
Appeal Decision

Site visit made on 25 January 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 7 February 2017

Appeal Ref: APP/D2510/W/16/3163127

Brayford Lodge, Fen Lane, East Keal, Spilsby PE23 4AY

- 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 Mr A Shaheen against the decision of East Lindsey District Council.
 - The application Ref S/045/01657/16, dated 2 September 2016, was refused by notice dated 4 October 2016.
 - The development proposed is outline erection of 1 no. dwelling (with means of access to be considered) in accordance with an amended application form received by the LPA on 2nd Sept 2016.
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Decision

1. The appeal is allowed and planning permission is granted for outline erection of 1 no. dwelling (with means of access to be considered) in accordance with an amended application form received by the LPA on 2nd Sept 2016 at Brayford Lodge, Fen Lane, East Keal, Spilsby PE23 4AY in accordance with the terms of the application, Ref S/045/01657/16, dated 2 September 2016, subject to the following conditions:
 - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 2) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 15/1378 001 Revision A.
 - 4) The application for the approval of reserved matters shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.
 - 5) Before the access hereby approved is brought into first use all obstructions exceeding 0.6 metres in height shall be cleared from the visibility splays indicated on approved plan reference 15/1378 001 Revision A and thereafter they shall be kept free of obstacles exceeding 0.6 metres in height.
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Procedural Matter

2. I have taken the description of development from the appeal form. Whilst it differs from that shown on the planning application form, it most accurately describes the development to which the appeal relates. It is clear that the Council are content with this approach since the same description appears on their decision notice. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area with specific regard to the existing front boundary hedge.

Reasons

4. The proposed development seeks outline planning permission with access fixed for consideration. The appeal site is part of the residential curtilage of Brayford Lodge and access to it would be through the creation of a single width private driveway into a parking and turning area. To facilitate the access onto Fen Lane, and provide for sufficient visibility, the existing mature boundary hedge would be removed for a substantial length of its route along the western boundary of both the appeal site and Brayford Lodge itself.
5. The existing hedge makes a positive contribution to the street scene and the character of the area generally which, alongside other forms of boundary planting and mature trees in front gardens, is leafy and verdant. Whilst the hedge does create a sense of narrowness on the lane alongside the appeal site, other parts of the wider street scene, including opposite the appeal site are more open with low front boundary treatments and grass verges. The appearance of grass verges with abutting hedges are also common in the area but the widths of verges are not uniform. In addition, there are examples of walls and fences mixed in with mature planting.
6. I note that additional planting is proposed for what would be the relocated western boundary of the appeal site which in itself would aid in adding to and enhancing the defining characteristics of the lane.
7. The proposed development would no doubt alter the appearance and partly the character of this part of the street scene, but I do not consider that it would amount to harm to the character and appearance of the area. As a consequence, I do not find that it would conflict with saved Policy A5 of the East Lindsey Local Plan Alteration 1999. This Policy, amongst other things and along with section 7 of the Framework¹, seeks to ensure that new development is of a high quality and contextually appropriate design and appearance and does not detract from the distinctive character of the locality.

Other Matters

8. I note concern that has been expressed over the increased use of Fen Lane that would arise out of the proposed development. I note that the Council's highways advisors did not object on this particular ground and given the scale of the proposed development I would have no reason to disagree. In addition,

¹ The National Planning Policy Framework 2012

the lane is punctuated by vehicular access points and as such existing users of the lane would be well used to the potential for emerging vehicles.

9. The planning history section of the officer's delegated report does confirm that a planning application for the development of the site has previously been refused and then dismissed at appeal.
10. Whilst I have not been provided with further details of either this refusal or the subsequent appeal decision, I note the Council's evidence and specifically the reason why they consider East Keal to be suitable for new housing development. Given this evidence and my own findings above concerning the site specific effects of the proposed development, I see no clear reason why planning permission should not be granted.

Conditions

11. I have regard to the conditions that have been suggested by the Council. I have made some changes in the interests of clarity and enforceability and these are reflected in the wording that I have used.
12. For certainty I have specified the approved plan as well as setting out the timescale for the submission and approval of reserved matters. To ensure the proper functioning of the development in the interests of highway safety, I have also specified the reserved matters to include provision for turning facilities so a vehicle can exit forwards as well as limiting obstructions within the required visibility splay.

Conclusion

13. For the reasons and subject to the conditions set out above, the appeal is allowed.

John Morrison

INSPECTOR