
Appeal Decision

Site visit made on 17 February 2015

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 26 March 2015

Appeal Ref: APP/A2525/A/14/2227701

11 West Cobgate, Moulton, Spalding, Lincs, PE12 6QN

- 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 Castlebuild Ltd against the decision of South Holland District Council.
 - The application Ref H13-0310-14, dated 10 April 2014, was refused by notice dated 28 May 2014.
 - The development proposed is a residential development.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with all detailed matters reserved for future approval. I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the character and appearance of the surrounding area and on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site lies within a predominantly residential area that is characterised by a mixture of detached bungalows and two-storey semi-detached dwellings that are set back from the highway and follow consistent building lines. The linear street pattern and long rear garden areas are prevalent and key features of the spacious layout along the northern side of West Cobgate.
5. However the proposal would be in a backland location on a former allotment garden directly to the rear of a bungalow that is under construction at 11 West Cobgate. The introduction of two dwellings into this open undeveloped area would increase the built form and density of development across the site and significantly reduce this space. The proposed dwellings would also have significantly smaller garden areas than the majority of dwellings found in the surrounding area. As a result they would appear as isolated, intrusive features that would be out of context with the established pattern of development and spacious layout of the immediate surroundings.

6. My attention has been drawn to two other planning permissions for backland developments in this area. However I do not have the full details of the circumstances that led to them being accepted before me so cannot be sure that they represent a direct parallel to the appeal proposal. Whilst I have determined the appeal based on its individual merits, in this instance, to allow this proposal would make it more difficult for the Council to resist other similar proposals for backland development in this area and I consider that their cumulative effect would exacerbate the harm which I have described above. Although my decision does not turn on this matter, it adds some weight to my conclusions on the main issues.
7. I therefore conclude that the proposal would have a significantly harmful effect on the character and appearance of the surrounding area. As such it would conflict with the aims of Policy HS6 of the South Holland Local Plan 2006 (Local Plan) which amongst other things seeks to ensure that development integrates into the street scene and village pattern of development. This is consistent with paragraph 58 of the National Planning Policy Framework (the Framework) that new developments shall respond to local character and reflect the identity of its surroundings.

Living conditions

8. Whilst I appreciate that the proposed layout plan is only indicative this shows that the new access road would cross the existing front garden area of No 11 and pass through the gap between its side elevation and the shared boundary with 9 West Cobgate. The proposed access would also be in close proximity to the side elevation of No 9, and its front and rear garden areas. In my view the regular passing and parking of cars associated with the two additional houses, deep into the currently open and undeveloped area, so close to No 9, No 11 and their rear garden areas would generate a level of activity, noise and disturbance that would cause material harm to the living conditions of their residents.
9. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance. As such it would conflict with the aims of Local Plan Policies SG14 and SG17. Collectively these require, amongst other matters, for the effect of development on the amenity of nearby residents to be taken into consideration, including potential noise nuisance that is associated with vehicular activity. I consider these policies to be consistent with the objectives of the Framework, which include seeking to secure a good standard of amenity for all existing and future occupants of land and buildings. They are therefore not out-of-date.

Other matters

10. In support of their case the appellant has put to me that the indicative details have satisfied issues that could have been raised by the Highway Authority and the Environment Agency, and that comments from the Council's Environmental Health Section can be dealt with by condition. I am also aware that Moulton Parish Council supports the proposal. Nonetheless, these matters do not outweigh or overcome the harm that I have identified.
11. For the reasons given above, the appeal is therefore dismissed.

Mark Caine INSPECTOR