



Appeal Decision

Site visit made on 17 September 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/E2530/W/19/3231785

Land adjacent to 34 Haddon Road, Stamford PE9 2UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Victoria Bailey against the decision of South Kesteven District Council.
 - The application Ref S19/0649, dated 4 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.
3. The planning application was made in outline with all matters reserved. In addition to the Site Location Plan denoting the application site, I have had regard to the Indicative House Type – Option 1 Plan, Indicative House Type – Option 2 Plan and The Foul Water Sewer Diversion Location Of Underground Services Plan, all dated 2 April 2019. I have regarded all elements of these drawings as indicative.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

Character and Appearance

5. Policy EN1 of the South Kesteven Core Strategy Adopted 2010 (CS) is cited within the reason for refusal. Part of this policy relates to landscape and ensuring development is appropriate to any significant natural, historic and cultural attributes which is not relevant to the appeal site. However, policy EN1

goes on to list a set of criteria by which all applications are to be assessed against including, amongst others, local distinctiveness, layout and scale of buildings and designed spaces.

6. Although not specifically cited in the reason for refusal, I have also been referred to policy SAP H1 of the South Kesteven Site Allocations Development Plan Document Adopted 2014 (DPD). This Policy accepts small infill sites within certain settlements including Stamford subject to several criteria. This includes, amongst others, ensuring that development does not compromise the character of the settlement.
7. The appeal site is within a residential area comprising of a mixture of house types. It is a parcel of open land positioned at the end of a row of 2-storey terrace properties. Opposite this row of terrace properties is another terrace creating a uniformed appearance with an area of open space separating the 2 groups. Due to the presence of open space adjacent to the terrace group, and its position set back from the street, the group is prominent from Haddon Road and Chatsworth Road.
8. Although in outline, given the indicative details provided and the size and shape of the site, the proposed dwelling would likely be a 2-storey detached property. At the end of the terrace group it would project out beyond the building line of the 2 rows of terrace houses. The proposal could align broadly with the row of garages to the rear of the appeal site as shown in the indicative plans, and I recognise that this represents a distinction between the appeal site and the site opposite, which was also refused by the Council (Ref S14/0750/FUL). However, the garages are single storey flat roof structures which sit low in the street scene and orientated to face Haddon Road they do not alter the uniformity of the terrace group.
9. Although there are a mix of property types within the estate, in this specific location, the proposal would appear as an unnatural addition at the end of the 2 rows of terrace houses, disrupting the symmetry of the group. It would, as a result, appear incongruous in its location.
10. I recognise that the group of properties to the east of the garages have side extensions. However, these are single storey side extensions to the existing houses, and as such still maintain a balance in that particular building group. Their existence does not significantly influence the character of the terrace group adjacent to the appeal site.
11. The housing estate has several areas of amenity space which contribute to a pleasant open environment. The appeal site is privately owned and is not public open space. Although it has been previously left open, there would be no loss of functional public amenity space. Moreover, the loss of the appeal site as an open area of land would not result in a significant harmful effect to the wider open environment. I recognise that the proposal would therefore make use of an unused piece of land, an objective supported within section 11, at paragraph 118, of the National Planning Policy Framework (the Framework).
12. My attention has been drawn to an appeal decision at Melrose Close (Ref: APP/E2530/W/16/3165891). I recognise that there are parallels with the sites in terms of the loss of open space. However, the appeal site has different characteristics to the site at Melrose Close in terms of its relationship to other building groups. My concerns relate not to the loss of open space, but the

introduction of a dwelling in this location. This would have a significant harmful effect on the character and appearance of the area.

13. I therefore conclude that the proposal would be contrary to policy EN1 of the CS and policy SAP H1 of the DPD which, amongst other things, aim to ensure that development is appropriate to the character of the area. These policies are consistent with the provisions of the Framework. The proposal would therefore also conflict with paragraphs 124 and 127 in section 12 of the Framework, which broadly seek to secure high quality design. The proposal would also conflict with paragraphs 4 and 24 of the design chapter of the Planning Practice Guidance, which provides guidance on assessing design.

Other Matters

14. Paragraph 38 of the Framework requires a positive approach to decision taking to secure development that can improve the economic, social and environmental conditions of the area. I recognise that the appeal property is in a sustainable location in accordance with the expectations set out in section 2 of the Framework, policies SP1 and SP3 along with the objectives of the CS. However, its location is not a matter that attracts substantial weight over and above what would normally be expected of housing development.
15. The proposed development would be of benefit to the local housing supply in accordance with the objectives of the CS and section 5 of the Framework. However, a net gain of a single dwelling would only have a limited impact in the context of the overall housing supply, and I attach limited weight to the benefit in that regard.
16. I have considered the arguments that any grant of planning permission would set a precedent for similar developments in the surrounding area. However, each application and appeal must be determined on its own individual merits and a generalised concern of this nature does not amount to a reason to withhold planning permission.
17. Due to the site's position and intervening distances that could be achieved the proposal would not result in any significant loss of privacy or impact on outlook for the occupants of neighbouring houses. As the proposals seek 1 house and the indicative plans show how 2 off-street parking spaces could be achieved, the proposal is unlikely to result in significant levels of on-street parking. 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. Any covenant on the land would be a private legal matter.
18. There is no substantive evidence regarding any environmental effects from the development. Although I note that a tree has been removed there is no substantive evidence that consent was required for its removal. Any effects from the construction and diversion of the drainage system would be short term. The general condition of the site, its maintenance and the presence of metal fencing are not material to the current appeal.

Conclusion

19. The proposal would not result in a significant loss of open amenity space within the housing estate. It would not harm the living conditions of the occupants of neighbouring properties and appropriate parking arrangements could be provided. The appeal site is in a sustainable location and the proposal would

contribute to the supply of housing. However, the lack of harm in those respects and the limited benefit I afford to an additional residential unit, does not outweigh the significant harm I have identified to the character and appearance of the area. For this reason, and having regard to all other matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR