The Planning Inspectorate

Appeal Decision

Site visit made on 22 May 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st June 2017

Appeal Ref: APP/A2525/W/17/3169503
Land west side of Chesboule Lane, Gosberton Risegate, Lincolnshire, PE11 4EU

- 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 Stephen Thompson against the decision of South Holland District Council.
- The application Ref H08-0560-16, dated 4 June 2016, was refused by notice dated 2 August 2016.
- The development proposed is described as "to build four new build detached houses on the site".
- The application is in outline with all matters reserved.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (a) living conditions of neighbouring occupants in respect of privacy, outlook, and noise and disturbance and (b) the character and appearance of the area.

Reasons

Living Conditions

3. The appeal site is a roughly triangular plot located to the rear of 6 dwellings which front Chesboule Lane. The site has been cleared, however there is evidence of footings of previous structures. To the western boundary is a tall and dense leylandi hedge. To the north is a mature hedgerow and trees. Beyond these boundaries are open fields in arable use. The site is within Flood Zone 3, as defined by the Environment Agency (EA) maps.

4. The development would be for 4 detached dwellings. Due to the location of the appeal site, these would effectively comprise backland development to the existing dwellings along Chesboule Lane. With the exception of Seven Sisters, dwellings adjacent to the site all have low level fencing overlooking the appeal site. Seven Sisters has a tall closed boarded fencing along its side and rear boundary. The rear gardens serving all of these dwellings vary in size from between around 10-18 metres.

5. While layout, appearance and scale would be reserved, I have concerns whether 4 dwellings could reasonably be accommodated without causing harm

to the living conditions of the neighbouring dwellings. Specifically, the size, shape and scale of the site would give rise to constraints in respect of any future layout, and I consider that dwellings would be unlikely to achieve a reasonable separation distance from the existing dwellings. I consider that the rear gardens serving these properties to be modest in size and while it may be possible to design the dwellings so that they would not directly overlook neighbouring properties, any separation distance would be limited and the development would be highly likely to give rise to an overbearing impact and an adverse effect upon the outlook of neighbouring dwellings.

6. I note that it is proposed to remove the leylandi hedge which would open up views, and reduce any overshadowing. However this is a different issue to outlook and thus would not overcome my concern in respect of the separation of the site from the adjacent dwellings in this regards.

7. Moreover, due to the mitigation required in respect of the flood risk for the site, the raised floor levels would be required to be no lower than 450mm above ground level. This would also compound the effect on outlook I have identified. The appellant submits that the existing dwellings would also have been raised when they were built, including their gardens and that the finished floor levels and overall heights of dwellings would therefore be similar. However, I have no evidence of this and I have doubts whether levels would be comparable. While this might be addressed as part of a the design of any future reserved matters application, I consider that this would still not overcome my concern in respect of outlook, as outlined above, due to the constraints of the site.

8. Access is also a reserved matter, however there is a single existing entry point from the Chesboule Lane to the site, which located adjacent to Severn Springs. This is reflected by the red line site plan. The property to the south of the access, as shown on this plan, has now been demolished, and it is understood that permission has been granted for 2 dwellings on this site.

9. The access has been in place for a significant number of years, serving the former buildings on the site. The precise measurements are disputed between parties, but taking the best case scenario with the largest distance, this would give a separation of only approximately 1metre between Seven Sisters and the access. The access would also extend the full distance along the boundary of this property, including alongside the rear private garden area. The vehicular movements along this access associated with the addition of 4 dwellings would be likely to give rise to a significant intensification of use which would cause material harm to occupants at Severn Sisters in terms of noise and disturbance.

10. Due to the proximity of the access, the erection of an acoustic fence would also be unlikely to address the general disturbance arising from the additional movements to Severn Sisters. I also note that any other mitigation measures would be unlikely to be achieved in light of the width of the proposed access. No plans of the approved dwellings on the site adjacent site have been provided, and as such I cannot be sure how the proposed access would effect this development.

11. I note that Chesboule Lane is used by other vehicles, including large heavy goods vehicles. However, these prevailing characteristics would not justify further intensification resultant effects upon Severn Sisters from the proposed development.

12. I therefore consider that the development would cause harm to the living conditions of neighbouring occupants. The development would therefore fail to accord with saved Policies SG14 and SG17 of the South Holland Local Plan 2006 (LP). These policies seek to protect residential amenity, restricting development which would have an overbearing impact and disturbance from vehicular activity.

Character and Appearance

13. The general area is characterised by ribbon development fronting onto Chesboule Lane and incorporating rear private garden areas. There are also some small developments around culs-de-sac leading off from this. The built form is reflective of the rural nature of the settlement and its incremental growth over the years.

14. Despite the appellant's claims to the contrary, I saw at my site visit that backland development is not prevalent in the area. Furthermore, views of the dwellings would be gauged from various points along the road. This would be increased if the existing vegetation to the site boundaries is removed.

15. I also find that the requisite works in terms of formalising and extending the existing access would have an urbanising effect along the road, drawing the eye to the presence of backland development. I therefore consider that the proposed dwellings would be highly conspicuous from within the street scene.

16. The introduction of backland development would therefore be at odds with the current settlement form and character along this part of Chesboule Lane, causing harm.

17. I therefore conclude that the proposal would be an incongruous form of development which would have an adverse impact upon the character and appearance of the area. The proposal would not accord with LP Policy SG14 which requires the development makes a positive contribution to the area, taking account of the pattern and form of development. The development would also conflict with paragraph 58 of the National Planning Policy framework (the Framework) which requires that developments respond to local character and add to the overall quality of the area.

Other Matters

18. I note the appellant's comments in respect of positive pre-application advice and their concern over the Council's handling of the application. However, I have no reason to consider that the alleged advice was anything other than informal. Moreover, under section 78 of the Town and Country Planning Act 1990, it now falls to me to determine the appeal.

19. I also note comments made by the appellant in response to the representations made by neighbours and, in particular, separate personal negotiations between the parties. However, these are matters between parties and have no bearing on my assessment of the appeal based upon its planning merits.

Conclusion

20. The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites. Thus, in accordance with paragraph 49 of the

National Planning Policy Framework (the Framework), this renders policies relevant to the supply of housing as being out of date.

21. Paragraph 14 of the Framework therefore applies, which requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously.

22. The site would involve the re-use of previously developed land. The development of 4 dwellings would also contribute in an area where there is a need to boost housing supply. I also note the appellant's intention to create a high standard of development, incorporating eco-friendly measures. There is also no objection in respect of the accessibility and location of development in respect of local services and facilities. These factors attract a moderate degree of weight in favour of the proposed development.

23. However, I have found that the development would be in clear conflict with the social and environmental objectives which underpin the Framework in respect of living conditions and character and appearance. I have also found conflict with the adopted development plan in this regard.

24. Overall, I consider that the harm I have identified significantly and demonstrably outweighs the modest benefits of the development and, on balance, would not result in a sustainable form of development for which the Framework presumes in favour.

25. For the reasons above, taking into account all other matters raised, the appeal should therefore be dismissed.

C Searson
INSPECTOR