
Appeal Decision

Site visit made on 27 March 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/E2530/W/16/3165891

Melrose Close, Stamford PE9 2TH

- 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 D Pistolas against the decision of South Kesteven District Council.
 - The application Ref S16/1726, dated 11 July 2016, was refused by notice dated 21 October 2016.
 - The development proposed is erection of 2 semi-detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 semi-detached dwellings at Melrose Close, Stamford PE9 2TH in accordance with the terms of the application, S16/1726, dated 11 July 2016 subject to the conditions set out in the schedule to this decision notice.

Procedural matter

2. The appeal is in outline with all matters except for access reserved for future consideration. A layout plan has been submitted which I will treat as indicative only.

Main Issues

3. The main issues are firstly the effect of the development on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of the occupiers of surrounding residential properties with particular regard to privacy, outlook and light.

Reasons

Character and appearance

4. The appeal site is located within a residential estate of detached and semi-detached dwellings of a fairly uniform design interspersed with areas of green space. Properties are generally set back from the road with open frontages. As a result the area has an open spacious character and appearance.
 5. The appeal site forms an area of open space within the estate which is mainly grassed. The rear elevations of semi-detached properties on Montrose Close and Caithness Road face the site, albeit separated by high boundary treatment. To the north and opposite the site are a row of four garages together with the side elevations of properties on Melrose Close and Caithness Road. The area
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around the appeal site therefore effectively serves as a vehicular access and parking area for Melrose Close.

6. The solid boundary treatment to the rear of 72 Caithness Road means the appeal site is not particularly visible from Caithness Road. Additionally, its location tucked away with a cul-de-sac with very limited active street frontage restricts its useful function as a green space within the estate. In this respect I note that it was not included within the Council's Open Space Study 2009 (COSS). Furthermore, I have seen no evidence to suggest that the site has substantial environmental importance within the area or supports important or protected habitats or species. Moreover, the lack of active surveillance from surrounding houses and the predominance of car manoeuvres within the highway would restrict the usefulness of the site for recreational purposes.
7. In contrast there is a large grassed area close to the site which properties on Melrose Close look out onto, and this is linked to a smaller area of open land to the side of 2 Melrose Close. Together these provide an open and attractive setting for the dwellings. As a consequence the appeal site only makes a neutral contribution to the character and appearance of the area.
8. I note that Policy SAP 10 of the Local Plan for South Kesteven Site Allocation and Policies Development Plan Document (DPD) requires a provision of informal open space of 2 ha per 1000 population within 480 metres. I have though been provided with no detailed figures with respect to this calculation. Reference has been made to a lack of provision of informal open space identified within the COSS. However, this study was made across the whole of the district rather than just the estate in which the appeal site is located. I noted that even with the loss of the appeal site there would still be a considerable amount of green space across the estate and in proximity to the appeal site which would serve to ensure the area retains its open spacious character and appearance.
9. Although the layout plan is indicative only, it demonstrates that the houses could be accommodated on site with a small set back from the road to respect the existing layout of houses in the area. In addition the provision of a pair of semi-detached dwellings would reflect the predominant form of housing in the vicinity of the appeal site.
10. For the reasons above I conclude that the proposal would not be harmful to the character and appearance of the area. It would therefore be in accordance with Policy EN1 of the Local Development Framework for South Kesteven Core Strategy 2010 (CS) and Policy SAP 10 of the DPD. These require amongst other things that development be assessed in relation to the protection of existing open spaces and that the open space is not required to meet space standards or support important or protected habitats or species.

Living Conditions

11. The appeal site shares a boundary with 2, 4 and 6 Montrose Close which are detached houses with a rear elevation facing the appeal site. The Council state that, in accordance with the illustrative plan the proposed dwellings could be about 22 metres from the rear elevations of Nos 2, 4 and 6. This figure has not been disputed. Such an intervening distance would be sufficient to ensure that the proposed dwellings would not be significantly overbearing or lead to an

unacceptable loss of privacy or light to the existing houses. Moreover, the proposed houses would only have an oblique relationship with No 6.

12. While there may be some over-looking from the first floor bedroom windows of the new houses to the gardens of Nos 2 and 4, this would be towards the rear most part of the garden which would also be open to views from first floor windows of neighbouring properties. I do not consider therefore that the occupiers' privacy would be significantly harmed. Moreover, I am mindful that the layout plan is illustrative only and the exact siting of the houses is not therefore fixed.
13. The intervening distance between the rear elevations of 68 and 70 Caithness Road and the proposed houses would be sufficient to avoid any unacceptable overbearing effect or loss of privacy and light.
14. For the reasons above I conclude that the proposal would not be harmful to the living conditions of occupiers of surrounding residential properties. It would therefore be in accordance with paragraph 17 and section 7 of the National Planning Policy Framework (the Framework). These require amongst other things that development should be of high quality design and always seek a good standard of amenity for all existing occupants of land and buildings.
15. The Council also refer to Policy EN1 of the CS and section 11 of the Framework in their reason for refusal with respect to living conditions. However, these refer to the protection and enhancement of the character of the District and conserving and enhancing the natural environment respectively. My attention has not been drawn to any part of the Policy or section 11 of the Framework which deals specifically with living conditions and therefore they have not been determinative in this respect.

Other matters

16. Local residents have raised the issue of the increased level of parking within the Close caused by the appeal proposal. The indicative layout demonstrates that four off street parking spaces can be achieved together with two houses. This would reduce the amount of on street parking available on Melrose Close because of the access required to the off street parking. At the time of my site visit there were three cars parked in the cul-de-sac. Two in front of the existing garages and one on the road. I appreciate that this is only a snap shot in time and parking may be more prevalent in the evenings and at weekends. Nonetheless, I have seen no substantive evidence to suggest that there is a significant parking problem.
17. Concerns have also been raised regarding the increase in traffic near to a route for pedestrians through to the local school. However, I saw that there are footways on either side of Melrose Close. In addition the traffic generated from two additional houses would not be significant, both in the context of this quiet cul-de-sac and the whole estate. As a result I am satisfied that there would be no unacceptable conflict between pedestrians and vehicles. Moreover, I note that no objection to the proposal has been raised by the Highway Authority.

Conditions

18. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as

necessary to comply with those documents. In the interests of clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

19. Details of the materials, boundary treatment and land levels are required to protect the character and appearance of the area. Details of the levels are required prior to any development taking place to ensure accurate details are submitted of existing levels. A drainage condition is necessary to ensure the satisfactory development of the site in this respect.

Conclusion

20. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan received on 18th July.
- 5) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings until a scheme for the treatment of surface and foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to any dwelling hereby permitted being first occupied.
- 6) Before any of the works on the external elevations for the buildings hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details
- 7) Before the works to provide any boundary treatments are commenced, a plan indicating the heights, positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be

implemented on site prior to any dwelling hereby permitted being first occupied.

- 8) Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to neighbouring properties/an off-site datum point shall have been submitted to and approved in writing by the Local Planning Authority. The approved finished floor levels shall be implemented prior to any dwelling hereby permitted being first occupied.