



Appeal Decision

Site visit made on 24 September 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/D2510/W/19/3232839

1 Alexandra Road, Woodhall Spa LN10 6RE

- 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 Paul Inman on behalf of Bethel Urban Design against the decision of East Lindsey District Council.
 - The application Ref S/215/00696/19, dated 15 April 2019, was refused by notice dated 11 June 2019.
 - The development proposed is: Erection of a detached house and construction of vehicular access which involves the widening of the vehicular access at No. 1 Alexandra Road.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a detached house and construction of vehicular access which involves the widening of the vehicular access at 1 Alexandra Road, Woodhall Spa LN10 6RE in accordance with the terms of the application, Ref S/215/00696/19, dated 15 April 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The proposal was described on the application form as the erection of a two storey detached dwelling consisting of three bedrooms on land adjacent to 1 Alexandra Road. The Council amended the description to include reference to the widening of the access from Alexandra Road, which more accurately defines the proposal. I therefore use the Council's description in the banner

Main Issue

3. The appeal site is located on a residential street, close to the centre of Woodhall Spa and there is no dispute that in principle it is a suitable location for residential development. Neither is there any suggestion that the proposal would harm the privacy of existing or future residents.
4. The main issue is therefore the effect of the proposal on the character and appearance of the area.

Reasons

5. The site is defined as the whole curtilage of no 1 Alexandra Road, a modest sized bungalow with garden, although the proposed single and two storey

- dwelling would occupy the gap between the bungalow and no 40 Witham Road. The drive to serve the new dwelling would be accessed from Alexandra Road.
6. The proposed dwelling would be modern in style, with a 2 storey, asymmetric roofed part to the front of the plot, accommodating a living room and 2 bedrooms, and a single storey part to the rear containing a kitchen and further bedroom. The surrounding area contains a number of different types and ages of housing, including 1930s semi detached properties, 1970s bungalows and some older properties. In this context, the proposed design, although contemporary, would not appear out of keeping with its surroundings.
 7. Having regard to the pattern of development in the area, there is a clear gap between the bungalow and no 40. The proposed dwelling would not entirely fill the gap, as is demonstrated in the street scene drawing. As a result, the proposal would not appear cramped in comparison with other properties in the area, some of which have only a driveway width separating one house from its neighbour. There would be no loss of the trees on Witham Road, which contribute to the verdant character of the area.
 8. I therefore do not find that the proposal would appear incongruous in relation to its surroundings or harmful to the character and appearance of the area as a whole.
 9. In terms of garden space, no 1 would retain a good sized garden to the front, Whilst in some circumstances this might be considered to lack privacy, there is an existing high hedge to the Alexandra Road boundary, and the plans show a new hedge to be planted to provide screening to the Witham Road frontage to provide a greater sense of enclosure. The future occupiers of the proposed dwelling would have a reasonably sized front garden and a smaller rear garden, which with appropriate boundary treatment with the common boundary with no 1 would not be out of keeping with the area.
 10. The Council has provided me with a copy of a previous Inspector's decision on an earlier proposal to redevelop the whole site for 4 dwellings¹. The Council has not provided a copy of the plans on which the decision was based, however from the matters raised by the Inspector in that decision it is clear that the earlier scheme was very different and does not provide a reason to oppose the proposal in principle. I therefore attach limited weight to the previous decision.
 11. I therefore conclude that the proposal would not have a harmful impact on the character and appearance of the area and would comply with Strategic Policy 10 of the East Lindsey Local Plan² which seeks, amongst other things, to ensure that new development is of a scale and massing appropriate to the area in which it is sited and uses high quality materials, and the Framework which seeks to ensure a high standard of design and development and complements the character of an area.

Other Matters

12. The Woodhall Spa Parish Council and a local resident have raised concerns regarding the proposal, including that there would be insufficient parking which could result in additional on street parking, making it more difficult for drivers to exit onto Witham Road. The proposal would provide 2 parking spaces and

¹ APP/D2510/W/18/3206690 dated 1 March 2019

² Adopted July 2018

the Highways Authority does not object to this level of provision. I see no reason to take a different view.

13. Whilst the Local Lead Flood Authority does not object to the proposal, it has suggested that the drainage undertaker should be contacted to ensure that the mains network has the capacity to accept the surface water runoff that would arise from the proposal. This matter can be controlled a condition.

Conditions

14. I have used the Council's suggested conditions where appropriate and where necessary have edited them for conciseness.
15. For certainty I attach the normal planning conditions limiting the period of the consent to 3 years and requiring the development to be carried out in accordance with the approved plans.
16. In order to ensure that adequate provision is made for parking, I attach a condition requiring the parking spaces within the site to be completed prior to the occupation of the new dwelling. The highways authority has suggested a condition requiring a footpath to be provided to link with the footway on Witham Road. However, the plan shows access being taken from Alexandra Road therefore I see no need for the condition.
17. There is an existing side facing window in no 1 which the plans show as being closed up or obscure glazed. In the interests of the privacy of the occupier of the existing bungalow a condition is attached to require this work to be carried out prior to the occupation of the new dwelling.
18. The drainage undertaker has questioned whether there are surface water sewers in the area to accept run off from the development. I therefore attach a condition requiring that details of surface water drainage must be agree prior to the commencement of development. The Council has suggested a condition requiring that details of foul drainage should also be agreed, however I see no need for such a condition from the appropriate consultee replies.
19. A condition is attached to require the retention of the hedges and trees, as shown on the approved plans. The condition also requires the new hedge on the Witham Road boundary to be planted within the first planting season following commencement of the development and thereafter maintained.
20. The site is constrained, and the proposal has been designed to reduce the perceived scale and impact on the locality. Future changes to the building which could be carried out under permitted development rights³, could compromise the quality of the design and possibly harm the character of the area. For example, a porch to the front of the dwelling; or a first floor rear extension between the dwelling and the boundary with no 3 Alexandra Road; or first floor rear or side facing habitable room windows; or the erection of sheds or other structures within the rear garden area. Such changes could materially change the effect which the proposal would have on the character and appearance of the area, and the privacy of neighbours and it is necessary that they should be controlled.

³ As set out in The Town and Country Planning (General Permitted Development) (England) Order 2015

21. The Framework and the Planning Practice Guidance are clear that conditions which restrict the use of permitted development rights should only be used in exceptional circumstances. For the reasons given I consider that circumstances exist in this case which justify the attachment of a condition which would enable the planning authority to control certain specified future alterations to the proposed dwelling. The appellant has raised no objection to the attachment of such a condition in his Final Comments.

Conclusion

For the reasons given the appeal is allowed.

Tim Wheeler

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be completed in accordance with the following approved plans:

Site location plan scale 1:1250; Proposed and existing block plans scale 1:500; Existing 1 Alexandra Road Elevations East and West 1:100; Existing Elevations North and South scale 1:100; Existing East Elevation Section scale 1:100; Site Survey and level drawing 1:200.

Proposed site plan scale 1:200; Proposed floor plans scale 1:100; Proposed materials drawing; Proposed elevations scale 1:100; Proposed roof plan; Section of Proposed Dwelling 1A drawing scale 1:100; Existing and Proposed Street Scene as viewed from Witham Road drawing scale 1:200.
- 3) Prior to the dwelling hereby permitted first being occupied the access and parking shall be provided as shown on the proposed site plan scale 1:200 and thereafter so maintained.
- 4) Prior to the dwelling hereby permitted first being occupied the existing side window in no 1 Alexandra Road shall be bricked up or obscure glazed as shown on the proposed site plan scale 1:200.
- 5) No development shall take place until details of surface water drainage to manage run off from the development, have been submitted to and approved by the local planning authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is brought into use and thereafter maintained in accordance with the approved details.
- 6) The existing hedge along the north-eastern Alexandra Road boundary and trees along the south-eastern Witham Road boundary of the site shall be retained and maintained, and a new hedge planted on the Witham Road frontage within the first planting season following the commencement of the development, as shown on the approved proposed site plan scale 1:200. In the event of any of the existing hedgerow or trees being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no sheds, greenhouses, garages, or other buildings or structures, car ports or house extensions shall be erected within the curtilage of the dwelling hereby approved on the site other than those granted by this permission, and no windows other than those shown on the approved plans shall be installed at first floor level in the rear north-west or side south-west elevations, without the prior written consent of the Local Planning Authority.

[END]