The Planning Inspectorate

Appeal Decision

Site visit made on 18 January 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/A2525/W/16/3159776
Adjacent to 60 Spalding Common, Spalding, Lincolnshire PE11 3AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Moyses against the decision of South Holland District Council.
- The application Ref H16-0142-16, dated 10 February 2016, was refused by notice dated 6 April 2016.
- The development proposed is residential development including off-road parking for No 60 Spalding Common

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - The effect of the proposed development on the character and appearance of the area; and
    - The effect of the proposed development on the living conditions of No 60 Spalding Common (No 60) having specific regard to outlook.

Reasons

Character and appearance

3. The appeal site is a strip of land located between Nos 59 and 60 Spalding Common, which are end of terraced properties. It is significantly and unusually larger than other gaps between neighbouring end of terraced dwellings. The land is predominately flat but lies on a lower level to the road.

4. The Council states that the appeal site lies within a Flood Zone 3A area. Accordingly and to reduce the risk flooding and following advice from the Environment Agency, the Council states that the ground floor level of the proposed dwellings must be at least one meter in height above the existing ground level. The submitted drawings indicate compliance with this requirement but as a consequence, the positioning of the front doors and windows on the front elevations would not align with those on the adjacent properties.

5. I can appreciate concerns that there would be a notable disruption to the consistent rhythm of the facades in the street, but I find this would be

inevitable and unavoidable in the circumstances. In any event, the apparent mismatch in the alignment of the facades would only be readily noticeable when viewed directly or close by the properties, and would not be apparent from other wider vantage points along the street. As the scale and size of the proposed development would broadly be similar to the neighbouring dwellings, I am satisfied that the above, considered in isolation, would not appear harmful to the character of the street.

6. However, I find that the creation of a sizeable raised platform to provide parking for four cars to the site's frontage, particularly where such structures are largely absent, would be considerably large, visually obtrusive and incongruous in the street. Furthermore, the positioning of the proposed properties on the plot, which would be much further back from the established front building line of neighbouring dwellings, would I find result in a development which would fail to assimilate successfully with its surroundings, appearing noticeably and unduly awkward and disharmonious, and would be out of character with the street.

7. In reaching my decision, I have had regard to a raised parking area to No 65 Spalding Common. However, I observed this to be considerably smaller and far less prominent that the appeal scheme such that I draw little comparison between the two. I have also noted reference to a previous scheme for the site, refused by the Council, but where the appellant states that those issues differ from those before me. I have no details of the previous scheme; nevertheless my decision on this appeal is made on the evidence before me.

8. I find overall that the proposed development would cause significant harm to the character and appearance of the area. It would not accord with the relevant parts of the Framework or with policy SG14 of the South Holland Local Plan 2006 (Local Plan). This states that new development should be designed to ensure that it makes a positive contribution to the architectural and visual quality of its surroundings and respect local vernacular, and to take into consideration the relationship of the development to the character form and scale if existing buildings.

Living conditions

9. The proposed development would extend beyond the rear elevation of No 60 Spalding Common by some distance. Because No 60 has only very small enclosed rear garden/yard, I find that the proposed development would have a profoundly and significantly overbearing effect on this space and on the living conditions of No 60, who would feel considerably enclosed as a result and would have their outlook severely curtailed. I observed a separate area of garden located to the rear of No 60's enclosed space, which the appellant identifies as within his ownership but which appeared to be part of the garden of the neighbour at No 61 Spalding Common. Even if this separated garden is part of No 60, it would not alter my findings above in respect of the overbearing nature of the proposed scheme.

10. The proposed development would therefore cause significant harm to the living conditions of the future occupies of No 60. It would not accord with Local Plan policy SG17, which states that planning permission will be granted for development which would not cause material harm to residential amenity in respect to over bearing or overshadowing effect.

Other Matters

11. The main parties agree that the Council cannot demonstrate a five year supply of housing. As such, the Council's policies relevant to the supply of housing are out-of-date, and a presumption in favour of sustainable development exists as advocated by paragraph 14 of the National Planning Policy Framework. I acknowledge that the proposed development would make a very small but nonetheless not unwelcome contribution to the supply of housing in the borough and to the five year supply, and would provide two off-road parking spaces for No 60 where currently none exist. However, I find that the harm that I have identified above would significantly and demonstrably outweigh these moderate benefits assessed against the policies in the Framework taken as a whole, such that I find the balance lies against the scheme.

Conclusion

12. I conclude that the appeal should be dismissed.

R Allen

INSPECTOR