Appeal Decision

Site visit made on 5 March 2015

by Karen L Baker DipTP MA DipMP MRTPI

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

Decision date: 26 March 2015

Appeal Ref: APP/A2525/A/14/2229310
109 Albion Street, Spalding, Lincolnshire PE11 2BA

- 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 Bristow against the decision of South Holland District Council.
- The application Ref. H16-0449-14, dated 21 May 2014, was refused by notice dated 9 September 2014.
- The development proposed is residential development.

Procedural Matter

1. The planning application indicates that the proposed residential development would include the erection of 2 dwellings.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located on the north western side of Albion Street, at its junction with Willesby Road, in a predominantly residential area. The appeal site currently forms part of the front and the side garden of No. 109 Albion Street, which is an end of terrace 2 storey property sited on a corner plot. The terraced dwellings at Nos. 109 – 115 and 101 – 107 Albion Street form symmetrical blocks either side of the entrance to Willesby Road, being set back a similar distance from both Albion Street and Willesby Road. The side elevations of the properties located on the corresponding corner plots at Nos. 107 and 109 are set back from the highway, beyond the front building line of the dwellings fronting onto Willesby Road. This gives a spacious feel to the entrance of this cul de sac.

5. The dwellings which front onto Willesby Road at its south eastern end are mostly 2 storey semidetached and blocks of 4 terraced properties, which continue the symmetrical street pattern along this highway. It was apparent, however, at my site visit, that 2 detached dwellings have recently been constructed at Nos. 1A and 2A Willesby Road in the gaps between the side and rear elevations of No. 1 Willesby Road and No. 109 Albion Street and No. 2

Willesby Road and No. 107 Albion Street respectively. The River Welland is located to the south east of the appeal site, on the other side of Albion Street, beyond a pedestrian/cycleway and amenity area.

6. The proposed development would include the erection of 2 terraced dwellings which would adjoin the existing block of 4 properties to the side of No. 109 Albion Street. I note that planning permission (Ref. H16-0813-13) has been granted for a single dwelling on the appeal site, which would adjoin the terraced block and reduce the gap between the side of this terrace and Willesby Road to around 4.6m. The submitted plans indicate that the appeal proposal would further extend the existing terraced block, with a gap of around 1.3m retained between the building and Willesby Road.

7. Policy SG14 of the South Holland Local Plan[1], adopted in July 2006, says that new development should be designed to ensure that it makes a positive contribution to the architectural and visual quality of its surroundings. It goes on to say that it should normally respect the vernacular architecture of the area in which it is located. It sets out a number of matters which should be taken into consideration when assessing the design and layout of new development including the historic pattern of development in the locality and the relationship of the development to the character, form and scale of existing buildings nearby.

8. Paragraph 53 of the National Planning Policy Framework (The Framework) says that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

9. In my opinion, given the extent of the built form proposed, which would project to within only around 1.3m of the side boundary with Willesby Road, beyond the front building line of existing dwellings along this part of Willesby Road, the proposed development would disrupt the symmetry and flow of the dwellings at this junction, reduce the sense of spaciousness and appear overbearing and dominant, out of keeping with the character and appearance of the local area. As such, the proposed development would represent the inappropriate development of this residential garden. I note the appellant's reference to other developments within residential curtilages which have been granted planning permission nearby. However, each proposal should be considered on its individual planning merits, as I have done in this case.

10. I conclude, therefore, that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Local Plan Policy SG14 and would not accord with the guidance in The Framework.

11. The appellant states that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites and I have seen no evidence from the Council to rebut this assertion. As such, I acknowledge that the Local Plan policies relevant to the supply of housing should not be considered up to date and housing applications should be considered in the context of the presumption in favour of sustainable development. However, in my opinion, the harm to the character and appearance of the area identified above would

[1] The Local Plan policy to which I refer in this Decision has been saved by a Direction, under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, of the Secretary of State for Communities and Local Government, dated 10 July 2009.

significantly and demonstrably outweigh the benefits of the provision of 2 additional dwellings, when assessed against the policies in The Framework taken as a whole.

12. I have considered all the other matters raised by the appellant, including the retention of the existing hedge; the need for small dwellings within the District; the screening of existing views of the gable end of No. 1A Willesby Road; the lack of any concerns in respect of the living conditions of neighbouring occupiers; and the lack of any highway safety concerns; but none changes my overall conclusion that the appeal should be dismissed.

Karen L Baker

INSPECTOR