

---

# Appeal Decision

Site visit made on 15 June 2021

**by C McDonagh BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 July 2021**

---

**Appeal Ref: APP/E2530/W/21/3270968**

**22 The Green, Thurlby, Bourne PE10 0HB**

- 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 Mrs Catherine Charlton against the decision of South Kesteven District Council.
  - The application Ref S20/1264, dated 17 July 2020, was refused by notice dated 23 September 2020.
  - The development proposed is 2 Four Bedroom Houses.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, considering the submitted layout plan as illustrative only.

## Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the area; and
  - the living conditions of future occupiers of the proposed dwellings with regards to outdoor amenity space and occupiers of No.20a The Green and No's 1 and 2 Old School Close with regards to outlook.

## Reasons

### *Character and appearance*

4. The appeal site includes the rear garden of No.22 which has existing vehicular access from The Green. The proposal would utilise and extend this access to the appeal site to serve the new dwellings while the garden would be sub divided to form two new plots with their own amenity spaces.
5. The area includes a mix of single and two-storey dwellings of varying designs and sizes. Houses in the area generally front the highway and sit in generous plots which contribute positively to the character and appearance of the area.
6. The site plan submitted with the outline application indicates the dwelling within Plot 2 would be positioned tight to its boundary. As such, it would appear cramped in its plot which would be compounded by the lack of space between the two houses. While Plot 1 has a larger area on two sides, the

development as a whole would have a cramped appearance, especially given the large gardens of neighbouring properties. As such the proposal would be contrary to the prevailing character of the area.

7. I am informed of the ongoing redevelopment of No.23 The Green which comprises a large house and access to 3 bungalows, as well as a building approved behind No.9 The Green. I have nothing substantive on these matters before me which would help me to understand their relevance to this appeal proposal although I did observe No.23 from the street on my site visit. However, from the site plan submitted and my own observations, this neighbouring site appears much larger than the appeal location and not directly comparable. In any event, I have assessed the proposal on its own merits.
8. I note the concern of the Council that the appeal proposal, if permitted, would set a precedent for similar backland development in the area. However, I have nothing before me to indicate there is a likelihood of this happening. I have considered this appeal on its individual merits and any future development proposals for similar proposals in the area would have to be considered in a similar way.
9. Accordingly, the proposal would cause harm to the character and appearance of the area contrary to Policies DE1, SP2 and SP3 of the South Kesteven District Council Local Plan (adopted January 2020) (the LP). These seek to ensure development in Larger Villages will not compromise the settlement's nature and character and makes a positive contribution to the local distinctiveness, vernacular and character of the area. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) which seeks development which will function well and add to the overall quality of the area.

#### *Living Conditions*

10. The proposal to sub-divide the existing garden area of No.22 would create two new and smaller outdoor amenity areas for the new dwellings. I have already determined the house within Plot 2 appears tight to its boundary on all sides and as such I have concerns regarding the amount of amenity space available for future occupiers of this property. A 4-bedroom dwelling could reasonably be expected to house a large family and the lack of outdoor space would not provide suitable living conditions for future occupiers. However, the indicative area around Plot 1 is larger and to my mind would provide sufficient amenity space.
11. I am aware that this is an illustrative plan which could, as the appellant points out, be refined at a later date. Nevertheless, at this stage I have concerns that if permission was to be granted then the reserved matters may not be capable of creating a layout with satisfactory and policy compliant living conditions for future residents.
12. The development site borders No.20a The Green and No's 1 and 2 Old School Close. The rear of No.2 Old School Close is orientated towards Plot 2. There is no information before me as to whether the proposed dwellings would be single or two storeys. However, given their indicative widths and lengths (annotated on the site plan as 40ft by 30ft) and the fact they are 4 bedrooms, it would be reasonable to consider them on the basis of being two-storey. This would therefore introduce an overbearing and visually dominant feature in views from

the rear windows and outdoor amenity space of No.2 Old School Close. This would reduce outlook from these rooms at the rear and create a feeling of enclosure within the rear garden which would diminish the enjoyment of these spaces. The dominating presence of the proposal would therefore detract from the quality of the living environment for occupiers of No.2.

13. I note the additional concerns of the Council with regards to outlook for occupiers of No.20a The Green and No.1 Old School Close. However, these properties are a significant distance from the development site and as such I am satisfied there would be no impact on outlook for occupiers of these dwellings.
14. To conclude, the proposal would not provide satisfactory living conditions for future occupiers of Plot 2 with regards to outdoor amenity space and would harm living conditions of occupiers of No.2 Old School Close with regards to outlook. The proposal would therefore be contrary to Policies DE1 and SP3 of the LP, which seek to ensure development provides sufficient private amenity space, suitable to the type and amount of development proposed and does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties. The proposal would also be contrary to paragraph 127 of the Framework which seeks a high standard of amenity for existing and future users.

### **Other Matters**

15. I acknowledge the appellant's concerns over the Council's handling of the application, including whether there was a site visit undertaken during the application process. However, my assessment was informed by a site visit and these matters do not alter my findings above in which I have had regard to the planning merits of the proposals.
16. I have had regard to the appellant's statement of case including comments that the proposal would not have an adverse effect on matters such as flood risk, drainage, or access to the highway. I understand houses on Old School Close utilise a shared driveway for access, although I have no information on when this development was approved. To my mind the Council have not taken issue with any of these matters and the lack of harm in these respects neither weighs in favour of or against the proposal.

### **Conclusion**

17. The proposal would harm the character and appearance of the area. It would also not provide suitable living conditions for prospective future occupiers of Plot 2 and harm the living conditions of occupiers of No.2 Old School Close with regards to outlook. Conversely, I have found no harm to the living conditions of occupiers of No.20a The Green and No.1 Old School Close. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*C McDonagh*

INSPECTOR