



Appeal Decision

Site visit made on 9 November 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/E2530/W/20/3256168

9A The Orchard, Market Deeping PE6 8JS

- 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 D Needham against the decision of South Kesteven District Council.
 - The application Ref S19/1932, dated 31 October 2019, was refused by notice dated 22 January 2019.
 - The development proposed is the construction of a single storey dwelling on land to the rear of the existing 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.

Preliminary Matters

1. The Council's decision notice refers to Policies SP2, SP3 and DE1 of the South Kesteven District Local Plan 2011 – 2036, adopted January 2020 (the Local Plan). The appellant contends that these were emerging plans at the time the Council's decision was made. In any event, these policies have now been adopted and the proposal has been examined accordingly.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons for the Recommendation

Character and appearance

3. The appeal site is located on the northern side of The Orchard in Market Deeping and comprises a bungalow with long rear garden. The surrounding area is residential in nature with The Orchard characterised by 1970s style dwellings with front gardens, driveways to the side and large rear gardens that contribute to an open feel in the estate. The appeal site forms part of a run of bungalows on the southern side of the street which add to the prevailing character of the 'low density' estate. Numbers 1 to 9 are of the same design, with extending front porches and

the group of three bungalows numbered 9A – 9C is defined by a high and pleasing level of consistency in terms of form and design. Notably, a defining characteristic of the group is that all three properties benefit from longer rear gardens than the rest of the street.

4. The proposal relates to the construction of a bungalow in the rear garden of the appeal site. While it would replicate the single storey form of the neighbouring development, it would differ in design. A high level of similarity in external materials is a key element in defining the properties at Nos. 9A-9C as a distinct set of dwellings within The Orchard with its own coherent style. The addition of the proposal with a different overall render and roof colour would be incompatible with the intentional level of similarity present, against which it would be experienced within the rear garden of the appeal property.
5. The proposed location, set back from the main frontages of the street, would be at odds with the open nature of the estate, where the front gardens of properties directly abut the footpaths. In this sense, the proposal, set notably further back than surrounding development and behind the appeal property, would fail to respect the settlement pattern of the street.
6. In addition, the proposal would remove the long, rear garden space currently present at the appeal site, further impacting the pattern of development in The Orchard. The side elevations would run very close to the boundary of neighbouring dwellings and the proposed rear garden would be extremely limited in depth, when compared to the prevailing pattern of large gardens. As a result, the dwelling would appear extremely cramped on the plot when compared to the open character of the surrounding estate. Similarly, the remaining garden for No. 9A, which was fenced off at the time of my visit, appears cramped and hemmed in. A significant proportion of what would have been garden would be given over to hardstanding to form the driveway and turning area and that hard landscaping would contrast with the greenery of established gardens and would be visible when viewed from the front of the site.
7. Therefore, for all of those reasons, the proposed dwelling would erode the open feel of the estate and appear incongruous in the context of the established character of the area, including the current garden space which is a defining characteristic of this set of properties. Moreover, the positioning of the proposal would reduce the high level of the consistency in the group of bungalows in this regard, failing to respect the overall character of the group and resulting in the tandem development of two dwellings at the site. Such development is not a common feature within either the properties of 9A-9C, or the wider dwellings along The Orchard. In this sense the proposal would be an incongruous feature in the immediate locality.
8. I recognise that there would be limited visibility of the proposal from the highway along The Orchard, with a lower roof height to further reduce visibility. Nonetheless, views of the dwelling would be available along the driveway and between buildings where the back-land positioning of the proposal would appear incompatible with the surrounding development. It would also be visible from surrounding residential properties. Consequently, the fact that the dwelling would be partially screened from public vantage points does not overcome my concerns regarding the harm that would arise.
9. For all of those reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the surrounding area. Accordingly, it would fail to comply with Policies SP2, SP3 and DE1 of the Local Plan

and Policies SP1 and DE1 of the Local Development Framework for South Kesteven Core Strategy, adopted 5 July 2010.

Other considerations

10. Reference has been made to examples of tandem, backland or infill development in the surrounding area. However, limited information has been provided in terms of the nature of such development or the comparability with the proposal. My decision does not rest on the principle of backland development but on the very specific circumstances relating to the similarity in style and form of the group of bungalows to which the appeal property belongs. From the information provided, it is not clear that those specific circumstances were replicated in the other examples referred to. While consistency in decision making is important, this appeal is decided on its own site-specific circumstances and reference to other development nearby does not outweigh the harm identified above.
11. The Council was satisfied that the proposal would preserve the character and appearance of the adjacent Market Deeping Conservation Area (the CA). The boundary of the designated asset excludes the relatively modern development along The Orchard and the new dwelling would be seen directly in the context of that modern development. Consequently, I am satisfied that it would not have a notable impact on the approach to the CA which has a very clearly defined boundary. Similarly, given the nature of the existing estate, and intervening screening I am satisfied that the development would not harm the setting of the nearby listed buildings, including St Guthlac's Church and the associated Rectory.
12. Certain benefits of the proposal have been raised, including its sustainable location. While such benefits are acknowledged, they do not attract sufficient weight in planning terms to override the harm that would arise. Reference has been made to the potential for garden structures to be erected under permitted development rules. Little information is available to determine whether a building of comparable size could be erected and, even if that were the case, there is no indication that a householder would be likely to erect such a building which would take up a substantial portion of the garden. Consequently, I attach little weight to any arguments in that respect.

Conclusion and Recommendation

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR