SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H05/0911/93 Received:06-OCT-93 Type:FULL

Name: Mr W Jordan
15 Wisbech Road
Thorney Toll
Wisbech
Cambs PE14 8PA

Agent: David Broker Design
Danbrooke House
Station Road
Wisbech St Mary
Cambs

Description: Proposed chalet bungalow

Location : Main Road Fleet Hargate
Spalding Lincs

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

1 The proposed development would constitute a backland form of development accessed through existing commercial and residential property. As such, the proposed development would have an unacceptably low level of amenity by reason of the inconvenience of access and a reduced level of privacy. The proposed development would also have an adverse effect upon the amenities of the said residential and commercial property for the same reasons.

2 Moreover, even if the said commercial development were removed, the proposed development of the site would still entail detriment, to an unacceptable degree, to the amenities of the adjacent residential property by virtue of the use of the shared access and inconvenience and loss of privacy arising therefrom.

Director of Planning and Building Control Services
24-NOV-93 H05/0911/93

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

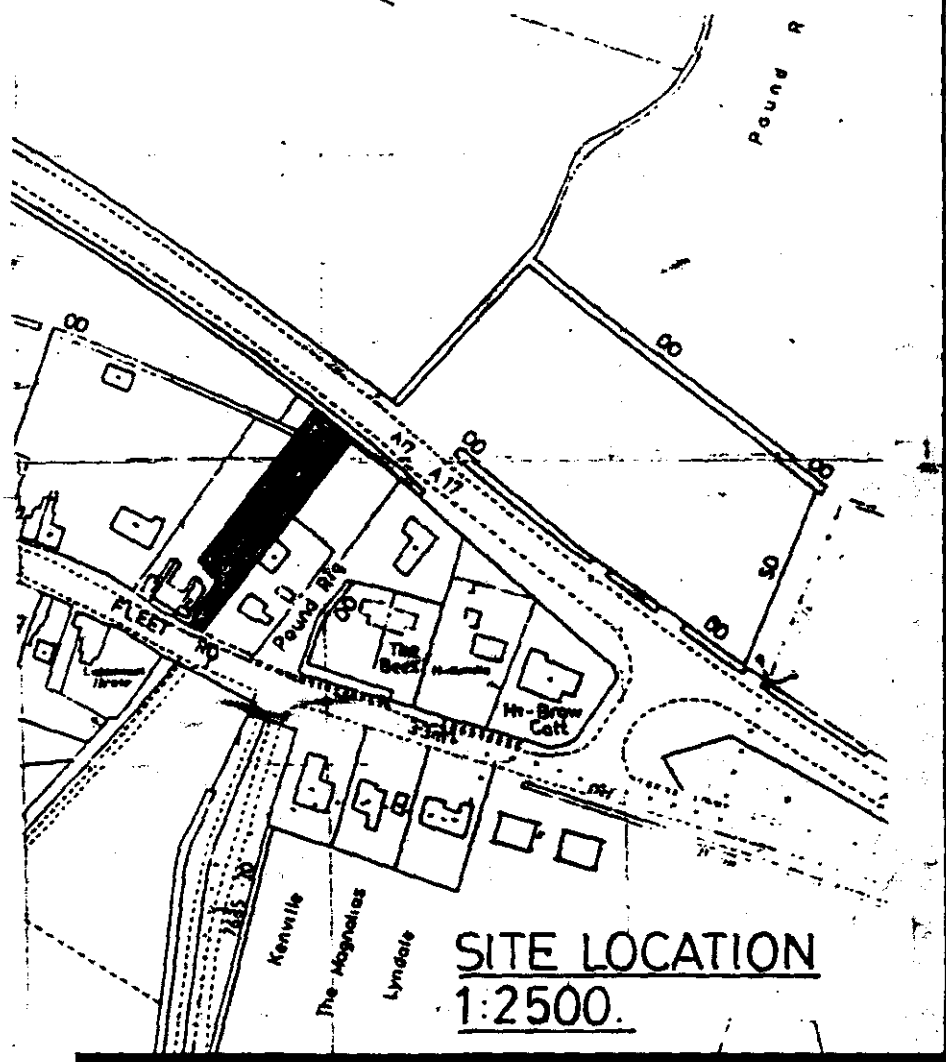
Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

EXISTING ACCESS SERVING THE APPLICATION SITE AND SINGLE END TERRACE COTTAGE

5700

100

1800



SITE LOCATION
1:2500.

Drg. no.	922416
scale	1:50 1:100
date	16.02.93.
drwn.	MB chkd. DB
revised	
issued	

DAVID BROKER
ARCHITECTURAL AND
BUILDING TECHNICIAN
TELEPHONE 0945 81 421

DAVID BROKER DESIGN
DANBROOKE HOUSE
STATION ROAD
WISBECH ST. MARY
WISBECH CAMBS.

SOUTH HOLLAND D.C.
PLAN DEPT.
27 SEP 1993
REF 09.11.93

The Planning Inspectorate

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

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

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S.H.D.C. PLANNING DEPT.
RECEIVED
20 JUL 1994
Your Ref
Our Ref
Date:
Acknowledge YES/NO
Action by .....
Discuss with
Copy to

David Broker Design
Danbrooke House
Station Road
WISBECH ST MARY
Cambridgeshire
PE13 4RW

T/APP/A2525/A/94/236818/P2

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR W JORDAN
APPLICATION NO: HO5/0911/93

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 planning permission in respect of an application for the erection of a chalet bungalow on land at Main Road, Fleet Hargate. I have considered the written representations made by you and by the Council and also those made by interested persons. As you know, I inspected the site on 12 July 1994.

2. From my inspection of the site and the surrounding area and from the representations made, I consider the main issue in this appeal to be whether an acceptable level of privacy would be provided for both prospective and neighbouring occupants, having regard to the location of the site to the rear of other property and the proposed means of access.

3. Most of the site lies within the Interim Boundary of Development for the village, identified in non-statutory planning guidance adopted by the Council, and Policy 5A in the approved County Structure Plan states that the suitability of any proposal will be assessed in relation to its scale and impact on the character, density and physical extent of existing development. Whilst the proposed bungalow would be located well back from the village street behind the frontage development, dwellings have recently been erected in similar locations to either side and permission exists for further dwellings. Two-tier development would not therefore be out of character in this part of the village.

4. Your client runs an established decorating business from this site and intends to continue the use, albeit on a smaller area at the front of the site, where parking spaces would also be provided for both the business and residential uses. There would be only pedestrian access to the proposed dwelling at the rear of the site. Your client currently lives elsewhere and intends to occupy this dwelling himself. I have taken this into account in considering this appeal.

5. The Council have not objected to the design, the proposed external finishes, or suggested that the residential curtilage itself would be of insufficient size to provide an acceptable standard of amenity. The business use involves only storage, with minimal activity on the site, and I do not consider that this use would be harmful to the residential amenity of the prospective occupants. However, conflict could arise between visitors to the respective uses and their vehicular movements and the use could be intensified, resulting in an unacceptable lowering of reasonably expected levels of amenity. This harm could only be effectively prevented if the whole site remains under the same control. This is your client's intention and on this basis I see no reason why adequate privacy could not be provided or why the access would be inconvenient.

6. The only existing residents likely to be affected by this proposal are those occupying Nos 3 and 4 Fleet Cottages, which abut the access drive. Although you suggest that vehicular movements would be reduced because your client would live on the site, there would also be traffic associated with the residential use. This part of the drive is between 5m and 7.5m wide and a screen fence would be provided. Even though the access drive would be shared, having regard to its width, the location of parking spaces and likely traffic generation, I do not consider that these residents would experience noise or disturbance to an unacceptable degree. Furthermore, the dwelling would be set well back on the site and I do not consider that their privacy would be significantly reduced.

7. On the basis of single occupancy of the site, which is acceptable to your client, I conclude that this appeal should succeed. The Council have suggested conditions to ensure the retention of parking spaces, to preclude retail sales and to provide a landscaping scheme. The Department of Transport also require a fence along the trunk road boundary to prevent any direct access to it. You have not objected to these conditions. The plans already show a fence on the trunk road boundary and I consider the other conditions to be both reasonable and necessary and have had regard to the advice in Circular 1/85 in imposing them.

8. I have considered all the other matters raised in the written representations but I find nothing which outweighs the main considerations that lead me to my decision in this case.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a chalet bungalow on land at Main Road, Fleet Hargate in accordance with the terms of the application (No HO5/0911/93) dated 20 September 1993 and the plans submitted therewith, subject to the following conditions:

> 1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. for so long as a lawful permitted business use is operated at the site, the dwelling hereby permitted shall not be occupied except in association with that use;

3. the parking spaces shown on drawing No 922416 shall be provided before the dwelling is first occupied and shall thereafter be retained for this purpose;

4. there shall be no retail sales of any goods, materials or artifacts to members of the public from the site;

5. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;

6. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;

7. there shall be no direct pedestrian or vehicular access from the site to the A17 trunk road.

10. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

11. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

F M CHERINGTON DipURP MRTPI ARICS MBEng MIAS
Inspector