
Appeal Decision

Site visit made on 24 October 2017

by R Norman BA (Hons) MA MRTPI

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

Decision date: 16th November 2017

Appeal Ref: APP/E2530/W/17/3180323

Land off Hill View Road, South Witham NG33 5QW

- 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 James Eldrin against the decision of South Kesteven District Council.
 - The application Ref S16/2399, dated 21 October 2016, was refused by notice dated 28 April 2017.
 - The development proposed is the construction of 5 no. new dwelling houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would preserve or enhance the character and appearance of the South Witham Conservation Area; and
 - the effect of the development on the living conditions of the occupiers of Nos 19, 21 and 25 Hill View Road with regard to outlook and loss of privacy.

Reasons

Effect on the Conservation Area

3. The site is located either side of Hill View Road and currently forms areas of open space. The larger northern part of the site is visible as you enter Hill View Road and makes an attractive visual contribution to the character of the area. It has numerous mature trees on it which enhances the character. The southern part of the site is located behind existing dwellings and comprises an area of grass. The existing estate is formed of two distinct parts, with buff brick estate style housing initially present and then beyond the site, larger, more traditional styled dwellings of buff stone construction. The open space currently forms a visual break between the two types of dwelling. The site is bounded by two-storey dwellings to the south consisting of Nos 17, 19 and 21, and Nos 25 and 33 located to the west. No 8 bounds the site to the south east.
4. The site provides views through to Church Lane, between the existing trees. The South Witham Conservation Area Appraisal and Management Plan (Review January 2013) identifies the site as being located within the 'open east' where

development is less compact and in this location the trees, hedges and open space make a strong contribution to the Conservation Area and its rural character. Whilst some of the historic field boundaries have been lost, the site nevertheless contributes to the quality and appearance of the Conservation Area. The South Witham Conservation Area Map identifies the northern part of the site as an important open space offering important views from Church Lane and Fishpool Dyke, and the presence of Hill View Road on this plan demonstrates that the road was taken into consideration in the Appraisal. Although the two parts of the site are truncated by the estate road, this does not diminish the contribution that the site makes to the surrounding area, particularly the northern part.

5. The proposed development would introduce three large detached dwellings into the northern part of the site and a pair of semi-detached dwellings into the southern part. Although the site is located within an existing estate which consists of two-storey dwellings, it provides an attractive part of the estate which contributes to the visual character of this part of Hill View Road and serves to retain a sense of ruralness within the otherwise built up estate. Furthermore, whilst the location of the gardens would be adjacent to Fishpool Dyke, this would still alter the current character by introducing domestic items and boundary treatments, undermining the current natural appearance.
6. The three proposed dwellings to the northern part of the site would be large with a number of architectural features present, including gable projections, quoins, porches and chimneys, which would be at odds with the simple design and appearance of the adjoining dwellings at Nos 25 and 33. The scale of the dwellings would also appear dominant with heights in excess of 8 metres. Furthermore, all five of the dwellings would host a variety of materials including stone plinths and timber cladding. This would not reflect the scale, character or materials of either part of the existing estate and would introduce dominant, intrusive and overly-fussy dwellings which would fail to reflect the existing character.
7. For the above reasons, the proposed development would significantly alter the character and appearance of this part of the Conservation Area and would fail to preserve or enhance it as a result of the scale, design, use of materials and loss of the areas of open space. As such, there would be less than significant harm to the Conservation Area and no public benefits have been identified that would outweigh this harm. The development therefore fails to comply with Policy EN1 of the Local Development Framework for South Kesteven: Core Strategy (2010), which seeks to ensure that new development reflects the character and appearance and is appropriate to the natural, historic and cultural attributes of the surrounding area and Conservation Area. It would also be at odds with Policy SAP H1 of the Local Plan for South Kesteven Site Allocation and Policies Development Plan Document (2014) which supports residential development on brownfield and small infill sites providing it does not compromise the nature and character of the settlement.

Living Conditions

8. Plots 4 and 5 of the proposed development would be located on the southern part of the site, and would sit to the north of Nos 19 and 21 Hill View Road. These existing properties have their rear elevations facing directly onto the site with a number of ground and first floor windows present. Plots 4 and 5 would

be two-storey with first floor windows in the rear elevation. In addition, they would also have a single storey garden room to the rear, which would sit close to the rear boundary with the existing dwellings. The siting of Plots 4 and 5 would result in limited distances between the rear windows of the proposed and existing dwellings and would therefore result in a loss of privacy to the rear garden and habitable rooms of Nos 19 and 21 which would be harmful to the living conditions of the occupiers of these properties.

9. Furthermore, the front elevation of No 25 would face the side elevation of Plot 4, albeit angled away slightly, at a distance of approximately 12 metres. Plot 4 would have two first floor windows facing No 25 and due to the proximity of Plot 4 to the existing dwelling this would give rise to harm in terms of the outlook and privacy for the occupiers of No 25.
10. For the reasons above, the proposed development would result in harm to the living conditions of the occupiers of Nos 19, 21 and 25. As such, the development would be contrary to the provisions of Policy SAP H1 of the Site Allocations and Policies Development Plan Document which seeks to ensure that development will not have a detrimental impact on the quality of life of adjacent residents. It would also fail to accord with the National Planning Policy Framework which seeks to secure high quality design and a good standard amenity for all existing and future occupants of land and buildings.

Other Matters

11. In addition to the location of the site within the Conservation Area, there are also a number of Listed Buildings located to the north-west and north-east. However, the site is largely separated from these by the existing buildings and landscaping between the site and the Listed Buildings themselves. As such, views of these are limited from within the site and, coupled with the distances from the proposed development to the Listed Buildings, the development would not have a harmful effect on the setting of any of these buildings.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

R Norman

INSPECTOR