
Appeal Decision

Site visit made on 18 July 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/E2530/W/17/3172963

Land adjacent to 5 Signal Road, Grantham NG31 9BP

- 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 Mr D Balderson against the decision of South Kesteven District Council.
 - The application Ref S17/0028, dated 6 January 2017, was refused by notice dated 15 March 2017.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling on land adjacent to 5 Signal Road, Grantham NG31 9BP in accordance with the terms of the application, Ref S17/0028, dated 6 January 2017, and the plans submitted at the appeal, subject to the conditions set out in the Schedule to this decision.

Preliminary and Procedural Matters

2. The appellant has submitted a set of revised plans with this appeal. The only difference is the inclusion of an additional window on the southern-eastern elevation. I consider this to be a minor amendment which would not raise any concerns in relation to living conditions of future occupiers or neighbours. Having regard to the principles established in case law I consider that no prejudice would arise to consultees and neighbours, I therefore accept this amendment.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the future occupiers, with regard to private amenity space.

Reasons

Character and appearance

4. The appeal site is within the built up area of Grantham. It is part of a larger piece of land that had planning permission for two sets of semi-detached houses that front onto Signal Road. These houses have been constructed as

- Nos 3, 3a, 3b and 3c (for ease I will refer to the group as Nos 3-3c). The appeal site was originally intended to be the rear gardens for these properties but has been severed and is currently vacant.
5. The appeal site is roughly triangular in shape with the southern boundary following the curve of the cul-de-sac that serves Nos 5 and 13-17 Signal Road. The cul-de-sac is also called Signal Road and is a spur off the main part of Signal Road between Nos 19 and 3c.
 6. The surrounding properties are of mixed character, No 5 is a chalet style detached bungalow, No 17 is a detached bungalow and Nos 13 and 15 are a pair of 2 storey semi-detached houses. They all sit comfortably within their plots with a sufficient proportion of amenity space. The appeal site is predominantly enclosed by brick walls and fencing along the rear boundaries of Nos 3-3c and also to No 5. It is presently partially screened on the frontage with a mature hedge. The land slopes away from the road frontage towards the rear of the appeal site giving a variation of about 1 metre in level across the site.
 7. I have been referred to a previous proposal for this site which was dismissed on appeal on 5 May 2016.¹ That appeal was for an L-shaped two storey chalet bungalow. I have had regard to this previous appeal decision, but in any event I am required to determine each case of its own merits and upon the evidence presented to me.
 8. The proposed rectangular single storey, 2 bedroom bungalow would be sited along the common boundary with No 5. The front elevation would face the garden area to the west with the side elevation facing the cul-de-sac. The appeal site would incorporate 2 car parking spaces. The overall scale is similar to its neighbour No 5. The siting would allow a single overall garden area to be created which would be more in keeping with the character of surrounding properties. Although the orientation is different to the surrounding properties which face the road, I do not find that this would be sufficiently out of character to warrant withholding permission.
 9. The Council has concerns regarding the south-eastern elevation which it suggests is poorly designed and does not provide an active frontage. The dwelling has been designed to face west, however as Signal Road curves around the site it does result in a narrow side elevation facing No 17. The additional window in this elevation proposed by the appellant on the amended plan would provide more interest. I note that there is a varied nature to the street scene, which includes the substantial fencing to the side and rear garden of No 19 Signal Road. I do not find the proposed siting and design to be harmful to the character and appearance of the area.
 10. Policy EN1 of the South Kesteven Core Strategy (CS), adopted 2010, accords with the principles of the National Planning Policy Framework in terms of protecting and enhancing the character and local distinctiveness. I find that the appeal proposal would satisfy the criteria relating to the layout and scale of buildings and designed spaces as set out in Policy EN1 of the CS.

¹ APP/E2530/W/16/3153974

Living conditions of future occupiers

11. I note that the Council do not have any specific standards for garden sizes. I am mindful that this is a modest sized dwelling within an urban environment where there is an expectation that garden sizes would be smaller.
12. The siting of the proposed bungalow effectively results in there being no private rear garden area. I do not find this circumstance to be unusual, where properties on a road adjoin the rear gardens of the properties on another road. The potential for overlooking and thereby reducing or eliminating private amenity space can arise. The distance from the rear windows of Nos 3-3c to the main area of garden is similar to that commonly found in new housing developments. Direct overlooking from Signal Road would not arise due to the existing substantial hedge.
13. Consequently I find that the living conditions of the future occupiers, with regard to private amenity space to be acceptable. The appeal proposal would therefore accord with Policy EN1 of the CS in relation to layout and designed spaces.

Other matters

14. The occupier of No 17 Signal Road has raised concerns regarding the number of dwellings now within this cul-de-sac. The cul-de-sac is narrow; however it is adequate to serve an additional dwelling. The appeal proposal will incorporate appropriate off street parking provision.
15. I acknowledge concerns regarding the potential disturbance during the construction phase and the potential implications for the narrow highway. Although the Highway Authority has not indicated any similar concerns, I consider that a suitable planning condition requiring the submission of and adherence to a construction management plan should mitigate these concerns.
16. Although the site level is lower than Signal Road, given the substantial existing hedging I do not consider that this would give rise to significant overlooking.

Conditions

17. The Council has suggested a range of conditions, I have considered these against the advice in the Planning Practice Guidance and where necessary and in the interests of precision, I have amended them to bring them in line with guidance.
18. In addition to the statutory time limit condition (condition 1) the Council has suggested a condition requiring the development be carried out in accordance with the approved plans, which will include the amended appeal plan. I consider such a condition is necessary to provide certainty (condition 2).
19. Conditions have been included to ensure control over materials (condition 3) and site levels (condition 5) in the interests of protecting the character and appearance of the area. A condition regarding boundary treatments (condition 4), in addition to protecting the character and appearance of the area will also ensure privacy for future occupiers and the living conditions of surrounding occupiers. In order to ensure adequate sustainable drainage of the site is achieved a condition on drainage is necessary (condition 6). I have also

included a condition relating to a construction management plan for the reasons explained above (condition 7).

20. The Council has sought the inclusion of a condition removing permitted development rights in relation to Class A of Part 1, Schedule 2. The Framework advises that such conditions should only be imposed where there is a clear justification to do so. Due to the triangular nature of the site, orientation of the proposed dwelling, the difference in surrounding land levels, and the interrelationship with neighbouring properties; I am satisfied that such a condition is necessary in this case. This will ensure the protection of the character and appearance of the surrounding area and the living conditions of adjoining occupiers.

Conclusion

21. Taking all matters into consideration, I conclude that the appeal proposal incorporating the additional window in the south-eastern elevation is acceptable and that planning permission should be granted with conditions.

Rachael A Bust

INSPECTOR

Schedule of Conditions (8 in total)

- 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 approved plans: 18V Perspective Proposed 9 (dated 30 March 2017); 1S Proposed Site Plan (dated 28 December 2016); 2S Existing Block Plan (dated 28 December 2016); 3S Proposed Block Plan (dated 28 December 2016); 1P Proposed Ground Floor Plan (undated); 4P/5P/6P/7P Proposed Elevations (undated); 4iP/5iP/6iP/7iP Proposed Elevations (undated); 8P Proposed Roof Plan (undated); and 14V/15V/16V/17V Perspective Proposed 5-8 (undated).
- 3) No development of the building shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of boundary treatments. The scheme shall include indications of the heights, positions, design, materials and type of boundary treatments to be erected. The approved scheme shall be implemented and maintained thereafter for the lifetime of the development.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) Development shall not commence until drainage works for the site shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 7) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) a scheme for recycling/disposing of waste resulting from construction works;
 - vi) delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the property other than those expressly authorised by this permission shall be carried out without planning permission first having been granted by the local planning authority. Furthermore, no additional windows shall be inserted other than those approved by this permission.

End of Schedule