Appeal Decision

Site Visit made on 4 May 2021

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2021

Appeal Ref: APP/A2525/W/20/3264887
147 Hawthorn Bank, Spalding PE11 2UN

- 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 Mr C Boz against the decision of South Holland District Council.
- The application Ref H16-0352-20, dated 1 May 2020, was refused by notice dated 24 June 2020.
- The development proposed is a single storey residential dwelling.

Decision

1. The appeal is allowed and outline planning permission is granted for a proposed single storey residential dwelling at 147 Hawthorn Bank, Spalding PE11 2UN in accordance with the terms of the application, Ref H16-0352-20, dated 1 May 2020, subject to the conditions set out in the schedule below.

Procedural Matters

2. The application was submitted in outline with access only to be determined and all other matters reserved. I have determined the appeal on this basis. The block plan submitted with the appeal now includes dimensions to provide some potential parameters for the scheme (the only difference compared to the block plan initially submitted). I have had regard to this plan which, with the exception of access, is for illustrative purposes only.

Main Issues

3. The effect on the character and appearance of the area; and the effect on the living conditions of the occupants of the host property, No 147 Hawthorn Bank, having particular regard to noise, disturbance and fumes.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of No 147 Hawthorn Bank, a detached bungalow within a residential area. In common with the properties immediately to the west on this side of Hawthorn Bank, the appeal property has a long rear garden, whilst those immediately to the east are situated on smaller plots. The property is set back from the road with a spacious garden to the front with low level boundary treatments and planting.

5. The rear garden is enclosed by fences and hedges and there are a number of trees. The host property includes an outrigger to the rear with some domestic storage buildings beyond. The site is bounded by the rear gardens of No 145 Hawthorn Bank to the west and by No 149 Hawthorn Bank and No 11 Tavistock

Road to the east. The latter property has a side elevation facing towards the site. The end of the garden abuts the boundary with No 13 Tavistock Road. The development proposed is for a detached single storey dwelling within the rear garden which would be served by a driveway to the eastern side of the existing property. Although the surrounding area contains a mix of house types, this side of Hawthorn Bank is characterised predominantly by bungalows of varying designs and sizes. The prevailing pattern of development in the area is that of properties following building lines to the road frontage.

6. Due to its siting at the rear of No 147 the proposal would not have a street presence in the way that the majority of properties along Hawthorn Bank do.

7. However, during my visit I observed that there are other infill developments within the area, including the nearby bungalow at No 139b, which is set behind No 139a. Although the permission for that dwelling was granted in 1994 under a previous local plan and national planning policies, it nevertheless represents a comparable example of 'backland' development within close proximity of the site. The plot size would not be dissimilar to No 139b or the neighbouring plots immediately to the east on both Hawthorn Bank (Nos 149-159) and Tavistock Road. The plot size would be sufficient to provide a dwelling that would sit comfortably within the plot with garden areas around it, as indicated on the illustrative block plan.

8. In addition to the dwelling at 139b I also note that other infill development within the local area has been granted recently, including those at land at 2 Carrington Road and the rear of 175 Hawthorn Bank. Although these cases are not identical to the circumstances of the appeal site, they do demonstrate the mixed pattern of development in the area. The character of the area is such that it might comfortably accommodate a dwelling in this location without undue effects to character and appearance.

9. Whilst details of layout, scale, appearance and landscaping are not before me for consideration, it is likely that any dwelling on the site will be partly visible in the street scene. However, bearing in mind the existing dwelling at No 139b and the more close knit relationship that exists between the properties to the east of the site on Hawthorn Bank and Tavistock Road, I do not consider that a single storey dwelling on the appeal site would be out of character with the area. Furthermore given the position of the proposal at the rear of the host property, and its distance away from the public highway, it would not be likely to have any significant adverse effect on the street scene, though details of scale, layout and appearance would need to be agreed as part of a subsequent reserved matters submission.

10. For these reasons I find that the development proposed would not be harmful to the character and appearance of the area. In this respect the development accords with Policies 2 and 3 of the South East Lincolnshire Local Plan adopted in 2019 and Paragraph 127 of the National Planning Policy Framework, which in summary, and amongst other things, require that development achieves high quality design that responds positively to local character.

Living conditions

11. No 147 contains a habitable room window facing towards the driveway serving the proposed dwelling. Part of the rear garden to be retained by No 147 would also be close to the proposed driveway. I accept that the development would

introduce additional vehicle movements and pedestrian activity to the side and rear of the host property. However, the number of vehicle and pedestrian movements associated with a single dwelling would be unlikely in my view to result in significant noise, disturbance and fumes. Furthermore, I note that there is an existing driveway to the side of the property, albeit this serves the existing property only.

12. The appellant has indicated that they would erect lines of 1.83m high close boarded fencing to the east side elevation of No 147 and its rear garden, which would be supplemented by boundary hedge planting. The details of the proposed boundary treatments and landscaping would need to be agreed as part of a subsequent reserved matters submission. However, in my view new boundary treatment could be designed and positioned in such a way as to protect the privacy of the host property's window and the rear garden. Furthermore, it would also be likely to reduce noise, disturbance and fumes to No 147 and its rear garden. There appears to be sufficient width to the side of the existing property to erect a boundary fence of the height proposed a sufficient distance away from the side facing window, such that the latter would not be significantly overshadowed.

13. Although occupants of the host property would be likely to experience some noise and disturbance during the construction phase of the development, this would be of a temporary nature. Moreover, I have reasoned in respect of the first main issue that a dwelling located here would not be out of keeping with the prevailing arrangement of properties in the area. In that context the additional intensity of use that would result would not, in my view, result in undue effects in this particular location.

14. Overall, with the erection of the boundary treatments indicated by the appellant, the likely low volume of vehicles and pedestrians using the proposed access, and the character of the area I do not consider that the proposal would result in unacceptable noise or disturbance. Accordingly, the development proposed would not unacceptably affect the living conditions of No 147 Hawthorn Bank. In this respect, the proposal would not conflict with policy 3 of the Local Plan, which, amongst other things, seeks to protect residential amenity.

Other Matters

15. The Council considers that there is a contradiction between the proposal for a single storey dwelling and the recommendations of the submitted Flood Risk Assessment. The site is within Flood Zone 3, which is at 'high probability' of flooding. However, based on historic data, a local hydrological assessment and with flood defence measures in place, the Flood Risk Assessment identifies that the site is at a low risk of flooding. The Assessment therefore concludes that a single storey dwelling is acceptable in this location provided the finished ground floor level is raised a minimum of 300mm above existing ground level. On the basis of the evidence before me, I have no reason to disagree with the recommendations of the Flood Risk Assessment and I note that there is no objection from the Lead Local Flood Authority.

16. I have taken careful account of the representations of those nearby in respect of the potential effects of the proposal on their living conditions. Given that the proposal is in outline form, precise details of the development, including its siting, layout and orientation, are not before me for consideration. However, on

the basis of the size of the plot, the likely spacing between the proposal and the neighbouring properties, and the single storey nature of the proposal, I consider that a satisfactory layout and scale of development could be accommodated within the site which would protect the living conditions of the neighbouring occupants. The neighbours also request that consideration be given to removing certain trees and shrubs from the site. Details of soft landscaping, including new planting and removal of any existing vegetation, would be dealt with under reserved matters applications.

Conditions

17. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the relevant plans as this provides certainty. Conditions are also required to control details of materials and boundary treatment in the interests of the character and appearance of the area and protecting the living conditions of neighbouring occupants, including the host property.

18. A condition is necessary to require the implementation of the flood risk measures outlined in the Flood Risk Assessment, which would include the need to raise the finished floor level of the dwelling by 300mm above existing ground level. Although certain sections of the Flood Risk Assessment indicate a two storey construction, its overall conclusion is that a single storey dwelling is acceptable in this location. The Council's suggested condition requires that the dwelling be of two storey construction to mitigate the risk of flooding; however, as reasoned above, that is unnecessary. I have not included the Council's conditions 4 and 5 relating to details of landscaping, implementation of the landscaping and boundary treatments, since these would be dealt with under reserved matters applications. Details of access to the site have been provided with the current application and so the Council's condition 3 (ii) is unnecessary.

19. I have also included a condition in relation to the provision of foul and surface water disposal to ensure adequate drainage. As any works on site may affect the ability of the site to accommodate surface water run-off it is necessary to impose a pre-commencement condition in this regard. I have also imposed a condition limiting water consumption to 110 litres per person per day to secure compliance with Local Plan policy 31. In imposing conditions I have had regard to the relevant tests in the Framework, Planning Practice Guidance and of statute. In that context I have modified the wording of conditions proposed by the Council without altering their fundamental aims.

Conclusion

20. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Mark Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

1) Details of the appearance, landscaping, layout, and scale (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(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission, and the development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 3070-01 and Proposed Block Plan 3070-02 (other than in respect of reserved matters).

4) The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment by S M Hemmings, dated 30 April 2019, and shall include the following measures:

(i) the finished ground floor level of the dwelling hereby permitted shall be raised a minimum of 300mm above the existing ground level;

(ii) any surface water run-off associated with the development hereby permitted shall be disposed of by discharging the water into soakaways and these shall be designed to BRE Digest 365 'Soakaway Design' (or successor document) and approved under Building Regulations.

5) Prior to the commencement of the development hereby permitted, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority. The agreed foul and surface water disposal scheme shall be implemented before the dwelling hereby permitted is first occupied as such, and thereafter retained.

6) The water consumption of the dwelling hereby permitted shall not exceed 110 litres per person per day in line with Part G of Schedule and Regulation 36 to the Building Regulations 2010. Notification of compliance in that respect must be submitted to the local planning authority before the dwelling hereby permitted is first occupied.