



Appeal Decision

Site visit made on 13 October 2020

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 12 November 2020

Appeal Ref: APP/Z2505/W/20/3257037

Rear of Gunby House, Sibsey Road, Boston, Lincolnshire PE21 9QY

- 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 Deborah Moore against the decision of Boston Borough Council.
 - The application Ref B/20/0107, dated 12 March 2020, was refused by notice dated 26 May 2020.
 - The development proposed is 'residential development to the rear of Gunby House (re-application of B/19/0307).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for a full award of costs has been made which is subject to a separate decision.

Procedural Matters

3. The application was submitted in outline for one dwelling, with all detailed matters reserved for later approval and I have dealt with the appeal on that basis. A proposed indicative site layout drawing number 3443-18 02A has been submitted to which I have had regard in so far as it is relevant to my consideration of the principle of development on the site.
4. For ease of reference, I have referred to Gunby House as No 21 Sibsey Road in this decision.

Main Issues

5. The main issues in this case are:
 - The effect on the living conditions of the occupiers of Nos 19 and 21 Sibsey Road (Nos 19 and 21); and
 - The effect on the character and appearance of the area.

Reasons

Living conditions

6. The appeal site comprises part of the front and rear gardens of No 21 together with a paddock area at the end of the existing rear garden. The proposed dwelling would be located on the paddock area with a triple garage positioned between the new dwelling and No 21. The indicative site layout shows a new access off the A16 Sibsey Road adjacent to the existing entrance to No 21 and the dwelling would be served by a long narrow drive.
7. The new drive would run parallel to the common boundary with No 19, alongside its front and rear gardens. Some of the canopies of the trees located within the appeal site on the route of the new drive would be pruned back. However, the vegetation within No 19's garden and the existing 2 metre fence on the common boundary would provide a reasonable buffer from the noise and disturbance generated by vehicles using the drive. For this reason, the proposal would not be unduly harmful to the living conditions of the occupiers of No 19.
8. No 21 is positioned at an angle to the main road and has an irregular floor layout which has been orientated to take advantage of a southerly aspect. There are a number of ground and first floor windows in the south-west and south-east elevations serving habitable rooms which would face onto the drive.
9. At my site visit, the noise generated by traffic on Sibsey Road was audible from the front and rear gardens of No 21. However, the noise and disturbance associated with vehicles moving along the new drive would be noticeable above existing background noise levels. The turning and manoeuvring of vehicles within the turning area in front of the proposed garage would also be in close proximity to No 21's rear garden.
10. Whilst the number of vehicle movements generated by the occupiers of one dwelling would be likely to be low, I consider that the associated noise and disturbance in such close proximity to No 21's habitable room windows and rear garden would be harmful to the living conditions of its occupiers. As the application is in outline only with details of landscaping/boundary treatments reserved for later approval, no details have been supplied to show how the impact of this noise could be mitigated.
11. In accordance with paragraph 54 of the National Planning Policy Framework (the Framework), I have considered whether a condition could be imposed to secure appropriate boundary treatment which would mitigate the impact of noise and disturbance on No 21. However, in the absence of further details I cannot be certain that such a scheme would be effective in achieving an acceptable level of mitigation and in these circumstances such a condition would fail to meet the tests for conditions set out in the Framework and the Planning Practice Guidance.
12. I conclude in relation to the first main issue in this case that the noise and disturbance in close proximity to the habitable room windows and rear garden of No 21 would cause material harm to the living conditions of the occupiers of that dwelling. As such, the proposal would be contrary to Policy 2 of the South East Lincolnshire Local Plan (2019) (LP) in so far as it seeks to ensure that proposals do not harm neighbouring land uses by reason of noise and disturbance.

Character and appearance

13. The residential development to the east of Sibsey Road in the immediate vicinity of the appeal site comprises substantial detached dwellings within long plots, fronting onto but well set back from the road. The spacious pattern of development, planting to garden boundaries and the extent of tree cover creates an established and verdant character.
14. When travelling away from the town centre along the A16 Spilsby Road/Sibsey Road, the tree and vegetation cover to the north of the new development under construction at Boston Gate creates a verdant backdrop, marking a transition between the main built-up area of the town and the more sporadic pattern of development along Sibsey Road. This creates a sense of the built-up area of the town 'thinning out' towards the open countryside to the north.
15. The Council considers that the proposal would increase the apparent density of development in the vicinity of the site. However, the dwelling would be located in a generously sized plot, well set back from the rear of No 21. As proposed on the indicative drawing, there would be adequate separation distance between the dwelling and its side boundaries which would ensure that it would not appear cramped on the plot.
16. Although the means of access is reserved for later approval, I have had regard to the access arrangements shown on drawing number 3443-18 02A in my assessment of the appeal. The formation of a new access onto Sibsey Road would result in the loss of some of the existing frontage hedge and the Arboricultural Report confirms that the canopy of the existing trees overhanging the route of the driveway would be raised to approximately 4.5 metres.
17. The removal of part of the frontage hedge and the pruning back of boundary trees would open up views from Sibsey Road down the drive and directly towards the new dwelling. Due to the combination of its length and surfacing, the new drive would have a harsh and stark appearance. Combined with the reduction in tree and vegetation cover, the proposed development would consolidate the pattern of development to the east of Sibsey Road at a point where the built-up area is more sporadic, which would be harmful to its spacious and verdant character and appearance.
18. At my site visit I was able to see the general location of the dwelling at No 25a to the rear of No 25 Sibsey Road. However, that development was approved in 1988 and is now well established such that it is not visible or prominent in the street scene. Furthermore, it precedes the adoption of the South East Lincolnshire Local Plan in 2019. As such, the policy context has changed significantly and LP Policies 2 and 3 seek to ensure that new development is acceptable in terms of the impact on the character and appearance of the area and the relationship to existing development form. I have found that the proposal would not achieve that.
19. Whilst the development of 66 dwellings underway at Boston Gate is clearly a significant change, there are two intervening properties between that development and the appeal site. Boston Gate is located to the south of the trees and vegetation and the more sporadic pattern of development along Sibsey Road and its context and circumstances are therefore different from the those of the appeal proposal before me.

20. Overall, I conclude that the proposal would cause material harm to the spacious and verdant character and appearance of the area and in this respect would fail to accord with LP Policies 2 and 3 which seek to ensure that new development responds to the amenity and character and appearance of an area and maximises opportunities to improve its character and quality.

Other Matters

21. I note that there is some dispute between the parties as to the extent of the changes made to the proposed development to respond to the reasons for refusal related to the previous planning application on the appeal site reference B/19/0307. However, I emphasise that I have come to my conclusion based on the circumstances of the appeal site and all of the information within the appeal submission which includes the revised Design and Access Statement.
22. The Council's use of its delegated decision making process to determine the planning application is not relevant to the assessment of the planning issues in this case and is not a matter on which I can make any further comments as part of this appeal.

Planning Balance and Conclusion

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
24. The Council indicates that a five-year supply of housing land exists and there is nothing in the evidence which would lead me to a different conclusion. The appeal therefore falls to be determined under a normal planning balance.
25. The appeal site is within the Boston settlement boundary in the LP and the proposed development would support the town's role as a sub-regional centre by making a modest contribution to the supply of housing. The new dwelling would also be in a sustainable location having regard to the accessibility of local services and facilities and would comply with national and local policies relating to flood risk.
26. The site is not brownfield land as defined under the glossaries in the Framework and the Local Plan and I can therefore afford no weight to that in favour of the appeal proposal in the overall planning balance.
27. However, I have found that the proposal would cause material harm to the living conditions of the occupiers of No 21 and to the character and appearance of the area and these aspects of the scheme would conflict with the development plan, read as a whole. There are no material considerations in this case to justify a decision other than in accordance with the development plan.
28. For the reasons outlined above, and having had regard to all other matters raised, the appeal should be dismissed.

Sarah Housden

INSPECTOR