

## Appeal Decision

Site visit made on 23 January 2017

**by Jonathan Hockley BA(Hons) DipTP MRTPI**

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

**Decision date: 09 February 2017**

---

**Appeal Ref: APP/A2525/W/16/3158148**

**Land rear of 50 Station Road, Long Sutton, Spalding PE12 9BP**

- 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 Stefan Brazzo against the decision of South Holland District Council.
  - The application Ref H11-0512-16, dated 26 May 2016, was refused by notice dated 18 August 2016.
  - The development proposed is the erection of a new dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application was submitted in outline with all matters reserved. I have dealt with the appeal in the same manner, and have thus treated all plans as illustrative.

### Main Issue

3. The main issues in this case are the suitability of the site for housing, having regard to the living conditions of nearby residents with particular regard to privacy, and to the character and appearance of the area.

### Reasons

4. The appeal site lies in the rear garden of No 50 Station Road. Station Road accesses the middle of Long Sutton from the busy A17 to the south. Linear development along the road is of a mixed character, with various fairly modern cul-de-sacs constructed off the road, especially to the west. To the east development remains fairly linear until Dunlin Drive is reached to the north of the appeal site. House types in the area are mixed, with two storey and single storey properties particularly prevalent in the immediate area of No 50. Plot sizes are reasonably generous, with most properties having front and rear gardens. No 50 stands out a little from surrounding properties, being an attractive red brick single storey house with noticeable dentilled former eaves and three catslide dormer windows in the pantiled roof. The rear of the plot is bordered by modern two storey development on Midsummer Gardens.
  5. The property has a reasonable sized back garden. A large garage structure lies roughly along the southern boundary of the site, with a range of mature trees towards the western side of the garden. The rear/side elevation of No 48
-

Station Road is noticeable to the north. This property is something of an anomaly in local character terms, being accessed off a track from Station Road and being set back considerably more than both No 50 and No 46 Station Road. No 3 Midsummer Gardens lies at the rear of the plot.

6. An illustrative layout shows a 'T' plan 1½ storey dwelling on the site, with dormers towards the front of the property and the rear of No 50. The garage would be removed to allow for access. Evidence states that second floor windows would be avoided in the rear of the property to avoid overlooking of No 3. This drawing shows that the dwelling could sit in the middle of the plot, with the rear of the back gable close to the boundary fence with No 3.
7. In their consultation response the Environment Agency (EA) state that they have no objection to the proposal, subject to a condition to ensure that the finished floor levels of the property are set no lower than 3.40m AOD. A Flood Risk Assessment (FRA) submitted by the appellant states that the risk of flooding at the site is extremely low but that it is recommended that the floor levels are set at this height. The FRA acknowledges that the levels of the site range from 2.35m to 2.5m AOD. Finished floor levels (FFL) would therefore need to be in the range of 1.05m to 90cm higher than the existing ground level.
8. The appellant states that other housing nearby has been constructed with FFL set at 300mm above ground level and considers therefore that the Council have applied EA guidance more leniently in the past. However, no further evidence has been submitted on this point and I note that the Council state that the EA have strengthened their flood risk recommendations for the area. I also note that the EA had previously objected to the scheme and only removed this objection based on the appellant's own amended FRA stating that FFL would be set at 3.4m AOD.
9. At present there is a reasonably high close boarded fence on the boundary between No 50 and No 3. The illustrative plan states that a new one would be erected. However, of a standard 1.8m fence approximately 1m would be effectively negated by the required FFL of the dwelling, and consequently rearward facing ground floor windows would have the potential to look at least partially over such a fence towards No 3.
10. Due to the size of the plot and the proximity of both No 50 and No 3, there would be limited options for the siting of any 1½ storey dwelling in reserved matters. Not only would this create issues in terms of overlooking of No 3 when considered the required FFL levels, this would also have the effect of making the proposed property conspicuous in the local area, being clearly visible from Delph Road to the south. Whilst there are a range of dwelling types and sizes in the area, and previous backland development in terms of cul-de-sacs, the proposal would introduce a new form of development into the area in the form of back garden development. Due to the above I am not convinced by the evidence provided that the plot could accommodate such a development without appearing cramped and incongruous within the area.
11. I therefore conclude that based on the evidence provided, the site would not be suitable for housing, having an adverse effect on the living conditions of nearby residents, and upon the character and appearance of the area. The proposal

would be contrary to policies SG14 and SG17 of the Local Plan<sup>1</sup> which together state that new development should make a positive contribution to the visual quality of its surroundings, including consideration of the relationship of the development to the character and form of existing buildings nearby, and the effect of the development on the amenity of nearby residents.

12. Both parties agree that the Council cannot demonstrate a five year supply of housing land, and in such circumstances housing policies, such as Policy HS4 of the Local Plan, cannot be considered up to date. The proposal, in constructing one house would provide limited economic and social benefits, both in terms of construction and the addition of a single house into an area with an acknowledged lack of housing supply. However, for the reasons given above I consider that the adverse impacts of the proposal would significantly and demonstrably outweigh such limited benefits.

#### *Other Matters*

13. The appellant notes that a pre application consultation stated that if concerns regarding overlooking were overcome then a proposal may prove to be acceptable, with no comments provided regarding the character and appearance of the area. However, whilst I have some sympathies with this point of view, such a response would by its nature have been advisory only. Furthermore, for the reasons given above, I am unconvinced that concerns regarding overlooking have been overcome by the scheme.
14. I am referred to other development nearby which the appellant considers to constitute precedents. However, each case must be dealt with on its own merits. The specified case also appears to illustratively consider a bungalow and the plot seems larger than is the case in this appeal.

#### **Conclusion**

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

*Jon Hockley*

INSPECTOR

---

<sup>1</sup> South Holland Local Plan July 2006