



Appeal Decision

Site visit made on 2 February 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/A2470/W/20/3262096

Innisfree, 4 Stamford Road, Essendine, Rutland PE9 4LQ

- 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 Labruzzo against the decision of Rutland Council.
 - The application Ref 2020/0835/RES, dated 27 July 2020, was refused by notice dated 23 September 2020.
 - The development proposed is reserved matters in relation to application 2019/0559/OUT (Outline Application for 1.5 storey detached dwelling with some matters reserved) – appearance, landscaping, layout and scale
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:-
 - The siting of the dwelling and the effect on the living conditions of existing residents in terms of privacy;
 - The design of the proposed dwelling;
 - The landscaping for the proposed dwelling as regards a reserved matter submission; and
 - The impact of the development on local drainage in respect of addressing a previous condition.

Reasons

Location and living conditions

3. The appeal site is the rear garden of an existing property, which is one of a row of ribbon development of the edge of Essendine. Outline planning permission was granted in 2019, with access and scale determined at that stage.
4. As regards the siting, it was not determined at that time, but the evidence in front of me suggests that it was to be located toward the north east corner of the site, in order to avoid affecting the living conditions of the existing property due to loss of privacy and to allow for sufficient space for access and manoeuvring of vehicles. This would have necessitated the removal of a sycamore tree to facilitate development, but the was found to be acceptable by the Local Planning Authority at that time.

5. For the Reserved Matters submission, the appellants located the dwelling further south in the site, and directly behind the existing bungalow. It would appear this has been proposed in order to retain the sycamore tree and to move the new dwelling further away from the boundary with the adjacent property, whose resident originally objected to the proposals, but later supported the proposal in the revised location.
6. I find the location proposed for the new dwelling would directly impinge upon the privacy of the existing property, principally in terms of the separation distance between the properties. The Council has calculated the distance at 8m from the boundary, and approximately 16.4m from the existing property. I understand that a further approval has been granted to extend the rear of the existing dwelling which would reduce that distance further.
7. I note that the Council do not have a policy setting acceptable separation distances, but I consider that the revised location is unacceptable in terms of maintaining a reasonable separation in terms of respecting the privacy of both properties. Having noted the difference between the two properties in terms of design, there would be a secondary issue regarding overlooking from the new 1.5 storey dwelling to the existing single storey property due to the revised location.
8. I understand the desire of the appellants to try and retain the sycamore, and move the new dwelling away from the boundary with the adjacent property, but I find the harm that would be caused to the living conditions of the existing property would far outweigh the benefits of retaining the sycamore and moving the new dwelling away from the boundary.
9. I also find that I cannot accept the comments of the appellant with regard to vehicle access and manoeuvring still being acceptable. Without the formal submission of a drawing that clearly shows an acceptable relationship still being maintained, I have to consider that it will be unacceptable. I understand that the appellants have a drawing to demonstrate the relationship, but it is not in front of me, and I have to consider the impact accordingly.
10. As a result I consider that the proposal would cause harm to the living conditions of the existing property, and affect the access and manoeuvring of vehicles for the new dwelling and is therefore contrary to Policy CS19 of the Rutland Local Development Framework Core Strategy (2011) (the CS) and policies SP5 and SP15 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (2014) (the SAP), which, amongst other matters, expects new development to avoid visual intrusion, safeguard amenity through adequate separation and avoid disturbance from vehicular movements.

Design

11. The scale of building was dealt with at outline stage, so the parameters were agreed at that stage. I note that the Council have reservations with regard to the dwelling being 4 bedroomed, rather than the 3 bedrooms demonstrated at outline stage, and that the maximisation of the internal space has influenced the design in a negative manner.

12. Whilst the external design has been influenced by the internal layout, I do not consider that the design is uninspired and disproportionate, the dwelling has a number of interesting design features, and the design of dormers cutting across the eaves line is regularly used where there is a need to reduce the overall height of a dwelling, which in this instance is a reasonable compromise, given the surrounding properties being of single storey design, and there being a need to keep the new dwelling low in height in order for it to assimilate better into its surroundings.
13. Internally, it does appear somewhat cluttered, and maximises the internal space, but it is not of a level that would cause harm to local distinctiveness from an external viewpoint and it is for any prospective occupant to live with.
14. Overall, I find that the design of the proposal is acceptable and is consistent with Policy CS19 of the CS and Policies SP5 and SP15 of the SAP, which amongst other matters, expects development to be sympathetic and contribute to the character of Rutland and reflect and be appropriate to the characteristics of the site.

Landscaping

15. Landscaping is a reserved matter that requires addressing in meaningful way as part of the overall development, and any number of options are available to meet these requirements. The need for effective treatment was also strengthened by the imposition of a condition at outline stage.
16. The method of addressing this reserved matter is unacceptable. A note on the submitted plans that states that boundary treatments are to be retained and strengthened is not sufficient detail to allow the reserved matter to be dealt with. An effective formal submission is required detailing the works to be carried out, the species to be used and a maintenance schedule should be submitted as a minimum.

Drainage

17. The Council have now accepted that foul sewage details are acceptable, but simply stating that surface water will drain to soakaway without providing further details is unacceptable and full details of the treatment should be provided in any future submission of drainage details in order to meet the requirements of the condition imposed at outline stage.
18. I appreciate ground conditions, levels and distance from the highway are mitigating circumstances, but the matter needs to be dealt with correctly.

Conclusion

19. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR