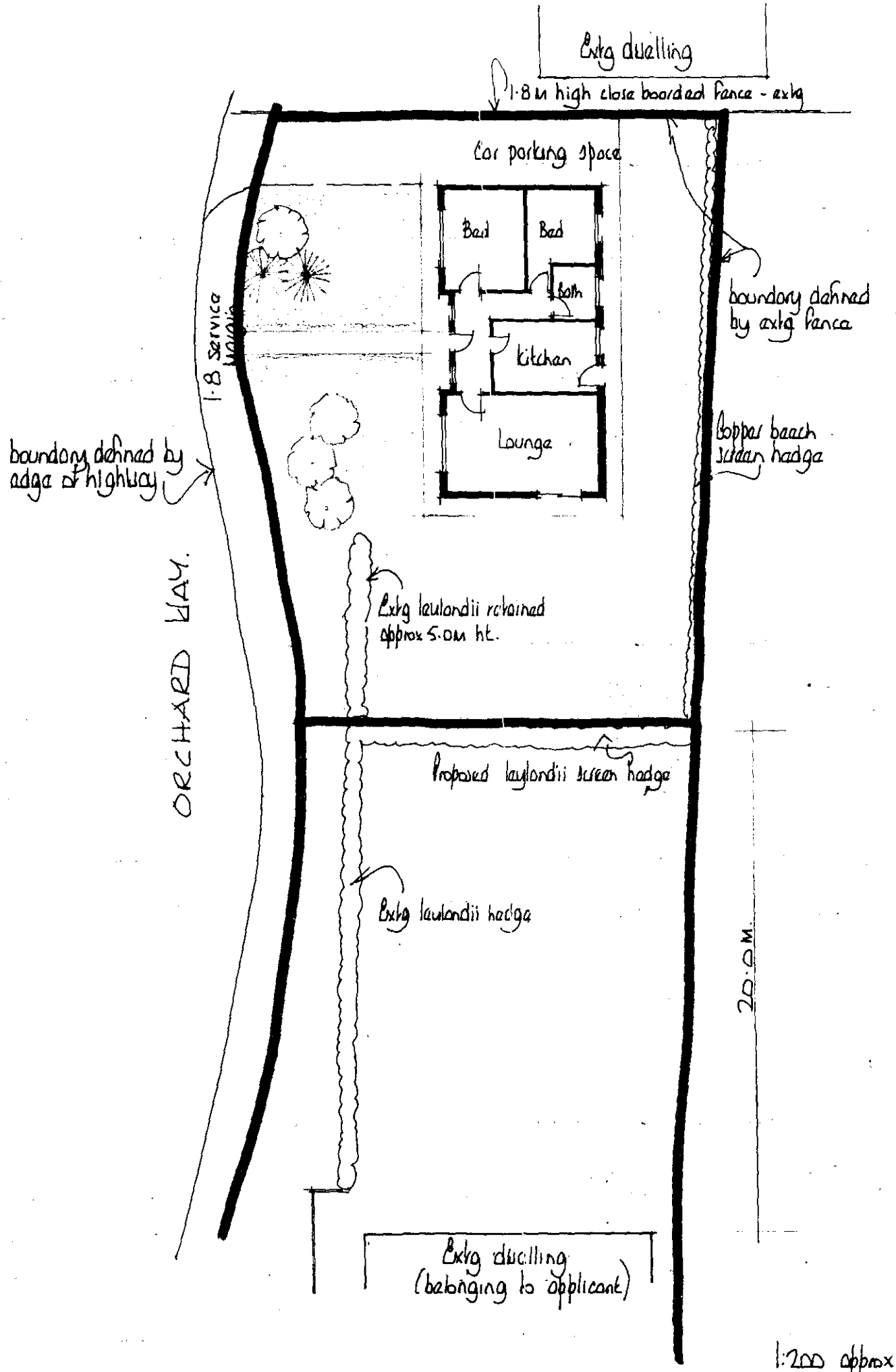
7. Turning to the second issue, a house would overlook the garden of the house adjoining to the west and would result in an unacceptable loss of privacy for the occupants. Whilst a bungalow would overcome the problem of overlooking, I consider that a dwelling on this site would still limit the enjoyment of the garden of the adjoining house because of its proximity to the garden boundary. On its own, I would not have considered this objection to be serious enough to warrant dismissing the appeal but it confirms my view that the proposal is not an acceptable form of development.

8. In coming to my conclusions, I have taken account of all the other matters raised but none of these alters the considerations which have led to my decision. For the reasons I have given, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



PAUL V MORRIS DipTP MRTPI
Inspector


Extg dwelling
1·8 m high close boarded fence - extg
Car parking space
Bed
Bed
Bath
Kitchen
Lounge
1·8 service mains
boundary defined by extg fence
boundary defined by edge of highway
Copper beech screen hedge
ORCHARD WAY.
Extg leylandii retained approx 5.0m ht.
Proposed leylandii screen hedge
Extg leylandii hedge
20.0m.
Extg dwelling (belonging to applicant)
1:200 approx