



Appeal Decision

Site visit made on 3 February 2020 by Darren Ellis MPlan

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/Z2505/W/19/3240611

69 Middlegate Road West, Frampton, Boston PE20 1DA

- 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 C Thornhill against the decision of Boston Borough Council.
 - The application Ref B/19/0144, dated 8 April 2019, was refused by notice dated 28 August 2019.
 - The development proposed is a new two-storey detached dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of the development on the planning application form was 'resubmission for a new two-storey detached dwelling'. The resubmission of an application is not itself a description of development, and therefore I have omitted this from the description in the header above.

Main Issues

4. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of the neighbouring properties with particular regard to privacy, overbearing and outlook.

Reasons for the Recommendation

Background

5. A previous planning application for a different two-storey dwelling on the site was refused in 2018¹. It was refused on grounds of character and appearance, inadequate garden space for the future occupiers, highway safety issues, and that a flood risk assessment was not submitted. The appeal scheme sought to

¹ Planning application ref. B/18/0383

address these issues, and the garden space, highway safety and flood risk are not listed as reasons for refusal of the appeal scheme.

Character and appearance

6. The appeal site comprises a parcel of land situated adjacent to 69 Middlegate Road West, which is at the eastern end of the street and next to the junction with the A16. The site is in a residential area that consists of a mix of detached two-storey dwellings and bungalows. The proposal seeks permission for a detached two-storey dwelling.
7. Whilst there is a mix of building types and designs in the street, the existing properties in this part of the street are characterised by having generous plots with land to the front and rear. No 69 is an anomaly in the street in that the dwelling is oriented at ninety degrees to the others, with a formal façade facing the A16 and significant glazing in the elevation facing the appeal site.
8. The proposed dwelling would be positioned very close to the boundary with 67 Middlegate Road West, and this would result in a small gap between the two properties. Small gaps between dwellings are not uncommon in the street, with the bungalows to the west of No 67 having a similar sized gap to the adjacent bungalow, however both No 67 and the proposed dwelling would be two-storey buildings which would draw greater attention to the narrow gap between them. Consequently, the proposed dwelling would appear cramped on a plot of this size and would not be in keeping with the character and appearance of the area.
9. I note that the floor levels would be raised by 800mm in response to the appeal site being located within a flood zone. However, the extra brickwork that would be visible below the floor level would be an incongruous feature and would be out of keeping with the surrounding properties.
10. The proposed dwelling would be set slightly behind the Middlegate Road frontage of No 69 but it would be forwards of No 67. The western gable end of the proposed dwelling would therefore be highly visible to those travelling along the street from the west. Whilst the orientation of the proposed dwelling is the same as No 67, this property is set further back from the street and has a hipped roof which lessens the visual impact when viewed from the west. The western gable end of the proposed dwelling would appear stark without any fenestration in contrast to the elevation of number 69, where the openings provide some relief to this prominent elevation. Consequently, the proposed dwelling would detract from the appearance of the street scene.
11. For the reasons set out above, I conclude that the proposed dwelling would cause harm to the character and appearance of the area. It would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036 (adopted 2019) (SELLP) which, amongst other things, require development to achieve high quality design that respects the character of an area. The proposal would also be contrary to section 12 of the National Planning Policy Framework (the Framework) which seeks the creation of high quality buildings and places.

Living conditions of the occupiers of the neighbouring properties

12. The rear elevation of the proposed dwelling would be between approximately 5m and 6m from the rear boundary, and there would be two first floor windows on the rear elevations, which would serve bedrooms. To the rear of the site is

the rear garden of 13 Grosvenor Road, and these windows would provide wide views over the garden of No 13 as a result of the proximity of the proposed dwelling to the rear boundary. I note that there is existing vegetation in the garden of No 13 adjacent to the boundary with the appeal site, however this vegetation is not a permanent fixture and could be cut down or removed at any time. As such this vegetation is not sufficient to mitigate against the loss of privacy.

13. The proposed dwelling would be set forwards of the adjacent neighbour at No 67 and would be very close to the side boundary. Nearest to the proposed dwelling, No 67 has a first floor window that serves a habitable room. As a result of the forward projection and the closeness to the boundary, the proposed dwelling would cause an overbearing impact to this first-floor front window at No 67.
14. Although the patio has been moved further from the rear boundary than was proposed in the previous application, it would now be more extensive and closer to the boundary with No 67. The patio would be raised to match the floor level of the dwelling, and as such a 2m high fence along the boundary with No 67 would only be 1.2m above the height of the patio. Given the raised nature of the proposed patio and the proximity to the boundary of No 67, the proposed patio would cause overlooking of No 67.
15. The side elevation of No 69 would directly face the proposed dwelling, with a separation of approximately 8m between the side elevation of the proposed dwelling and the first-floor side windows of No 69. These windows would therefore suffer a loss of outlook as a result of this proximity. This concern relates to the effect on outlook and not any impact on limiting private views from number 69.
16. For the reasons above, I conclude that the proposal would cause harm to the living conditions of the occupiers of the neighbouring properties, with regard to privacy, overbearing and outlook. The proposal would therefore be contrary to Policies 2 and 3 of the LP which, amongst other things, require development to have an acceptable impact on neighbouring land uses, including by reason of visual intrusion, and residential amenity.

Other Matters

17. I note the concern about consistency of decision making between the previous application and that now subject to this appeal. The refusal reasons for the first application did not cite any harm to the living conditions of neighbouring residents, although harm to the occupiers of one property was raised in the officer report. Nevertheless, it is incumbent upon me to consider the scheme before me on its own individual merits. For the reasons given, I have found harm would arise to the living conditions of the occupiers of various neighbouring properties. In any event, even if harm to the living conditions of neighbouring residents were not a factor, the harm I have found that would arise to the character and appearance of the area, on its own, would be sufficient grounds to recommend dismissing the appeal.
18. I note that the site has good access to village services and facilities and that the Council has no objection to the principal of housing development on the site, and I have no reason to disagree. While the rear garden would be smaller than the gardens of the surrounding properties, the garden would not be visible

from the street and therefore would not detract from the pattern of the surrounding development. However, these matters do not outweigh the harm identified above.

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR