
Appeal Decision

Site visit made on 1 November 2016

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 16 November 2016

Appeal Ref: APP/E2530/W/16/3155748

16 Launder Terrace, Grantham NG31 6BU

- 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 Brummitt against the decision of South Kesteven District Council.
 - The application Ref S16/0867, dated 30 March 2016, was refused by notice dated 13 June 2016.
 - The development proposed is erection of 2 semi-detached chalet bungalows on land to rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 semi-detached chalet bungalows on land to rear at 16 Launder Terrace, Grantham NG31 6BU in accordance with the terms of the application, Ref S16/0867, dated 30 March 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues raised by this appeal are the effect the proposed development would have on the living conditions of occupiers of neighbouring properties and on those of future occupiers.

Reasons

Neighbours' living conditions

3. The appeal site is a walled garden area which extends along the rear of 14 to 23 Launder Terrace whose modest rear gardens either abut the site or are separated from it by a narrow passage. These existing houses have windows both in their main body and in the end of projecting rear wings which face the site. Some of these windows, particularly those on the first floor, will have a relatively open aspect above the site's boundary walls whilst others have a more limited outlook as a result of mature trees in the back gardens.
 4. The appeal proposal would introduce a pair of two storey buildings onto the site albeit that much of the first floor would be accommodated within the buildings' pitched roof. The drawings show the rear wall of the proposed houses would be just over 11m from the rear wings of Nos 17-21. The upper part of the rear masonry wall and steep pitched roof above would be visible above the existing boundary wall from the rear of most properties on Launder Terrace.
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5. However, whilst the proposed dwellings would appear as a substantial mass above the existing boundary wall, the effects of this would be mitigated to a degree as a result of the roof sloping away from the boundary. Although the rear wall would be unrelieved by windows or other features only a relatively limited proportion would be visible between the boundary wall and eaves. The proposed dwellings would not be so close to those houses that they would give rise to an unacceptably overbearing effect on the occupiers of those properties. Some of the rear gardens of Nos 17-21 would feel more enclosed to the south than they do at present but this effect would not be so marked as to have an unacceptable effect on how occupiers would be able to use and enjoy these spaces.
6. There is little substantive evidence that the proposal would have a significant effect on sun and day light reaching the rear of properties on Launder Terrace given their relative orientation and separation distances from one another. The absence of windows in the north elevation, other than two obscure glazed roof lights, would avoid any loss of privacy to the rear aspects of adjoining properties arising.
7. As a result the living conditions of neighbouring occupiers would not be unacceptably harmed as a result of the proposed dwellings. The proposal would therefore comply with the Local Development framework for South Kesteven – Core strategy, 2010 (CS) Policy EN1 which requires, amongst other criteria, that development proposals are assessed in relation to visual intrusion. For the same reason the proposal would accord with the National Planning Policy Framework's (the Framework) core planning principle set out at paragraph 17 of always seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

Future occupiers' living conditions

8. The ground floor of the proposed houses would be lit by large glazed doors in their gable elevations as well as more modest kitchen windows in the south elevation. Those kitchen windows would be set behind the site's boundary wall and close to it. However, whilst the wall would reduce the outlook over the adjoining car park and occupiers are likely to experience a degree of enclosure as a result of its height, the wall is not so tall as to limit all outlook from those windows particularly from a standing observer within the proposed kitchens.
9. As they would face south, even though the wall would extend to about mid-way up the proposed windows, the wall would be unlikely to block much direct sunlight to the kitchens. Similarly, there is little firm evidence to suggest that the amount of overall daylight which would be able to reach the kitchens would be significantly limited. Partially glazed front doors would ensure that the lobbies would similarly not be deficient in natural light. Whilst the dining areas of the proposed houses would be situated farthest from the kitchen and living room windows, the width and depth of the houses would mean that it is unlikely that the ground floor interior would be materially deficient in natural light.
10. Therefore, in the absence of any substantive evidence to the contrary, the interior of the ground floor of the proposed dwellings would not be so lacking in natural light or have such a constrained outlook as to harm the living conditions of future occupiers. The proposal would therefore accord with CS

Policy EN1 and paragraph 17 of the Framework in terms of their requirements relating to living conditions and amenity.

Other Matter

11. Although the proposal would not have any car parking this would be acceptable given its accessible location and there is little evidence to suggest that should occupiers own cars that they would necessarily be parked in manner which would adversely affect local parking conditions or traffic levels.

Conditions

12. It is necessary to specify the approved plans and require approval of levels as this provides certainty. Materials need to be approved in the interests of preserving the area's character and appearance. Drainage needs to be approved to ensure that flooding is avoided and foul water appropriately disposed of. This condition would address interested parties' concerns over such matters. In order to protect neighbours' privacy in light of the relationship of the north elevation to existing properties, exceptionally, it is necessary to withdraw permitted development rights for new windows in that elevation and to ensure the rooflights contain obscure glazing. However, I have been presented with little reason as to why it would be necessary to remove more extensive permitted development rights for alterations and extensions on other elevations.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, the proposal would not materially harm the living conditions of either existing or future occupiers and would accord with the development plan and the Framework. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 233PL02-1, 233PL02-2, 233PL02-3 and 233PL02-4, unless otherwise required by another condition.
- 3) No development shall take place until full details of the existing and finished levels, above ordnance datum, of the site and ground and first floors of the proposed building, in relation to existing ground levels and with reference to neighbouring properties have been submitted to and approved in writing by the local planning authority. Prior to any construction taking place the land shall have been graded in accordance with the approved details and the development shall subsequently be carried out in accordance with the approved levels.

- 4) No works to any external elevations shall commence until samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 5) The development hereby permitted shall not be occupied until surface and foul water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority and incorporated in the details as appropriate.
- 6) The development hereby permitted shall not be occupied until the rooflight windows in the north roof slope have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, rooflights or dormer windows, other than those expressly authorised by this permission, shall be constructed on the north elevation and roof slope of the development.