The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2015

by R Schofield BA(Hons) MA MRTPI

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

Decision date: 24/03/2015

Appeal Ref: APP/A2525/W/14/3001353
Rear of 30 and 31 Double Street, Spalding, Lincolnshire PE11 2AA

- 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 J Massie against the decision of South Holland District Council.
- The application Ref H16-0346-14, dated 24 April 2014, was refused by notice dated 24 June 2014.
- The development proposed is conversion of existing garage block into self-contained residential dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- Whether the proposed development would preserve or enhance the character or appearance of the Spalding Conservation Area;
- whether the proposed development would provide adequate living conditions for future occupiers, with regard to outlook; and
- the effect of the proposed development on the living conditions of the occupiers of 30 and 31 Double Street, with regard to privacy.

Reasons

Character and Appearance

3. The Spalding Conservation Area is extensive. The River Welland, in very close proximity to the appeal site, is a distinctive feature and has clearly been instrumental in defining the character of the area. Thus, Double Street, although containing some, generally sympathetically designed, modern infill has a clear commercial historic link with the river and is characterised by now converted warehouses and artisan cottages. Development on the western side of the street sits tight to the road frontage. This situation is mirrored on the eastern side, albeit that development typically spans the width of the gap between Double Street and the river. Although some small rear gardens, yards and more modern parking courts face the river, 'backland' residential development within them is not a feature. Similarly, although one or two buildings are set back from Double Street, they are not 'backland'

developments and, indeed, have an active frontage onto the river. Buildings are two to three storeys tall.

4. The proposed development, being a single-storey backland dwelling, would be at odds with this established historic character. Clearly visible from surrounding properties and through the arched entrance, it would appear incongruous, in both form and situation, in its wider setting. I conclude, therefore, that the appeal proposal would fail to preserve the character and appearance of Double Street and, thus, of the Conservation Area as a whole.

5. This harm would be less than substantial and the appellant has suggested that, in the absence of a five-year supply of deliverable housing sites, the scheme would bring benefits, through the provision of an additional dwelling; specifically a small unit for which the Strategic Housing Market Assessment suggests that there is a need. However, I consider that the limited contribution that the proposed development would make towards addressing any undersupply of housing, even if considered as part of a wider accumulation of windfall development, would not outweigh the harm that the scheme would cause to the Conservation Area.

6. It is also suggested that the appeal proposal would replace the utilitarian appearance of the garaging with a domestic front elevation. However, although of no particular architectural merit, the garage does not of itself detract from the appearance of the area and, for the reasons noted above, I am not persuaded that its 'domestication' would benefit the Conservation Area.

7. The appeal proposal would conflict, therefore, with policy SG14 of the South Holland Local Plan (the Local Plan), which seeks, among other things, to ensure that consideration is given to whether new development considers the historic pattern of development in the locality and is not permitted where it would have an adverse impact upon the character and appearance of the locality.

8. It would also conflict with the National Planning Policy Framework (the Framework) which indicates, at paragraph 132, that significance of a designated heritage asset can be harmed through alteration and, at paragraph 17, that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

9. The appellant suggests that it is unreasonable of the Council to raise the matter of the Conservation Area at a late stage. However, it has done so and I must take account of it. Even if this were not the case, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of planning powers in conservation areas, *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.* Thus, this statutory duty must always be a consideration whether or not referred to by the parties.

Living conditions of future occupiers

10. The outlook from the front windows of the proposed dwelling would be dominated by a very restricted view of a 1.8 metre high close boarded fence at, at best, around 7m away. Outlook from the rear would also be extremely constrained by a shallow rear garden. The very high, blank rear elevation of the building behind, essentially forming the rear boundary with the appeal site,

as well as the tall brick wall on the southwest boundary, with metal storage units for the adjacent retail park rising above it, would be extremely oppressive upon this outlook. Given this situation, even the dual aspect of two of the rooms would be of little benefit.

11. I conclude that the proposed development would not provide adequate living conditions for future occupiers, with regard to outlook. It would conflict, therefore, with policy SG17 of the Local Plan, which seeks, among other things, to ensure that new development does not cause material harm to residential amenity. This is consistent with the Framework, which states at paragraph 17, that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings

Living conditions of the occupiers of 30 and 31 Double Street

12. The rear elevations of Nos 30 and 31 Double Street feature windows to living rooms, bedrooms and bathrooms. They are not overlooked by other dwellings. The appeal proposal would introduce a residential unit in close proximity to these dwellings. Although there would be a 1.8m close boarded fence between them at ground floor level, which would mitigate overlooking of the ground floor rooms, there would still be a direct line of sight from the windows in the front elevation of the appeal building to the first floor bedroom windows of Nos 30 and 31. This would have an adverse impact upon the privacy of the occupiers of Nos 30 and 31. Although the windows to the bathrooms are obscure glazed, should they be opened they would be equally compromised.

13. I conclude that proposed development would have an adverse impact on the living conditions of the occupiers of 30 and 31 Double Street, with regard to privacy. It would conflict, therefore, with policy SG17 of the Local Plan, which seeks, among other things, to ensure that new development does not cause material harm to residential amenity. This is consistent with the Framework, which states at paragraph 17, that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings

Other Matters

14. My attention was drawn to another appeal decision[1] where the Inspector permitted a new, small dwelling and considered the basis of a proven need for such. However, it is clear from that decision that the Inspector had not found any harm in relation to the main issue. This is not the case here, however, and thus, I give this decision little weight as a comparative example. In any case, each proposal must be assessed on its own merits.

Conclusion

15. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

R Schofield

INSPECTOR

[1] 2115849