



Appeal Decision

Site visit made on 18 July 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 08 August 2017

Appeal Ref: APP/D2510/W/17/3173499

Acorn Nurseries, Peppin Lane, Fotherby, Louth LN11 0UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr R Hornsey against the decision of East Lindsey District Council.
 - The application Ref N/052/2121/16, dated 18 October 2016, sought approval of details pursuant to conditions No 1 to 4 of a planning permission, granted on 11 June 2014.
 - The application was refused by notice dated 13 December 2016.
 - The development proposed is the erection of 1 no dwelling on the site of existing buildings which are to be demolished.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and on the drainage of surface water.

Preliminary Matters

3. On 11 June 2014, the Council granted outline planning permission with all matters reserved for the erection of one dwelling on part of the site known as Acorn Nurseries. On 3 February 2015, the Council granted a further outline planning permission for the erection of one dwelling on the whole site, which incorporated the original plot subject to this appeal. On 29 September 2015, the Council approved the details for development on the site approved in the 2015 outline permission and that permission has now been implemented. Part of the plot from the site identified in the 2014 permission was incorporated into the curtilage of the now implemented development.
4. The appeal site now comprises approximately half of the plot approved in the 2014 outline permission. Interested parties, including the Parish Council, have questioned whether the 2014 outline planning permission remains extant given the implementation of the 2015 permission. The Council appears to have accepted the validity of the application and reduction in the size of the plot subject to this appeal and I have considered this matter on that basis.

Reasons

Character and Appearance

5. The appeal site is a small parcel of land within a discrete development of four or so dwellings accessed by a private gravel road. The development is part of a small outlier from the village of Fotherby. The development plot in the outline permission was approximately double the size of the appeal site and an indicative layout showed a larger dwelling at the southern end of the site and a detached garage. The southern end of the gravel road was also incorporated into the site as the principal means of access.
6. The development to the south of the appeal site incorporates part of the original plot and the gravel road provides access to that development so is no longer included in the appeal site.
7. The footprint of the proposed building occupies a considerable percentage of the appeal site. The building would sit close to the gravel road and there would be approximately two metres space between the rear elevation and the site boundary. Other properties in the development sit well back from the road in large plots and the proposed development would appear cramped in comparison.
8. The design of the proposed dwelling has a steeply pitched roof to accommodate two rooms in the roof space. The pitch and height would appear to be similar to the other properties in the development but because of the considerably smaller footprint the roof would appear overly large for the size of the building. I consider that the similarity of the roof design to other properties in the development would highlight the significant differences in scale of the building and the plot. Consequently, I consider that the proposed development would be an incongruous addition to the area and would be unduly harmful to the existing character and appearance of the development.
9. Therefore, by reason of unacceptable appearance, layout and scale of the scheme, I conclude that the proposed development would not be in accordance with Saved Policies A5 and H12 of the East Lindsey Local Plan 1999, which seek to ensure that development reflects or enhances the distinctive local character of the area.

Surface Water Drainage

10. Subject to percolation tests and approval of design details, a scheme of surface water drainage by way of a soakaway was approved at outline stage in the 2014 permission. Compared to the original 2014 plot, the size of the appeal site is too small to incorporate an adequate soakaway provision in accordance with the outline permission. In any event the appellant has provided no design details or evidence of percolation tests undertaken on the appeal site.
11. The appellant proposed an alternative rainwater harvesting solution with an outflow to a French Drain to channel surface water away from the site. However, the site plan shows the proposed channel terminating close to the southern boundary of the residual plot and it is not clear how the surface water would be channelled beyond that point. In the absence of a clear proposal for the drainage of the plot, the scheme would not be an adequate drainage solution for the appeal site.

12. On 21 July 2017 the appellant proposed a surface water drain discharging into an existing open drain to the south. No details have been provided to show the proposed design of this drain and the proposed line of construction would be outside the application site and would cross a public footpath. The appellant has provided no evidence that such a solution would be achievable, or that there has been any consultation with, or approval from, any drainage authority.
13. The third proposed drainage solution is clearly incomplete and I have no evidence before me upon which I can conclude that any of the proposals is achievable. Moreover, I note that this final proposal was made more than three years after the initial grant of outline planning permission and is therefore outside the scope of my determination of an appeal under section 78 of the Town and Country Planning Act 1990.
14. I therefore conclude that the proposed drainage scheme would not be in accordance with Saved Policy ENV3 of the Local Plan, which seeks to ensure that developments can achieve an adequate capacity for surface water drainage.

Other Matters

15. Since the decision subject to this appeal was made the Council has submitted its draft revised Local Plan to the Planning Inspectorate for examination. I have not been referred to any emerging policies and cannot, at this stage, be certain that the submitted draft Local Plan would be approved in its current form. I therefore give little weight to the emerging Local Plan.
16. The appellant argued that the Council had no five-year housing supply and that the Local Plan was therefore out of date. However, I take note of the fact that the Council has adopted a revision to its previous plan to provide for housing to 2021. In any event, any shortfall in a five-year housing supply would be insufficient to overcome the lack of any adequate drainage proposals and the harmful effect the proposal would have on the character and appearance of the area. The adverse impact of these matters would significantly and demonstrably outweigh any benefits that might accrue from the provision of an additional housing unit.

Conclusion

17. For the reasons given above, and taking into consideration all other matters raised, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR