
Appeal Decision

Site visit made on 1 October 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2020

Appeal Ref: APP/Z2505/W/19/3232329

Blue Bungalow, Pode Lane, Old Leake, Boston PE22 9NB

- 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 Mrs Margaret Dickings against the decision of Boston Borough Council.
 - The application Ref B/18/0456, dated 8 November 2018, was refused by notice dated 16 January 2019.
 - The development proposed is the construction of up to 5 dwellings, with all matters reserved.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of up to 5 dwellings, with all matters reserved at Blue Bungalow, Pode Lane, Old Leake, Boston PE22 9NB in accordance with the terms of the application, Ref B/18/0456, dated 8 November 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. Since the Council determined the application, the South East Lincolnshire Local Plan 2011 – 2036 has been adopted which has superseded the policies originally referred to in the Council's report and reason for refusal. The Council have identified the relevant policies of the new Local Plan as Policy 2 and Policy 3 and I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises an existing residential plot, occupied by a bungalow with associated garage and garden land. It is located on a corner plot with the junction of Southfields Lane. On the opposite side of the road are a row of dwellings. The appeal site is located towards the edge of the settlement of Old Leake, with open fields present further along Pode Lane. To the east are residential estates.
5. The proposed development would involve the demolition of the existing dwelling and structures on site and the introduction of a maximum of 5

- dwellings in its place. The proposal is in outline at this stage with the scale, external appearance, layout, access and landscaping of the development reserved for later consideration. As such I have taken the submitted plans showing layout and design as indicative only and not committed at this stage.
6. The indicative plans show a potential layout for the properties within the appeal site. This indicates a higher density of development than the immediate surroundings. However, the appeal site is located on the edge of the settlement and in proximity to the appeal site the density of development increases with the estate developments including Hawthorn Road and Poplar Court to the east which form part of the main settlement. The Appellant has identified the comparison between the proposed garden sizes and those of nearby developments.
 7. Furthermore, the proposal seeks outline permission only at this stage. The final layout, scale and orientation of the properties would need to be agreed as part of a subsequent reserved matters application which would allow for careful consideration of the number of the dwellings to ensure a suitable development could be achieved on site. The submitted layout plan indicates that a development of up to 5 dwellings could potentially be accommodated on the site which would reflect the character of the area to the east. The final number of dwellings and layout would be detailed further as part of a reserved matters application.
 8. I have had regard to the previous appeal dismissed for up to 6 properties. The current proposal has reduced the maximum number of properties proposed and provides a different indicative layout with the removal of the terraced properties and a better assimilation of the parking areas into the site. Accordingly, I find that it has now been demonstrated that a suitable development could be achieved on site which would respect the surroundings.
 9. For the above reasons, I find that it has been demonstrated that the site could accommodate residential development of up to 5 dwellings which would reflect the character and appearance of the surrounding area. The proposed development would therefore comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011 – 2036 (2019). These seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses and achieve high quality design, amongst other things.

Other Matters

10. The Council state that they can demonstrate a 5-year supply of housing land, which is not disputed by the Appellant. Nevertheless, this does not prohibit further housing development and the proposal would be acceptable for the above reasons.
11. Local objections have been received concerning, in addition to the above matters, concern over surface water run-off, highway safety, loss of hedging and impact on local services and facilities.
12. The Council have suggested conditions to secure satisfactory methods of dealing with surface water and drainage. The access points are not yet committed therefore matters of highway safety would be fully considered as part of a later application. I note also that the County Highways Authority has

raised no objections to the proposal at this stage. The potential loss of hedging would be fully considered once the access arrangements are committed. I note the concerns over the impact on local services such as schools in the local area, however I have been provided with little evidence that the proposed development would result in undue pressure on these services. As such, the issues raised do not lead me to conclude that the development would be unacceptable.

13. In addition, concern has been raised in relation to the impact on the value of existing homes however this is not a matter for me to conclude upon.

Conditions

14. In addition to the standard conditions for outline applications I have imposed a condition listing the approved plan as this provides certainty. The Council have requested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended where necessary.
15. Conditions for a surface water drainage strategy and flood protection measures are necessary in the interests of flood risk and providing a safe development for future occupiers. A condition requiring a construction management plan is required in the interests of protecting the living conditions of nearby occupiers. A condition for the provision of a footpath is required to provide safe access for future occupiers and pedestrians.
16. The Council have not suggested a condition restricting the maximum number of dwellings to 5, however this is referred to in the minutes of the Planning Committee. I consider this additional condition to be necessary as it is not sufficient to rely on the description of development alone to control or limit a development to a particular number of units.

Conclusion

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

R Norman

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No 17044-002-01 Site Location Plan.
- 5) No more than five dwellings, including the existing dwelling if retained, shall be provided on the site.
- 6) No development shall commence above slab level until a surface water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved details.
- 7) Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the local planning authority for approval in writing. The Construction Management Plan will prescribe how the construction of the site will be phased, where site accommodation and welfare facilities will be placed, hours of working, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.
- 8) The dwellings hereby permitted must have:
 - A minimum of 2 storeys;
 - Finished floor levels set a minimum of 1m above existing ground level;
 - Flood rated doors or demountable defence are provided at a height of 600mm above finished floor level to cover all ground floors; and
 - Flood resilient and resistant construction techniques used up to a height of 300mm above predicted flood level.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to provide additional habitable living accommodation shall be erected unless:
 - Finished floor levels are set a minimum of 1m above existing ground level;

- Flood rated doors or demountable defences are provided at a height of 600mm above finished floor level to cover the ground floor; and
 - Flood resilient and resistant construction techniques are used up to a height of 300mm above predicted flood level.
- 10) At reserved matters stage, an updated Flood Risk Assessment addressing any risk from flooding from surface water together with any necessary mitigation shall be submitted to the local planning authority for approval. The approved details shall subsequently be implemented and retained.
- 11) Notwithstanding the submitted drawings, no development other than site clearance shall take place before a scheme has been submitted to and approved in writing by the local planning authority for the construction of a 1.8 metre wide footway including kerbing, lighting and ancillary works, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The approved works shall be fully implemented before any dwelling is first occupied.