
Appeal Decision

Site visit made on 7 August 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/A2525/W/19/3228716

Land at 2 Carrington Road, Spalding PE11 1LY

- 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 Centric Homes Ltd against the decision of South Holland District Council.
 - The application Ref H16-0960-18, dated 26 September 2018, was refused by notice dated 26 November 2018.
 - The development proposed is the erection of a bungalow to include the demolition of the existing industrial premises.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a bungalow to include the demolition of the existing industrial premises at Land at 2 Carrington Road, Spalding PE11 1LY in accordance with the terms of the application, Ref H16-0960-18 dated 26 September 2018 subject to the six conditions set out in the schedule at the end of this decision.

Application for Costs

2. An application for costs was made by Centric Homes Ltd against South Holland District Council. This application is the subject of a separate Decision.

Procedural Matter

3. Since the Council refused planning permission the Council has adopted the South East Lincolnshire Local Plan 2019 (LP). As a result, the South Holland Local Plan 2006 policies referred to in the Council's decision, SG14 and SG17, are no longer in force. The Council's Statement identifies the relevant policies of the LP as being Policies 1, 2 and 3. These policies are also identified by the appellant in their statement.

Main Issues

4. The main issues are the impact upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 2 Carrington Road.

Reasons

Character and appearance

5. The site is located within an urban area close to the centre of Spalding. The surrounding area is predominantly in residential use and consists of a mixture of different house sizes and designs which give the area a varied character. The site is currently occupied by a single storey building which the Council confirms has been used for various industrial uses in the past. At the time of my visit, the building was being used for the storage of goods.
6. The development proposed would be positioned in the same location as the existing industrial building and would be similar in its general size and scale. In terms of its visual impact I do not consider that it would be materially different to the existing situation. With respect to its use, I consider that the residential use proposed would be more in keeping with the character of the surrounding area than the existing industrial use.
7. During my site visit I observed that there are examples of existing backland development in the vicinity of the site, including immediately adjacent to it. I therefore do not consider that in this location the development would appear out of character in respect of its siting to the rear of an existing residential property. I note that the Council considers that the development would be cramped, however the relative bulk of the dwelling and the increase in the space afforded around it would mean that it would appear as a more spacious form of development than the existing situation.
8. As a result of all of these factors, I conclude that the proposal would not harm the character and appearance of the area. Consequently, the development would not conflict with the design and layout objectives of Policies 2 and 3 of the LP where they seek to safeguard the character and appearance of the area.

Living conditions

9. The existing building has a long-standing industrial use which the Council says included car repairs and sales but it is currently used for storage and distribution. The previous uses and the current use must have attracted both customers and staff and I have no reason to believe that a single dwelling would generate more passing vehicles than the existing use. Therefore, although there are windows in the side of No 2, I do not consider that the movements associated with the proposed dwelling would have any greater impact on the privacy of or the amount of disturbance to the occupiers of this neighbouring dwelling than the existing use.
10. Although not specifically referred to in the reasons for refusal, the Council has raised concern that the amount of outdoor amenity space proposed would mean that the development would fail to provide adequate living conditions for future occupiers. Whilst the amount of garden space proposed is limited, it would provide an area to sit out and to undertake typical domestic activities such as hanging washing. I therefore consider that the amount of outdoor space proposed would be adequate to meet the needs of future occupiers.
11. I therefore conclude that the proposal would have no adverse impact upon the living conditions of the occupiers of No 2 and would provide adequate outdoor amenity space. Consequently, the development would not conflict with the

objectives of Policies 2 and 3 of the LP where they seek to safeguard the living conditions of existing and future occupiers.

Other matters

12. Both the Council and the appellant have drawn my attention to planning permissions which were granted in 2007 and 2011 for the conversion of the existing building to a dwelling. However, neither party has suggested that the 2007 and 2011 permissions are capable of being lawfully implemented and therefore they do not represent a viable fallback position. I have therefore given this consideration only limited weight and have determined the appeal on the merits of the case put before me.
13. A representation has been submitted which raises concern with regard to the presence of asbestos and overgrown vegetation on the site. These are however not planning matters and I cannot therefore consider them in my determination of this appeal. The representation also raises concern with respect to the sewerage system, however this matter can be addressed by a planning condition

Conditions

14. The Council has requested conditions relating to the time period for the implementation of the planning permission and with respect to the approved plans. I consider that both of these conditions are required to define the terms of the permission. A condition relating to contamination is required in light of the previous industrial use of the site and conditions relating to external facing materials and hard and soft landscaping are required in the interests of the visual amenity of the area.
15. A condition relating to the provision of foul water drainage is required to ensure that the dwelling is appropriately serviced. The Council has requested a condition requiring the finished floor level of the dwelling to be set at 300mm above ground level to ensure that the development is not at risk from flooding. However, no evidence has been provided to demonstrate why this condition is necessary and therefore I have not included it in the schedule of conditions.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Graham Wraight

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: 2617/01 Rev K, 2617/02 Rev G, 2617/03 Rev C, 2617/04 Rev C and 2617/06 Rev A.
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 7 days of the report being completed and approved in writing by the local planning authority.
- 4) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) hard surfacing materials;
 - iii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities.
 - iv) an implementation programme

The landscaping works shall be carried out in accordance with the agreed implementation programme. 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.
- 6) The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby

permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.