
Appeal Decision

Site visit made on 7 November 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 11 November 2016

Appeal Ref: APP/E2530/W/16/3153974

Plot adjacent to 5 Signal Road, Grantham, Lincs NG31 9BP

- 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 David Balderson against the decision of South Kesteven District Council.
 - The application Ref S16/0558, dated 24 February 2016, was refused by notice dated 5 May 2016.
 - The development proposed is detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The second reason for refusal in referring to "...the limited space that can be achieved between the proposed new dwelling and the proposed dormer bungalow..." is somewhat confusing. The appellant interprets this to mean the proposed dwelling would appear cramped and out of character with the surrounding development. I will deal with the appeal in the same way.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether or not satisfactory living conditions would be provided for future occupiers of the proposed bungalow taking particular account of outlook and the provision of amenity space; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 3, 3a, 3b and 3c Signal Road (which for ease I will refer to as Nos 3–3c).

Reasons

4. The site is within the built up area of Grantham. It is part of a larger triangular piece of land that had planning permission for two sets of semi-detached houses Ref S10/1259/FULL. These have been constructed as Nos 3–3c. The appeal site was to be rear gardens for these properties but it has been severed and is currently not in use. As former or permitted garden land in a built up area it does not fall within the definition of previously developed land as set out
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in the National Planning Policy Framework (the Framework). Nevertheless, as an accessible location in a residential area, redevelopment for a dwelling would be acceptable in principle provided other material considerations were satisfied.

Character and appearance

5. Policy EN1 of the Local Development Core Strategy for South Kesteven 2010 (the CS) accords with those principles of the Framework that require good design that respects the character of the local area. Paragraph 64 of the Framework says that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of the area. The properties on Signal Road vary in style and design but are generally in relatively spacious plots set back some distance from the road.
6. The appeal site is roughly triangular in shape with the southern boundary following the curve of the cul de sac that serves Nos 5 and 13-17 Signal Road. Nos 3-3c are to the west and land levels fall so that the eastern corner of the appeal site is higher than Nos 3-3c by about 1m. The proposed dwelling would be L shaped. It would have a "chalet bungalow" design with a steeply pitched roof and lowered eaves. The first floor rooms would be in the roof space.
7. The proposed design would be similar in appearance to that of No 5 and in that respect would not be out of character with the area. However, due to the shape of the site one corner of the building would be very close to the roadside. This would appear cramped and incongruous and out of character with the more spacious surroundings. The effect would be exacerbated as the building would be lower than the adjacent carriageway to address the differences in levels. The vacant plot does not improve the appearance of the area at present but neglect of land does not in itself justify the grant of permission for an otherwise unacceptable proposal.
8. For the above reasons I conclude that the proposed development would significantly and adversely affect the character and appearance of the area. It would conflict with Policy EN1 of the CS and those principles of the Framework that seek to ensure developments respect the character of the local area.

Living conditions

9. The first floor bedrooms would rely solely on roof lights and obscure glazed windows to create privacy in the rooms and to prevent unacceptable overlooking of other properties. This would provide a poor outlook for occupiers of the proposed dwelling. Moreover, due to the different land levels and the proximity of the proposed dwelling to Signal Road, the boundary treatment necessary to provide privacy would overshadow the windows of the kitchen/dining room resulting in gloomy and oppressive conditions.
10. The gardens for Nos 3-3c were planned to be much larger which would be more in keeping with the general character of the surrounding area although the conditions attached to permission Ref S10/1259/FULL do not specify garden sizes. As constructed they have a rear garden length of about 5.6m and vary between about 30 sq m and about 40 sq m in size.
11. There would be 3 areas of amenity space distributed around the plot of the proposed dwelling. One of these would be about 60 sq m and sited between the gardens of other properties. It would be roughly triangular in shape but would taper to points which would limit the usability of the space. There would

also be a drive, a 1.8m strip to the side adjoining No 5, a narrow rectangle adjacent to the higher part of Signal Road, which due to level differences would be relatively unusable for most domestic activities, and about 30 sq m of small roughly triangular shapes which would function as front garden setting. In my view these do not attract much weight as private amenity space.

12. It would appear that the Council does not have any guidelines for sizes of gardens or distances between properties and the evidence indicates that the proposed building would not conflict with the BRE guidelines "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice". However, I consider that the relative dispositions of the buildings and boundary treatments would result in constrained, gloomy and unsatisfactory amenity space for occupiers of Nos 3–3c and the proposed dwelling and amounts to poor design.
13. For the above combined reasons on balance I conclude that satisfactory living conditions for occupiers of the proposed bungalow would not be provided and that the living conditions of the occupiers of Nos 3–3c would be adversely affected by the reduction in quality of their outdoor amenity space. The proposal would therefore be contrary to those provisions of the Framework that require a good standard of amenity for existing and future occupiers of land and buildings.

Other Matters

14. The appellant has provided a number of examples where gardens of comparable sizes and shapes have been accepted. Of these Spalding Road and Coles Way (Refs S06/1128 and S09/0629) relate to more comprehensive re-developments incorporating "cranked" front elevations with buildings specifically designed to turn corners. The outlook from the backs of the properties is across a number of adjoining gardens which is not the case in the appeal before me. At Manthorpe Road and Eastgate (Refs S09/1828 and S06/0617) small garden areas have been accepted but again the outlook to the rear is open, across a road and water course respectively. At Fletcher Street Ref S13/0760 smaller enclosed amenity areas have been accepted but the development fitted in with the layout and character of the surrounding area which is not the case for the appeal site.
15. Each application must be considered on its merits and the circumstances are likely to vary. Overall I consider the different circumstances in the quoted cases do not lead me to different conclusions on the appeal before me.
16. The appellant says the occupiers are satisfied with the smaller gardens and preferred no lawn. However, other occupiers in future may be less so and moreover at that time the land at the rear of these properties was open. Accordingly this does not lead me to a different conclusion.

Conclusion

17. In conflicting with Policy ENV1 the proposal would not be in conformity with the development plan taken as a whole. The proposal would amount to poor design which in accordance with the Framework should be refused. Taking all relevant matters into account I conclude the appeal should not succeed.

SDHarley

INSPECTOR