
Appeal Decision

Site visit made on 6 December 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 3 January 2017

Appeal Ref: APP/E2530/W/16/3158121

Land to the rear of Gladstone Terrace, Grantham, Lincolnshire NG31 8BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Invicta Rentals Limited against the decision of South Kesteven District Council.
 - The application Ref S16/1413, dated 6 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is the erection of 24 apartments in 2 blocks with no on-site parking other than emergency vehicles and drop off point.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with access, appearance, layout and scale to be determined at this stage. I have dealt with the appeal on this basis.

Application for costs

3. An application for costs was made by Invicta Rentals Limited against South Kesteven District Council. This application will be the subject of a separate Decision.

Main Issues

4. The main issues in this appeal are;
 - the effect of the proposed development on the provision of affordable housing;
 - the effect of the proposed development on the living conditions of the occupiers of the dwellings on Gladstone Terrace with particular regard to outlook.

Reasons

5. A presumption in favour of sustainable development is at the heart of the National Planning Policy Framework ('the Framework'). The appeal site is located within a residential area close to the centre of Grantham where policies SP1 and H1 of the South Kesteven Core Strategy ('Core Strategy'), which define the spatial strategy for the District and govern where new housing should be built, support new housing. In terms of housing need, there is a shortfall in one bedroom accommodation that the proposed development would help address. As a result, it is not a matter in dispute that the site is, in
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principle, in a suitable location for residential development and that the proposal would help meet local housing need.

Affordable housing

6. The Council requires that eight of the proposed flats are provided as affordable housing by way of a planning obligation. The appellant has not provided a planning obligation to secure such provision. The provision sought has been assessed having regard to the tests in paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
7. In accordance with policy H3 of the Core Strategy, to help meet the need for affordable housing in the District such a level of on-site provision needs to be made. The provision of such housing is therefore necessary to make the development acceptable in planning terms, directly related to the proposal, and reasonably related in scale and kind to it. As a consequence, the provision of the number of affordable housing units sought satisfies the tests in the Framework and accords with Regulation 122.
8. In the absence of a planning obligation, this matter could not be dealt with by condition. This is because Planning Practice Guidance advises that use of a negatively worded condition, limiting the development that can take place until a planning obligation has been agreed, is unlikely to be appropriate other than in exceptional circumstances, such as in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would be put at risk¹. These circumstances do not exist in this case.
9. In the absence of an obligation securing such provision, the proposal would therefore cause significant harm to the provision of affordable housing.

Living conditions

10. The rear elevations of the proposed blocks of flats would be wide and would face the rear of the houses along Gladstone Terrace. The appeal scheme has sought to address the reasons I gave for dismissal on appeal of a previous scheme in 2016 in relation to privacy and outlook². However, it would not alter the position of the proposed flats which would remain 23m to 27m away from the main rear elevation of the houses on Gladstone Terrace. In my assessment, this separation distance, rather than the shorter distance between the rear of the single storey back additions to these houses and the rear elevation of the proposed development, is relevant. This is because, unlike the main elevations, the back additions to the houses do not contain main habitable rooms with windows that directly face the proposed flats. Based upon the submitted plans, the rear boundary to the back gardens of the houses on Gladstone Terrace would be separated by a gap of 9.3m to 12.6m from the rear elevations of the flats.
11. In relation to privacy, the main living accommodation in the rear elevation at first floor level in the previous scheme has been replaced by bedrooms and bathrooms. At second floor level, rooflights have similarly replaced the dormer windows. As a result, material overlooking of the back gardens and rear elevations of the houses on Grantham Terrace would now not occur.

¹ Planning Practice Guidance ID 21a-010-20140306

² Ref APP/E2530/W/16/3143646

12. With regard to outlook, the gables as well as the dormers windows at roof level in the previous scheme have been deleted. This effectively means that the property at the rear would be a conventional two storey property with a plain unadorned roof, rather than a three storey property with bulky imposing additions. In combination with the reduction in height of the northern block of slightly less than 1m, and a smaller reduction in height of the southern block, this would materially reduce the scale and mass of the proposed development. In my judgement, this reduction, on balance, would be sufficient for the development not to have an overbearing effect on the outlook experienced in views from the rear elevations of the houses on Grantham Terrace or their back gardens.
13. Reference has been made by local residents to the effect of the proposal on the living conditions of the occupiers of the bungalows on Lodge Way. In relation to this matter, the northern apartment building would not extend sufficiently far across the rear elevation of the nearest bungalow to adversely affect the privacy or outlook of its occupiers. The rear elevation of the other bungalow on Lodge Way, which also shares a common boundary with the appeal site, is orientated away from the proposed buildings. As a result, living conditions in this property would also not be harmed.
14. The proposed development would therefore constitute good design in accordance with section 7 of the Framework. It would also comply with the core planning principle contained within paragraph 17 of the Framework which seeks a good standard of residential amenity for all existing occupants of buildings.

Other matters

Conservation area

15. The appeal site is located within the Grantham Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As the Conservation Area is focussed on the town centre, and covers those areas that contain well designed older buildings from medieval times through to the early part of the 20th century, its significance is architectural and historical.
16. Other than in relation to the rear elevation of the proposed blocks having a plainer form than in the previous scheme that I assessed at appeal, and the slightly reduced height of the blocks, both schemes are the same. On the basis of the tree survey, I am satisfied that the trees which would be removed as part of the development would not harm the character and appearance of the area. The alterations made do not alter my assessment that subject to the control that could be exerted at reserved matters stage in relation to landscaping the proposal would not harm this part of the Conservation Area, or the Grantham Conservation Area as a whole. As a result, the statutory objective of preservation would be achieved. The proposal would therefore comply with policy EN1 of the Core Strategy and sections 7 and 12 of the Framework. This policy and parts of the Framework require that design responds to local character and preserves the historic environment.

Parking provision

17. Although the scheme would only provide seven unallocated parking spaces the site is located very close to the centre of Grantham and the wide range of

services and facilities, including public transport, which the town has to offer. Consequently, it is an accessible location where a car is not necessary for transportation. Individuals or couples who would occupy the one bedroom flats would make an informed decision as to whether to live in a development with no on-site parking and with very limited on road parking nearby. For these reasons, I therefore find that the level of parking provision proposed would not result in parking on surrounding streets that would harm the living conditions of local residents.

Air quality, highway and fire safety

18. Access to the highway network from the appeal site would be gained via Prospect Place. In comparison to the permission granted for five houses on the appeal site, of which up to four would gain access via Prospect Place, a submitted transport assessment shows that there would be no material increase in vehicle movements³. As a largely car free development, the proposal would therefore not have a material adverse effect on air quality.
19. As I noted in the previous appeal, the narrow nature, alignment, slope and limited forward visibility along Prospect Place would act as a traffic calming measure. As a result, vehicles speeds along it would be low. Owing to the presence of double yellow lines good visibility exists in relation to oncoming traffic in both directions at the junction with Manthorpe Road. The presence of a traffic light controlled junction nearby to the south would give vehicles regular opportunities to safely exit Prospect Place. In the event that two vehicles travelling in opposite directions along Prospect Place were to meet, there is sufficient space within the Place for a vehicle to reverse and allow the other vehicle to pass. For these reasons, I therefore find that the proposed development would not harm highway safety.
20. In relation to access to the appeal site for a fire engine, a swept path analysis of the Prospect Place shows that the access is wide enough for such a vehicle to access the appeal site via this route. Taking all these matters into account, I therefore conclude that the proposed development would not harm highway or fire safety.

Conclusion

21. The site is in an accessible location within Grantham and the proposal would provide one bedroom housing for which there is a demand. It would therefore comply with policies SP1 and H1 of the Core Strategy which identifies the spatial strategy for the District and directs where new housing should be built. However, I consider that any presumption in favour of development is clearly outweighed by the demonstrable harm the proposal would cause to the supply of affordable housing, contrary to policy H3 of the Core Strategy. I therefore find that the proposed development would be contrary to the development plan and Framework when considered as a whole. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

³ Ref S09/2454