
Appeal Decision

Site visit made on 10 May 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 31st May 2017

Appeal Ref: APP/D2510/W/17/3168861

Willow Dale, Tattershall Road, Woodhall Spa LN10 6TL

- 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 Ex'rs of the late Mary Eliza Iszatt, Chorus Law against the decision of East Lindsey District Council.
 - The application Ref S/215/01302/16, dated 15 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed was originally described as "division of existing plot that currently has one bungalow. Proposed bungalow of similar size on new plot provided".
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Decision

1. The appeal is allowed and planning permission is granted for erection of a bungalow and detached garage and construction of a vehicular access at Willow Dale, Tattershall Road, Woodhall Spa LN10 6TL in accordance with the terms of the application, Ref S/215/01302/16, dated 15 June 2016, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The description of development provided in the formal header above is taken from the application form. However, I have used the description of development provided on the Council's decision notice in my formal decision, as I consider this represents a clearer and more accurate description of the development proposed.
3. Reference is made in the appellant's evidence to possible compromises or alterations to the submitted scheme. For the avoidance of any doubt, I have determined the appeal on the basis of the plans submitted with the application only.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is the side garden of a detached bungalow known as Willow Dale. This forms part of a loose-knit ribbon of development which stretches out along Tattershall Road from the edge of the village. The garden is reasonably large and verdantly landscaped. A detached dwelling known as
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Grey Oaks is to the other side of the site, the garden of which wraps around the side and rear of the appeal site.

6. As infill between two existing dwellings there would inevitably be an increase in the density of development and a reduction in plot size for Willow Dale. However, the double-width drive and distance from built development within the grounds of Grey Oaks would ensure the bungalow would not appear unduly cramped in its plot. This would also be assisted by the depth of setback from the road. A reasonable amount of space would also be retained to the other side of Willow Dale which would ensure that when taken as a whole the two dwellings would appear well proportioned to one another and would sit comfortably within their respective plots.
7. In addition, there is already some variety in plot ratios and widths along this part of Tattershall Road and not all are as wide as that of Willow Dale. The development would add to this variety but would not lead to any sense of over development of the site as a whole. The design, scale and nature of the bungalow would complement the dwellings in the immediate vicinity of the site and would not be out of keeping or incongruous in the street scene. The broad pattern of development would remain unaltered and would not lead to any encroachment into the open countryside. Moreover, neither the nature of the development, the level of intensification proposed nor the reduction in plot widths would have an unacceptable impact on the semi-rural character or transitional nature of this part of the road.
8. I acknowledge that soft landscaping to the front of the site cannot be relied on to provide complete or permanent screening to the dwelling. Nonetheless, that identified on the plans would still help to soften the impact of the development and help to maintain the semi-rural character of the street scene. An appropriate landscaping scheme can be secured by condition.
9. I find therefore, that the development would not have an unacceptable impact on the character and appearance of the area. Accordingly, there would be no conflict with policies A5 or H12 of the East Lindsey Local Plan Alteration (1999) which seek, amongst other things, to ensure development reflects and does not detract from the distinctive character of the locality. I also see no conflict with the National Planning Policy Framework in terms of resisting development of a poor quality of design.

Other Matters

10. The bungalow would increase the potential for overlooking of the garden of Grey Oaks to an extent. However, it is not unusual for gardens to be overlooked in a residential area such as this and I saw nothing to suggest that what would be possible would be out of the ordinary. Moreover, there would be no windows at first floor level other than a rooflight which would not provide views into the neighbouring property. The boundary treatments would therefore provide some screening to views from habitable rooms of the development. The site is also already a garden and so overlooking from residents using it as such is already possible. I do not consider therefore that the development would result in an unacceptable impact in terms of privacy.
11. I have not been provided with full details of the planning permission referred to near to the site, though as it has been permitted the effects on the living conditions of Grey Oaks must have been considered acceptable. Noise and

disturbance during construction are temporary effects and a single additional dwelling is unlikely to have any particular impact on general levels of noise for either the residents of Grey Oaks or Willow Dale, either individually or cumulatively with other development. The development would result in a change to the outlook from Grey Oaks, but the bungalow would be of a scale and mass unlikely to result in an unacceptable overbearing impact in its own right. As to the potential effect on the ability to sell Grey Oaks in the future, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property.

12. While I am sympathetic to the personal circumstances of the occupants of Grey Oaks, I am satisfied the relationship between this dwelling and the development would not give rise to unacceptable impact on their living conditions as a result of overlooking, noise or outlook.
13. The Parish Council raised concerns over the nature of the access onto Tattershall Road. The highway authority also requested a condition relating to visibility splays. The Council's officer report does not directly address the issue of highway safety and the suggested conditions do not include anything relating to visibility splays.
14. The development would utilise the existing access, though the plans illustrate that it would be wider than at present. There is nothing before me which suggests the existing access has been the cause of any particular safety issues or that shown on the submitted plans would not be adequate. I saw that this part of Tattershall Road has a number of similar access points along it and that visibility in either direction is good. Moreover, it is clear to drivers that there are accesses along this stretch of road and the likelihood of cars entering or exiting drives would not come as a surprise. This would ensure that drivers would take due care and attention when travelling along this stretch of road. I have no concerns therefore over the nature of the access or highway safety.
15. I have noted the comments from the Witham Third District Drainage Board about the site being in Flood Zone 2. Nonetheless, the Council has indicated that the site is actually in Flood Zone 1 and has not raised any concerns over flooding or drainage. I have no reason to conclude differently on this issue or find that the site cannot be adequately drained. An appropriate planning condition can ensure this issue is satisfactorily addressed.

Conditions

16. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.
17. In the interests of the character and appearance of the area I have imposed conditions requiring the submission and agreement of details of the materials to be used in the construction of the dwelling and a landscaping scheme. I have amended the landscaping condition to better reflect the model Planning Inspectorate conditions and have separated out the elements relating to the approval of details and implementation of the scheme. This is in the interests of precision and clarity. I have also imposed a condition relating to the agreement of foul and surface water drainage to ensure that the site is

adequately drained. I have made minor amendments to the suggested wording in the interests of clarity and precision. By necessity, these are pre-commencement conditions to ensure the development is carried out in accordance with the approved details.

18. I have noted the highway authority suggested a condition in relation to visibility splays. However, as discussed above, the Council did not put this forward as one of their suggested conditions and I have no substantive evidence before me that the access as shown on the plans would not be satisfactory. As such, I do not consider a condition on visibility splays has been shown to be necessary in this case.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan of In106tl; 16-0421-01A.
- 3) No development shall commence until a complete schedule of all external materials to be used in the construction of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until full details of the means of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The means of drainage shall be completed in accordance with the approved details and capable of receiving flows prior to the dwelling hereby permitted being first occupied and shall be thereafter so maintained.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following occupation of the dwelling hereby approved or completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.