SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H16/1199/92 Received:17-NOV-92 Type:OUTLINE

Name: Mr N Revill
Cradge Bank
Spalding
Lincs

Agent: E. M. D. A.
"Willow Lodge"
Horseshoe Road
Spalding
Lincs PE11 3JA

Description: Four one bed. apartments including details of siting, design and means of access.
Location : Cradge Bank Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 The proposed development is in a backland position where in the opinion of the Local Planning Authority it will cause disturbance to the cottage which fronts Cradge Bank and the flats, next to the common access, because of an increase in vehicular traffic movements.

2 In the opinion of the Local Planning Authority the dwellings will suffer from a lack of privacy due to the position of a residential mobile home approximately 8 metres from the main lounge windows.

3 In the opinion of the Local Planning Authority the amenities of the future occupiers of the proposed development will be unsatisfactory because of the outlook from windows in close proximity to 1.8 metre boundary fencing.

Director of Planning and Building Control Services
20-JAN-93 H16/1199/92

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Bristol BS2 9DJ

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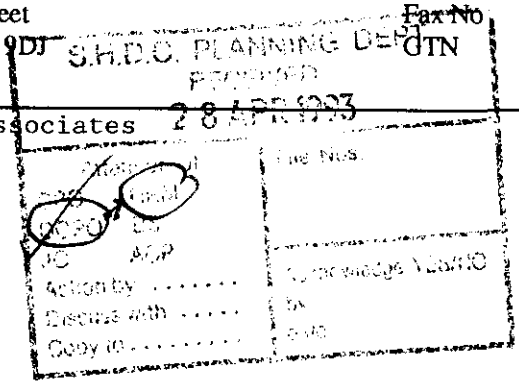


East Midlands Design Associates
"Willow Lodge"
Horseshoe Road
SPALDING
Lincolnshire
PE11 3JA

Your reference:
92/111
Our reference:
T/APP/A2525/A/93/219001/P2
Date:

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR N REVILL
APPLICATION NO H16/1199/92

1. The Secretary of State for the Environment has appointed me to determine this appeal which is against the decision of South Holland District Council to refuse outline planning permission for the erection of four one-bedroomed apartments on land at Cradge Bank, Spalding. The application says that the siting and design of, and the means of access to these apartments are matters to be considered now. I have considered the written representations made by you, and the Council, along with those which the Council attached to their Appeal Questionnaire. I inspected the site on 7 April 1993.

2. The appeal site is a narrow strip of backland aligned roughly east-west and approached from Cradge Bank Road via the car-park to a recently built block of apartments to the east of the site. The site's northern and southern boundaries are marked with close-boarded fencing about 1.8m tall. A mobile home stands just beyond and looks over this southern boundary. Honeysuckle Cottage stands in the western angle formed by the site access and Cradge Bank Road.

3. I am told nothing of the provisions of the development plan for this part of Lincolnshire, and so will proceed on the basis that it contains nothing of especial relevance to your client's project. The Council refused permission for three reasons, the first of which alleges undue disturbance from the use of the site access, the second and third I see as alleging manifestations of an over-intensive development. So I identify the main issues in this appeal as whether:

1. the use of the means of access would be unacceptably disturbing to those living nearby;

2. there would be a resultant unacceptably over-intensive development of the appeal site.

4. On the first issue, I realise that all vehicles traversing the access route would create elements of noise and general disturbance: I see the gravel surface of this route as increasing the intensity of these elements above their level were the route to be (say) macadam-surfaced. However, this route already leads to a car-park, and so I proceed on the basis that it now has a significant level of vehicular use. I saw that some of the more noise/ disturbance-sensitive parts of Honeysuckle Cottage and of the present apartments are close to this route, and thus deduce that these elements are already noticeable in these homes.

100%

5. A clear consequence of the projected apartments would be the raising of the present level of access use, so increasing the frequency at which the elements are created near to these homes. I judge that the degree of increase would be enough to unacceptably reduce the quality of life at these homes, and enough to underlie a compelling planning objection to the projected apartments. However, I believe that this objection could be overcome by changing the access surface to a less noise/ disturbance-generating surface (say macadam), and accept that this could be achieved by your client complying with a proper condition of planning permission.

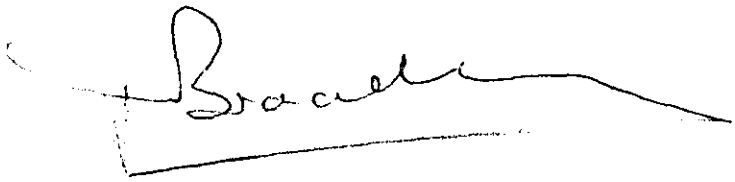
6. On the second issue, the site is narrow, and so the projected apartments' windows must necessarily be close to the site's northern and southern boundaries: the application plans show 6 to 7m between the lounge windows and the southern boundary, 4m between bedroom windows and the northern boundary. The application "block plan" illustrates the intention to plant hedging (fagus purpurea) alongside these boundaries thus further reducing the open area in front of the lounge and bedroom windows. I judge that the 4 to 7m dimensions are small enough for these fences to have an unacceptably high overbearing effect upon the lounge and bedroom windows, and regard the proposed hedging as merely increasing the overbearing effect on these windows.

7. The mobile home has windows which look over the southern boundary. At little more than 7m from the projected lounge windows, I regard this distance as unacceptably close between facing windows.

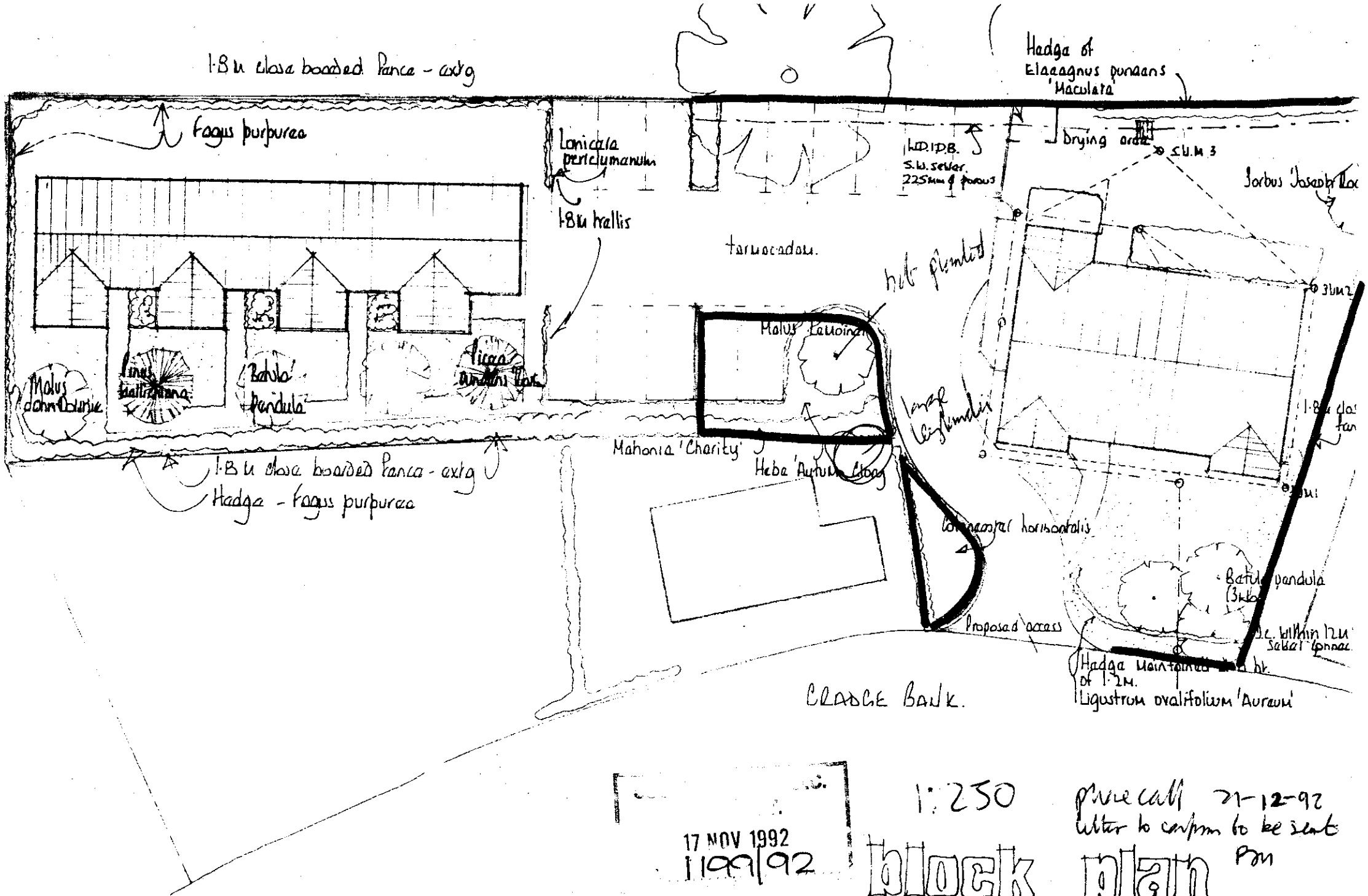
8. From paragraphs 6 & 7 above, I judge that the quality of life in the proposed apartments would be unduly low, and that the quality of life at the mobile home would be significantly reduced. I see this as clear evidence of a proposed unacceptably over-intensive development of the appeal site, and as underlying the telling planning objection which justifies this appeal being unsuccessful. I have taken account of the remaining matters in the written representations, including your suggested alterations to the scheme design, but find nothing sufficient to alter my decision which follows.

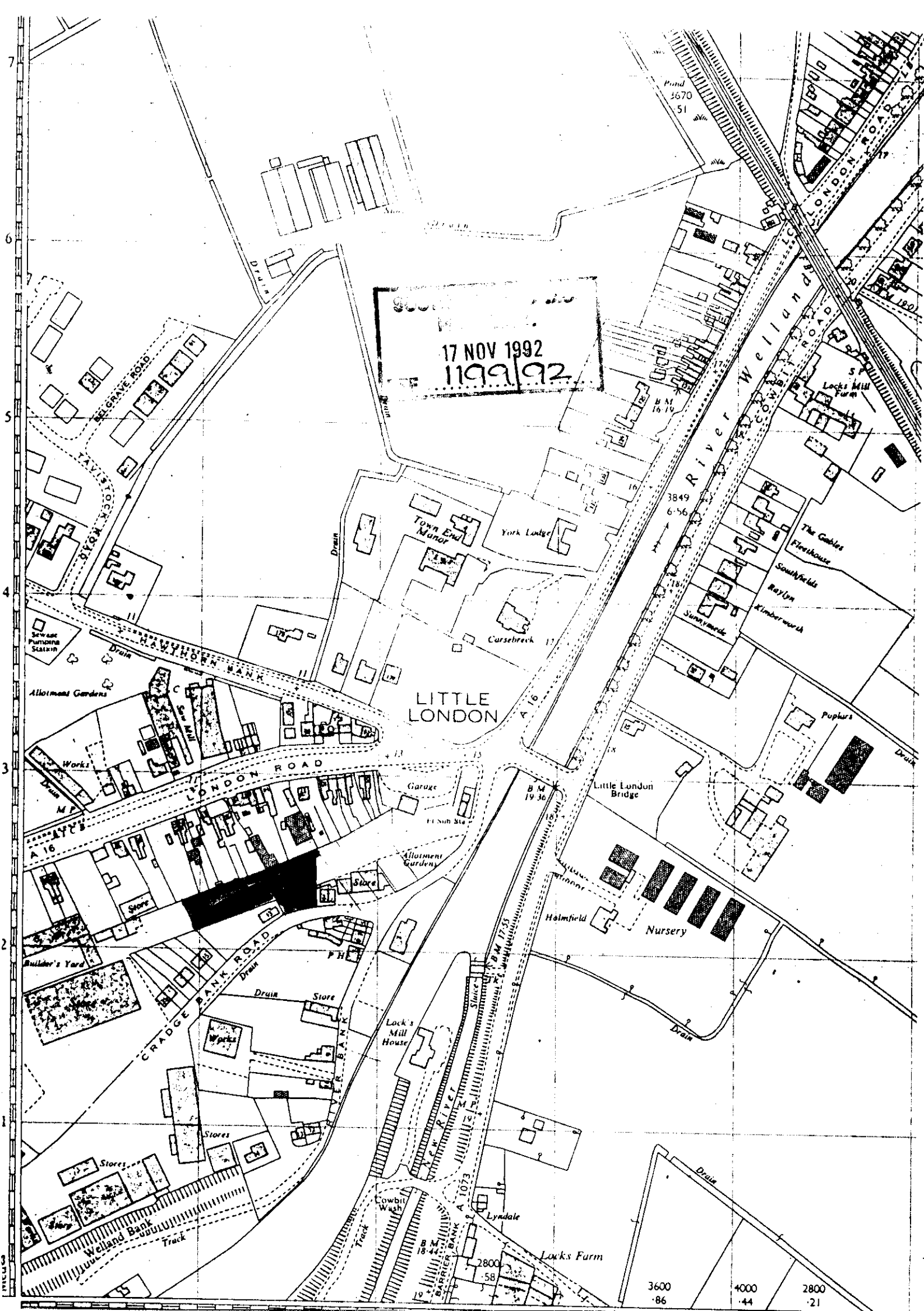
9. For the above reasons and in the exercise of powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



J D BROADLEY BSc MEng CEng MICE MIStructE.
Inspector.


1·8m close boarded Fence - extg
Fagus purpurea
Lonicera periclymenum
1·8m trellis
tarmacadam.
M.D.I.D.B. S.W. sewer. 225mm ϕ pipes
Drying area
S.W.M. 3
Hedge of Elaeagnus pungens 'Maculata'
Sorbus 'Joseph Rock'
3W.M.2
1·8m close fence
Malus 'John Downie'
Betula pendula
Malus 'Lemoinei'
Mahonia 'Charity'
Hebe 'Autumn Glory'
Laburnum horizontalis
Betula pendula (3 stems)
Proposed access
S.C. within 12m
Hedge maintained at 1·2m.
Ligustrum ovalifolium 'Aureum'
CRADGE BANK.
17 NOV 1992
199/92
1:250
block plan
pre-cast 21-12-92
letter to confirm to be sent
Pm


17 NOV 1992
1199/92
LITTLE LONDON
LONDON ROAD
CRADGE BANK ROAD
HAVENHOUSE BANK
SYKE ROAD
BELGRAVE ROAD
River Welland
Town End Manor
York Lodge
Cursebreck
Sewage Pumping Station
Allotment Gardens
Works
Garage
Store
Builder's Yard
Wyrks
Stores
Lock's Mill House
Little London Bridge
Holmfield
Nursery
Puplurs
The Gables
Fleethouse
Southfields
Raylyn
Kimberworth
Sunnymede
Lyndale
Locks Farm
Cowbit Wash
Welland Bank Track
Barrier Bank
A 16
A 1073
B M 19.36
B M 17.55
B M 16.19
B M 18.44
3849
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