



Appeal Decision

Site visit made on 15 October 2019

by Julia Gregory BSc(Hons) BTP MRTPI MCMI

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

Decision date: 15 November 2019

Appeal Ref: APP/E2530/W/19/3235051
33 Harrowby Lane, Grantham, NG31 9HZ

- 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 Mr R Foster against the decision of South Kesteven District Council.
 - The application Ref S18/1694, dated 4 July 2018, was refused by notice dated 14 February 2019.
 - The development proposed is erection of single storey dwelling.
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Preliminary matters

1. The application is outline with only access to be considered. Nonetheless, the application plan shows the siting of the single storey building on which the appellant places some reliance. I have therefore taken the potential siting into account as one way that the site could be developed. The dimensions of the dwelling are given on the plan as 10.13m wide by 6.6m deep, with 2.3m to the eaves and 4.7m to roof. The application form states that the dwelling would have two bedrooms.
2. There is a tree preservation order that covers a weeping willow, 2 Lombardy poplars, 2 Lawson's Cypress, 1 Leyland Cypress and an Ash tree that were located in the rear gardens of 33 Harrowby Lane, and 33d Lime Grove. I noted that some had been removed by the date of my site inspection. The Council has confirmed that applications have been approved to remove 1 weeping Willow and 2 Lombardy Poplars. These have been removed.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are the effect on the character and appearance of the area, the effect on the living conditions of the occupiers of neighbouring properties and the quality of living conditions for future occupiers of the proposed dwelling.

Reasons

Character and appearance

5. The dwelling would be sited in the rear garden of No 33 Harrowby Lane. Access would be shared for the first section from Harrowby Lane with the existing property and the dwelling above a garage on the property forecourt. The

access would then extend to the common boundary with No 33d, which fronts onto Lime Grove.

6. Local Development Framework for South Kesteven Core Strategy (CS) policy SP1 sets the spatial strategy for the District, with the majority of new development to be focussed upon Grantham. New development proposals shall be considered on appropriate sustainable and deliverable brownfield sites and appropriate greenfield sites sufficient to ensure the achievable growth targets. The dwelling would be sited within the built-up area of Grantham, within a residential area. Although not specifically allocated for development, the dwelling would be within a sustainable location.
7. Nonetheless, CS policy EN1 seeks the protection and enhancement of the character of the District. Assessment of development proposals is required to consider a set of criteria. These include the local distinctiveness and sense of place, the layout and scale of buildings and designated spaces, the quality and character of the built fabric and their settings and visual intrusion.
8. This accords with National Planning Policy Framework (the Framework) which seeks to achieve well designed places which are visually attractive and sympathetic to local character and history establishing a strong sense of place as part of sustainable development. Paragraph 127 d) specifically endorses making efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).
9. Framework paragraph 70 identifies that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where this would cause harm to the local area.
10. This is a small proposal for only one small dwelling. However, the siting of the dwelling would be at odds with its neighbouring dwellings which face towards Harrowby Lane with significant front gardens. Here the plot would be to the rear of No 33 with no road frontage. Although there are some examples of modern back land development off Harrowby Lane, these seem to be larger sites than single house plots.
11. Also, the dwellings in Harrowby Lane are on substantial plots so that there are extensive back gardens. No 33 has already had development in its front garden comprising a garage with high pitched roof which I understand has living accommodation separate from the main dwelling. Also, No 33 has a barber's shop which is accessed through the back garden and into the rear of the dwelling. There are also two front doors at No 33, although I have not been advised that it has been further subdivided. The additional dwelling would further intensify the occupation of the site to the detriment of the general character of the area.
12. The erection of the dwelling on the rear garden would result in the loss of garden to extensive areas of hard surfacing and a building of significant size. The dwelling would in all likelihood be orientated to face the common boundary with No 35, unlike the predominant orientation of properties. The siting and site coverage with a small garden would be quite unlike those fronting Harrowby Lane.
13. I acknowledge that there is a bungalow at No 33d to the rear but that dwelling has a wide frontage to Lime Grove and an extensive garden. Although the

dwelling would be somewhat tucked away, it would be on higher land than No 33d and would be quite close to an existing footway. Given the removal of trees, the relationship would be more readily apparent from Lime Grove and the footpath. The overall relationship with No 33d would appear cramped to the boundary and the rear elevation of that property. This would be harmful to the character and appearance of the area. Furthermore, the remaining Ash tree is protected by a tree preservation order. No assessment has been made about the impact on that tree to be retained. There would also be a loss of further trees that are protected. Given that the area has an attractive verdant character, the loss or potential for harm to trees adds to my concerns.

14. I note that there are planning permissions for extensions to the host dwelling that are capable of implementation. Although I have limited details, I understand that these would extend some 7.5m from the rear elevation. This adds to my concerns about the extent of building coverage and the relationship of dwellings to one another.
15. I consider that the development would not amount to the appropriate development anticipated by CS policy EN1. I conclude that the development would harm the character and appearance of the area contrary to the development plan.

Living conditions

16. The Framework seeks a high standard of amenity to existing and future users. CS policy EN1 requires assessment of visual intrusion, noise and light pollution.
17. The access would run along the common boundary with No 35 and the dwelling could be sited some 7.1m away from that common boundary. Nonetheless there would still be increased level of occupation of the plot overall in combination with existing activity, with additional comings and goings adjacent to the back garden of No 35 and illumination of the rear area.
18. Also, the proximity of the building to the boundary with No 33d would be close. Given the short back garden of No 33d this relationship would be cramped. The proximity of the living accommodation would result in use of land which is currently the bottom of the garden of No 33. This intensity of use of land with noise and activity would be harmful to living conditions of neighbours at No 33d which has many windows in its rear elevation close to the boundary and when using the garden and also in the garden of No 35.
19. Furthermore, No 33 is on higher land and so even though there would be some 10m to the common boundary and the existing dwelling would be facing the side gable, No 33 would cause a sense of overlooking to the occupiers of the new property because of the extent of glazing on the rear elevation of No 33. That there is planning permission for further extensions to No 33, of which I have limited details adds to my concerns.
20. I conclude that the development would be harmful to existing and proposed living conditions which would be contrary to CS policy EN1 and the Framework.

Other matters

21. I note concerns expressed about the potential for more on-street parking to the detriment of highway safety. There would be extra parking provided sufficient

for the new dwelling. Furthermore, the Highway Authority has not objected to the proposal. For these reasons, this does not add to my concerns.

Conclusion

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

Julia Gregory

Inspector