



Appeal Decision

Site visit made on 13 July 2004

by **Simon Rawle** BA(Hons) DipTP MRTPI Solicitor
an Inspector appointed by the First Secretary of State

RECEIVED
19 AUG 2004

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Date

17 AUG 2004

Appeal Ref: APP/A2525/A/04/1141623
4 Hillgate, Gedney Hill, Spalding, PE12 ONN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs R. Hernon against the decision of South Holland District Council.
- The application (Ref:H07/1083/03), dated 1 September 2003, was refused by notice dated 23 December 2003.
- The development proposed is a single dwelling.

Summary of Decision: The appeal is allowed and outline planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. I have determined this appeal on the basis that it is an outline application with all matters except siting and the means of access reserved for subsequent approval. Furthermore, I have amended the description of development as I consider that the description outlined above more concisely summarises the proposal.

Main Issues

2. I consider that the main issues in this case are
 - whether the proposal would have an adverse impact on the character and appearance of the area; and
 - whether the grant of planning permission would undermine emerging planning policies aimed at managing housing supply.

Planning Policy

3. Section 54A of the Town and Country Planning Act 1990 requires that applications and appeals are determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the area includes Alteration No. 1 to the Lincolnshire Structure Plan, 1991 and the South Holland District Local Plan, 1998. Structure Plan Policy 3A advises that provision will be made for new residential development in the period 1988-2001 with about 6000 dwellings allocated to South Holland. Amongst other things, Structure Plan Policy 4A advises that residential development will be located mainly in urban areas and that about 3750 of the dwellings allocated for South Holland should be located in Crowland, Holbeach, Long Sutton, Spalding and Sutton Bridge. Structure Plan Policy 5A advises that the remaining provision for new residential development will normally be made in and around most existing

settlements and 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.

4. Local Plan Policy H2 advises that within the defined villages, new housing development will be permitted provided that it is in scale and character to its surroundings and the levels of traffic movement and intrusion into the open countryside are acceptable. Amongst other things, Local Plan Policy E1 advises that planning permission will be granted for proposals that are in keeping with the general character of the area in which it is situated.
5. In addition, in 2001 the Council have adopted an Interim Rural Housing Planning Statement. Amongst other things, Policy H2A of this Statement advises that on small sites (less than 0.4 hectares) planning permission will generally only be granted for frontage development for sites that are self contained within the village fabric and the development must be in scale and character with its surroundings. This document has been subject to public consultation and given the advice set out in *Planning Policy Guidance Note 12 : Development Plans (PPG 12)*, I afford this document substantial weight as a material planning consideration.
6. The Structure Plan is being reviewed in the form of Lincolnshire Structure Plan, Policies Proposed for Adoption, 2000. Emerging Structure Plan policy 9 increases the provision of new residential development in the period 1991-2011 allocated to South Holland to about 9400 dwellings. Emerging Structure Plan policy 10 advises that residential development will be located principally within certain defined towns and in the Lincoln travel to work area and that about 6,300 of the dwellings allocated for South Holland should be located in Crowland, Holbeach, Long Sutton, Spalding and Sutton Bridge. However, I have not been provided with an adoption date for the emerging Structure Plan which reduces its weight as a material planning consideration.
7. The local plan is also being reviewed in the form of South Holland District Local Plan First Deposit Draft 2001. Emerging policy H3 advises that within defined villages, provision is made only for the development of land which currently has the benefit of planning permission. However, the emerging local plan is at an early stage in its adoption procedures and this tempers the weight of the emerging policy as a material planning consideration. However, I have taken account of the advice contained in *Planning Policy Guidance: General Policy and Principles (PPG 1)* in respect of prematurity.

Reasons

Character and Appearance

8. The appeal site is located to the side of No. 4 Hillgate within the development boundary of Gedney Hill. No. 4 used to be public house but is now a residential dwelling and the appeal site was formerly the car park of the public house. The character of the village derives to a significant extent from its informal nature. Most development is concentrated along Hillgate. However, there is no consistent building line and although many properties abut the pavement, others are set back behind front gardens.
9. The proposal would involve the construction of a single dwelling which would front on to Hillgate. The illustrative plan submitted with the application indicates that the dwelling would be a 2/3 bedroom bungalow or house which would be set back some distance from the road. The Council have indicated that a single storey dwelling could be satisfactorily

located in this position without appearing cramped or incongruous within the streetscene. I agree. Furthermore, such a dwelling would be compatible with the other dwellings in the vicinity. A single storey dwelling sited in this location would also be self-contained within the village fabric.

10. Conversely, as the appeal site is located near the junction of Hillgate and Lincoln Avenue, a two storey dwelling would appear inappropriately prominent in the street scene and would relate poorly to the nearest property in Lincoln Avenue which is a bungalow.
11. I turn now to consider the siting of the proposed garage which would be set forward of the proposed dwelling. This building would be sited some distance back from the front boundary and although set forward of the main dwelling it would be to the side, which to mind would significantly lessen the impact of the proposal on the streetscene. Furthermore, the garage would generally align with the front elevation of No. 4 and would therefore be compatible with the general pattern of development in this part of Hillgate.
12. I therefore conclude that a single storey dwelling with a detached garage would be in scale and character with its surroundings and would be in keeping with the general character of the village. As a result, the proposal would comply with the objectives of Structure Plan Policy 5A and Local Plan Policies H2 and E1. Furthermore, as the proposal would front onto the existing highway and would be self contained within the village framework the proposed dwelling would also comply with the objectives of Policy H2A of the Interim Rural Housing Planning Statement.

The Impact of the Proposal on Emerging Planning Policies aimed at Managing Housing Supply

13. I have concluded above that the proposal would accord with adopted development plan policies. That would normally be the end of the matter. However, the Council highlight that there is an over-allocation of housing land in the district and emerging local plan policy H3 aims to address this situation. In accordance with the advice contained in *Planning Policy Guidance Note 3: Housing (PPG 3)*, and in *Planning to deliver – The managed release of housing sites: towards better practice*, it is appropriate that the Council should monitor housing supply in the district.
14. Furthermore, it is appropriate that where this monitoring indicates that there is likely to be an oversupply of housing provision, in accordance with the plan, monitor and manage approach, suitable action should be taken. In this regard, the Council are in the process of reviewing the local plan. However, although a material planning consideration, as outlined above, the emerging local plan has only reached an early stage in its adoption procedures and this reduces its weight, especially in comparison to the adopted policies which have the full force in Section 54A terms.
15. The Council have provided figures to substantiate that there is an over allocation of housing within the District. I accept that the cumulative effect of the development of small sites could impact upon housing provision and in an extreme situation this could undermine the preparation of the emerging local plan. However, in this case, even taking account of the cumulative effect, the evidence is not sufficiently compelling to justify dismissing an appeal for one dwelling within the development boundary of an existing village. Furthermore, the proposal would not have such an adverse impact on the Council's wider housing strategy that emerging policy H3 should outweigh the adopted policies. Nor do I consider that the adopted policies have been superseded by more recent planning guidance issued by the

Government. I therefore do not consider that granting planning permission for the proposal would prejudice the preparation of the emerging local plan.

16. The Council consider that the proposal would prejudice them in delivering a sustainable pattern of development. However, the appeal site is located within the village of Gedney Hill. I observed that there is a large convenience store and post office located on Hillgate. This would cater for the every day shopping needs of the future residents of the proposed dwelling. Furthermore, I observed that there is a bus stop within an easy walk of the appeal site. Although this provides an infrequent service, it does provide public transport to Spalding Bus Station at the main commuting times allowing village residents to travel to local towns and beyond. As a result, the proposal would not result in the provision of a dwelling in such an unsustainable location to justify dismissing the appeal and consequently the proposal would not prejudice the Council in delivering a sustainable pattern of development.
17. The Council have also expressed concern that the proposal would set a precedent for similar proposals in the future which would be hard to resist. However, I have considered this case on its own merits in relation to the development plan and the particular circumstances of the proposal and have concluded that the proposed dwelling would not result in unacceptable harm. I do not consider that my decision would prevent the Council from resisting a proposal where identifiable harm would arise.
18. I therefore conclude that the grant of planning permission would not undermine emerging planning policies aimed at managing housing supply. Nor would the proposal prejudice the Council in delivering a sustainable pattern of development.

Other Matters

19. I have considered all the other matters raised, including the fact that a neighbouring resident at No. 3 Lincoln Avenue has expressed concern that the proposal would invade their privacy. I observed on the site visit that this property has a number of windows that face towards the appeal site. However, subject to the proposed dwelling being single storey and the erection of suitable enclosures, I agree with the Council that the proposal would not result in an unacceptable level of overlooking between the two properties. Similarly, I do not consider that the erection of an appropriate boundary fence or wall would appear overbearing when viewed from No. 3. Therefore, the living conditions of the neighbouring residents would not be unacceptably affected.
20. I also note that the Parish Council have objected to the proposal as they consider that the proposed siting of the garage at the appeal site would obstruct the line of vision of neighbouring residents and traffic entering North Road. They also point out that there is a de-bussing stop for children opposite the appeal site and they consider that the proposal could cause a traffic hazard. Having observed the existing traffic conditions along the road and taking account of the achievable sight lines, the proposed access arrangement would be sufficient to ensure that drivers emerging from the access would adequately see or be seen by drivers proceeding along Hillgate. Furthermore, the proposed garage would be sited far enough back from the front boundary of the appeal site and far enough away from the junction of Hillgate, Lincoln Avenue and North Road so that it does not unacceptably obstruct the line of vision of neighbouring residents or drivers using the local road network.

21. Although the Environment Agency originally objected to the proposal, they now confirm that the erection of a single dwelling on the appeal site would have minimal impact on increasing flood risk and no longer object to the proposal. Furthermore, the appellants have confirmed that the lowest floor level would be at least 300mm above the surrounding ground level.
22. Finally, both the Council and the appellants have referred to previous planning decisions. In the case of the Council this related to a previous appeal decision in respect of a site in the same village. However, I have not been provided with the full details of these other cases which makes it hard for me to decide whether they exhibit similar characteristics. This lessens their weight as material planning considerations. Rather, I have determined this appeal on its own particular merits taking account of the relevant development plan and the particular circumstances of the proposal and have formed the view that the proposal would not result in unacceptable harm.

Conditions

23. I have considered the conditions suggested by the Council having regard to the advice in Circular 11/95 - The Use of Conditions in Planning Permissions.
24. Given that the application is in outline with all matters except siting and means of access reserved for future consideration, I shall impose the usual outline conditions relating to the submission of the other reserved matters. Therefore, a further condition in relation to the time frame for when a scheme of landscaping/screening is completed is unnecessary. However, given that the site is located in a prominent location and has common boundaries with surrounding properties, a condition in relation to the proposed boundary treatment is considered reasonable. In addition, to ensure that the proposal does not have an adverse impact on the character and appearance of the area it is reasonable to restrict the height of any buildings to single storey. Furthermore, given that the site is located in a low-medium flood risk zone it is necessary to impose a condition requiring that the finished floor levels shall be set 300-600mm above average ground level.

Conclusions

25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

26. I allow the appeal and grant outline planning permission for a single dwelling at 4 Hillgate, Gedney Hill, Spalding, PE12 ONN in accordance with the terms of the application Ref: H07/1083/03), dated 1 September 2003, and the plans submitted therewith, subject to the following conditions:
 - 1) Approval of the details of the design and external appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
 - 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the design and external appearance of any buildings to be erected and the

landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) No building on any part of the development hereby permitted shall exceed one storey in height.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
- 7) Finished floor levels shall be set at least 300mm above average ground levels in accordance with details to be submitted to and approved in writing by the local planning authority.



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Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H07/1083/03

Received: 03-SEP-03

Type: OUTLINE

Name: Mr & Mrs Hernon
4 Hillgate
Gedney Hill
Spalding
Lincs PE12 0NN

Agent: A C Hornsby
Peak Hill
Cowbit
Spalding
Lincs. PE12 6AW

Description: Proposed building plot for single dwelling (siting and means of access committed)

Location : 4 Hillgate Gedney Hill

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

- 1 The proposal is contrary to Policy H3 of the First Deposit Draft of the South Holland District Local Plan to 2011 and would prejudice the preparation of that Plan, the housing strategy of which aims to:
 - reduce the over supply of housing land in the district to be more in line with the Policies 9 and 10 of the Lincolnshire Structure Plan to 2011, and;
 - deliver a more sustainable pattern of development in line with the Governments Planning Policy Guidance Note No. 3 "Housing" (PPG3).

The adopted Local Plan was prepared before the revised PPG3 was introduced whereas the First Deposit Draft Local Plan responds to the revised guidance. Greater weight should therefore be given to the emerging policies on these issues.

The proposed development would, if permitted, add to the supply of housing land on small sites which would make it difficult for the Local Planning Authority to resist the grant of permission on other similar sites throughout South Holland District. Granting permission would have a cumulative effect which would prejudice the preparation of the emerging Local Plan and the achievement of its aims. It would also prejudice the Council in delivering a sustainable pattern of development in line with Planning Policy Guidance Note No. 3 'Housing'.

- 2 In the opinion of the Local Planning Authority the siting of a detached garage in a prominent position forward of the dwelling would result in an incongruous form of development harmful to the existing street scene. The proposal would therefore be contrary to Policy E1 of the South



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Holland District Local Plan, 1998. This indicates that new development should be sympathetic and generally in keeping with the general character of the area in which it is situated.

Note(s):

The determined plans are:

1:2500 Site location plan and 1:250 Block plan received 3 September 2003.

The Environment Agency has objected to the proposal given the absence of a flood risk assessment under the provisions of Planning Policy Guidance Note No. 25 "Development and Flood Risk", July 2001. In the event that you wish to take the proposal further or re-submit a similar application you are advised to carry out such an assessment. If you require further advice on this matter please contact the Environment Agency (Planning Liaison Officer tel: 01522 785896).

Head of Planning & Development
23 DEC 2003

H07/1083/03

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

Town and Country Planning Act etc

DRAFT REFUSAL

Reference H07/1083/03

Received: 03-SEP-03 Type: OUTLINE

Name: Mr & Mrs Hernon
4 Hillgate
Gedney Hill
Spalding
Lincs PE12 0NN

Agent: A C Hornsby
Peak Hill
Cowbit
Spalding
Lincs. PE12 6AW

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- 2 In the opinion of the Local Planning Authority the siting of a detached garage in a prominent position forward of the dwelling would result in an incongruous form of development harmful to the existing street scene. The proposal would therefore be contrary to Policy E1 of the South Holland District Local Plan, 1998. This indicates that new development should be sympathetic and

generally in keeping with the general character of the area in which it is situated.

Note(s):

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Director of Customer Services
16 DEC 2003

H07/1083/03