

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H21/0147/92

Received:08-APR-92 Type:OUTLINE

Name: Endersby Development Ltd
Kennoway House
Kentish Lane
Brookmans Park
Hatfield, Herts

Agent: Terence Hodgkins RIBA
12 Cross Lane
Aldwincle
Kettering
Northants, NN14 3EG

Description: Replacement dwelling including turning area and siting

Location : (Former White Lion) Station Road
Tydd Gote Lincs

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

- 1 In the opinion of the Local Planning Authority the proposal is an unsatisfactory form of backland development which would not preserve or enhance the character or appearance of Tydd Gote Conservation Area.
- 2 The submitted plans are incorrect in that they show the existing access in the wrong position (it should be further to the west). It is the opinion of the Local Planning Authority that the position of the access as shown on the submitted plans would worsen visibility to the east even further. As such, vehicles would have to edge out into the carriageway before being able to see, or be seen by, vehicles approaching from the east, to the detriment of highway safety.

Director of Planning and Building Control Services
08-JUN-92 H21/0147/92

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.



The Planning Inspectorate

C/214X/AM/P

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

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Howard Shapland Partners
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SW1P 2EZ

PLANNING DEPT.
RECEIVED
29 MAR 1993

Your Ref: POLW/D.5162
Our Ref: T/APP/A2525/A/92/216370/P4

Date: 28 MAR 93

APPROVED
YES

Gentlemen,

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY ENDERSBY DEVELOPMENTS LTD
APPLICATION NO: H21/0147/92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the South Holland District Council to refuse outline planning permission for the erection of a replacement dwelling on the site of the former White Lion, Station Road, Tydd Gote, Lincolnshire. I have considered the written representations made by you and by the Council and also those made by the Parish Council of Tydd St Mary and interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 23 February 1993.

2. The planning application sought outline planning permission for the proposed development with 'siting' and 'means of access' to be considered as part of the application. It has been accepted by both you and the Council that the proposed development would be served from an existing access to the site, but this was shown incorrectly on Plan 590/1 R7. You have confirmed that your clients are content for the appeal to proceed on the basis of all matters being reserved for subsequent approval. I propose to determine the appeal on that basis and shall regard Plan 590/1 R7 as being for information only.

3. From my inspection of the site and its surroundings and from the representations made I consider that the principal issues in this appeal are the effect of the proposal on the character and appearance of the conservation area and on the road safety of users of Station Road.

4. At my inspection I observed that the appeal site comprises 2 distinct parts. The front of the site occupies a prominent corner location at the junction of Main Road, the

A1101, with Station Road, and consists principally of an open rough grassed area of land. At the eastern end of the grassed area, and clearly visible from public viewpoints, is a dilapidated single-storey pitched roofed brick offshot to the rear of the adjacent shop. This is referred to in the representations as the cottage. In my opinion the front of the appeal site, because of its prominence, materially affects the character and appearance of the conservation area. I note that conservation area consent has been granted for the demolition of the cottage, a decision which supports my view that this building detracts from the character and appearance of the conservation area. The grassed area, whilst clearly an important open space on the main westerly approach to Tydd Gote from Main Road, nevertheless has an unkempt appearance. Improved maintenance of this frontage and the removal of the cottage would do much to enhance this prominent site in the conservation area.

5. In contrast land to the rear of the cottage is far less conspicuous. It is a long rectangular disused garden, bounded on its western boundary by a hedge. As such it can only be glimpsed from public roads and does not contribute materially to the character and appearance of the conservation area.

6. Although the Council refer to the proposal as unsatisfactory backland development, their concern is in respect of its effect upon the conservation area. There is no indication that the Council considers that the proposal would spoil the amenities of the neighbouring house, for example by means of overshadowing. Nor in my opinion would such problems arise if the dwelling was to be sited as shown on the indicative plan. In terms of its appearance, the proposed dwelling would scarcely be intrusive in this location and would not have a significant effect on the conservation area, the character and appearance of which would be preserved.

7. As to the access, I am mindful of the concern which has been expressed about the effects of the proposal on highway safety, and I have given very careful consideration to this issue.

8. Station Road is a classified public highway and in the vicinity of the appeal site is subject to a 30 mph speed restriction. Although it has a junction with Main Road where I observed traffic flows to be heavy and vehicle speeds high, I see no reason to doubt your representations that Station Road is not a major traffic route.

9. When consulted on the planning application, the County Highway Authority considered there to be insufficient reason to refuse planning permission for a replacement dwelling which used an existing access. Refusal of planning permission was recommended on the grounds of inadequate visibility in the easterly direction at the proposed point of access to the site incorrectly shown on the indicative plan.

10. You consider that the provision of a turning area within the site is essential in order that vehicles can enter and

leave the site in a forward direction. You also accord with the view of the County Highway Authority that the most suitable point of access from Station Road is where existing dropped kerbs indicate a footway crossing for a former vehicular access.

11. The starting point in consideration of the visibility from an access anywhere along this frontage is the advice contained in Planning Policy Guidance Note 13 (PPG13), which emphasises that whatever the access good visibility is essential. The adequacy of visibility in a westerly direction from the existing dropped crossing has not been disputed. The visibility in an easterly direction from this point allows an unrestricted vision for a distance in excess of the minimum requirement set down in PPG13 for a road which is subject to a 30 mph speed restriction. Where speeds are universally below the speed limit, PPG13 Appendix C recommends a minimum standard visibility requirement of 60 m from an access measured 2 m back from the carriageway edge where the access is to serve a single dwelling. I am satisfied that cars approaching from the left are likely to travel at speeds below 30 mph as they round the bend and approach the junction. I conclude therefore that visibility at this access is adequate and that the proposal would not be detrimental to the road safety of users of Station Road.

12. I have taken into consideration all the other matters raised in the written representations but I find none of these matters outweighs the factors which have led me to my decision.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of one dwelling on the site of the former White Lion, Station Road, Tydd Gote, Lincolnshire in accordance with the terms of application No H21/0147/92 dated 3 February 1992 and the plans submitted therewith subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

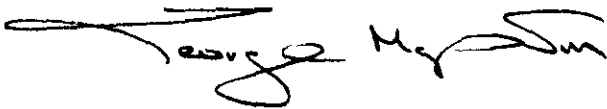
3. the replacement dwelling hereby permitted shall not be occupied until the demolition and removal of the cottage has been completed.

14. I have not imposed conditions 3 to 6 from the Council's list of suggested conditions because the matters concerned are covered by standard conditions 1 and 2 above.

15. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

16. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Gentlemen
Your obedient Servant



G W MAPSON DipTP DipLD MRTPI
Inspector

9901 1111 71

DISTRICT

SOUTH HOLLAND

This plan has been prepared for the sole purpose of showing the area in respect of which an official search has been made. It is not intended to be used for or relied upon for any other purpose.

