SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H09/1296/92 Received:08-JAN-93 Type:FULL

Name: Mr & Mrs K Storey
33 North Parade
Holbeach
Spalding
Lincs

Agent: Mr & Mrs K Storey
33 North Parade
Holbeach
Spalding
Lincs

Description: Double garage and garden store with provision for future loft space playroom/ hobby room
Location : 33 North Parade Holbeach
Spalding

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

1 In the opinion of the Local Planning Authority the development as proposed, which incorporates an external staircase, landing plus doorway at first floor level, would constitute an undesirable form of development to the extent that it would adversely affect the residential amenity of existing development in the immediate locality by virtue of the degree of overlooking its use would give rise to.

Director of Planning and Building Control Services
18-FEB-93 H09/1296/92

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)


TF 3525
County Agricultural Centre
Swimming Pool
George Farmer Secondary School
Playing Field
2645
22·02
Allotment Gardens
Community Hall
B.M 12·22
Drain
Drain
Drain
Drain
Drain
Drain
PENNY HILL ROAD
Allotment Gardens
Tank
Nursery
PARK GARDENS
Sunnyside
Battle Fields Farm
4723
90·32
Stand
Football Ground
Stand
Carter's Park
PARK LANE
HOLBEACH
Haulage Depot
Tennis Courts
Tennis Courts
Cemetery
Bungalow
Nurseries
FORMER HAULAGE YARD NOW REDEVELOPED AS HOUSING & FLATS BY KINGS QUALITY HOMES
255
254
253
252
251
500
0

The Planning Inspectorate

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

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1144 Lincoln Road
PETERBOROUGH
PE4 6BP

Your Ref: JDA/93/5170

S.H.D.C. PLANNING DEPT.
RECEIVED
28 JUN 1993

Our Ref:
T/APP/A/2525/A/93/221080/P2
T/APP/A/2525/A/93/221081/P2

Date:

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY MR AND MRS K STOREY
APPLICATION NOS: HO9/1296/92 AND HO9/0799/92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals against the decisions of the South Holland District Council to:
a) refuse planning permission for the erection of a double garage and garden store with provision for future loft space play room/hobby room, and
b) grant planning permission subject to conditions for the erection of a double garage and garden store
at 33 North Parade, Holbeach. I have considered the written representations made by you and by the Council and also those made by Holbeach Parish Council and interested persons at application stage. I inspected the site and its surroundings on 17 May 1993.

2. Both appeals relate to the same building. Since the building is almost complete I shall deal with the appeals as relating to applications submitted under the provisions of Section 73A of the above Act, as inserted by the Planning and Compensation Act, 1991, for its retention.

3. Arising from the representations and from my inspection I consider the main issue affecting my determination of both appeals is the effect of the use of the first floor of the garage on the privacy of neighbours.

APPEAL A

4. This is the proposal which includes the external staircase. Clearly it would be possible to look over the high hedge into the garden of 31 North Parade and at the bungalow and rear garden of 30 Edinburgh Walk from the staircase and glazed door. That is not unusual in suburban housing areas such as this, but the preponderance of bungalows here lends a greater degree of privacy than one might otherwise expect to

100%
RECYCLED PAPER

find. While it may be physically possible to look at the rear of the dwelling at 31 North Parade from the southern end of the balcony, it seems to me that from that position it would be unlikely to occur to a material extent, and unlikely to give rise to any material loss of privacy within the dwelling since the balcony and door would face in the opposite direction. Your client's garage is about 21 metres from his rear fence and there are extensive gardens at the rear of Edinburgh Walk. The proportions of the loft space would not be conducive to its extensive use and there is a far greater distance between the rear wall of the garage and the Edinburgh Walk dwellings than is normally considered to provide minimum standards of separation and privacy. Even allowing for the much greater standard of privacy between dwellings which prevails in this area it seems to me that the erection of the staircase and the glazed door and the subsequent use of the loft space would not give rise to an unacceptable loss of privacy to Edinburgh Walk residents. It is my conclusion therefore that planning permission should be granted subject to what I have to say below in relation to Appeal B.

APPEAL B

5. The conditions in dispute are Nos. 3 and 4. They state:

> 3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no enlargement, external improvement/alterations to the building covered by Schedule 2 (Part 1) shall be carried out without express planning permission.
>
> 4. the rear gable screen shall be obscure glazed and fixed.

Both conditions were imposed in the interests of the amenities of the locality.

6. With regard to condition 3 it appears to me that if dormer windows were to be inserted in the roof slope of the garage facing 31 North Parade at some future date then the privacy of the residents there would be compromised due to the position of the garage relative to that dwelling. It is only in that regard that I find some exclusion of permitted development rights to be necessary and relevant, not only to this appeal but also to Appeal A. I shall therefore modify the condition accordingly.

7. I have already outlined in para 4 above most of the considerations relevant to the need for condition 4. Though the glazing in this scheme would have a greater area than of the Appeal A scheme, a substantial part of it would be within 1 metre of the loft floor and unlikely to be looked out of. Bearing that in mind, the restricted nature of the loft space, and the considerable distance between dwellings, I find no justification in the Council's representations to lead me to the conclusion that this condition is necessary to protect the

amenities of the locality and those of residents in Edinburgh Walk in particular.

8. I have considered all other matters raised in the representations but none lead me to any other conclusions.

9. For the above reasons and in exercise of powers transferred to me, I hereby:

APPEAL A

allow this appeal and grant planning permission for the retention and completion of a double garage and garden store with provision for future loft space play room/hobby room at 33 North Parade, Holbeach in accordance with the terms of the application No HO9/1296/92 dated 18 December 1992 and the plans submitted therewith, subject to the following conditions:

1. notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any Order revoking and re-enacting that Order) there shall be no alterations to that part of the roof slope of the garage which faces 31 North Parade without the prior consent of the Local Planning Authority;

2. samples of the roofing tiles shall be submitted to and approved by the Local Planning Authority prior to their use.

APPEAL B

allow this appeal and vary the planning permission No H09/0799/92 for the retention and completion of a double garage and garden store at 33 North Parade, Holbeach granted on 10 March 1993 by the South Holland District Council by deleting conditions Nos 3 and 4 and substituting therefor the following condition:

1. notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any Order revoking and re-enacting that Order) there shall be no alterations to that part of the roof slope of the garage which faces 31 North Parade without the prior consent of the Local Planning Authority;

10. An applicant for any consent, agreement or approval required by a condition of these permissions 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 planning 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.

I am Gentlemen
Your obedient Servant

Eric Pearson

ERIC PEARSON DipTP FRTPI
Inspector