



Appeal Decision

Site visit made on 24 May 2021 by Darren Ellis MPlan

Decision by R C Kirby BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/E2530/D/21/3270269

63 Ermine Street, Ancaster, NG32 3QJ

- 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 Martin Pickard against the decision of South Kesteven District Council.
 - The application Ref S20/1857, dated 28 October 2020, was refused by notice dated 15 January 2021.
 - The development proposed is a garage with rooms above.
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Decision

1. The appeal is allowed and planning permission is granted for a garage with rooms above at 63 Ermine Street, Ancaster, NG32 3QJ in accordance with the terms of the application ref: S20/1857, dated 28 October 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed Site Plan; Proposed Garage Plans drawing no. MP/10/B; Proposed Garage Elevations (1) drawing no. MP/11/C; and Proposed Garage Elevations (2) drawing no. MP/12/C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing dwelling.

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.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to visual impact.

Reasons for the Recommendation

4. The appeal site comprises a detached two-storey dwelling in Ermine Street. To the side of the dwelling is a driveway and yard area. The proposal seeks to
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erect a triple garage with habitable accommodation above, in the yard area behind the rear boundaries of Nos 59 and 61 Ermine Street.

5. The garage would be sited close to the rear garden boundary of Nos 59 and 61 and would extend across most of the width of the rear garden of No 59 and to a lesser extent across the width of No 61. It would have a ridge height of 6.45 metres and a large part of this would be visible above the boundary treatment of both properties. These properties have reasonably lengthy gardens with reference being made to 16-16.5metres and both properties have rear facing windows at ground and first floor level.
6. The new garage building would be visible from the rear windows and garden of Nos 59 and 61 and would change the current largely open outlook from these features. However, given the scale of the proposed garage and having regard to the separation distance particularly from the rear elevation of these dwellings, I am satisfied that it would not result in a harmfully prominent feature when viewed from the rear facing windows to the degree that would make the rooms they serve less pleasant to use.
7. Moreover, the enjoyment of the rear gardens of these properties would be unlikely to be unduly affected by the presence of the proposal.
8. The proposed garage would also be adjacent to boundaries with Nos 47 and 57 Ermine Street. However, these properties enjoy large rear gardens and the garage would be sited next to the areas of garden that are furthest from the dwellings. The Council has not raised any objection with regards to the effect of the garage on these properties and based on my observations and the evidence before me I have no reason to conclude otherwise.
9. Therefore, for the reasons given above, I conclude that the proposal would not cause undue harm to the living conditions of the occupiers of the neighbouring properties. Consequently, the proposal accords with policy DE1 of the South Kesteven District Council Local Plan (January 2020) which seeks, amongst other things, to ensure that a development causes no adverse effects on the living conditions of neighbouring users. The proposal would also satisfy paragraph 127 f) of the National Planning Policy Framework, which requires development to have a high standard of amenity for existing and future users.

Other Matters

10. The proposed garage would include a set of stairs and small platform which would be adjacent to the boundaries with Nos 57, 59 and 61. These features would only likely to be used to access and exit the property rather than provide an area for sitting out on and as such their use is unlikely to result in a loss of privacy to nearby occupiers to the degree that would make their gardens and living accommodation less pleasant to use.
11. A balcony is proposed on the opposite side of the building to the stairs which would be elevated and located adjacent to the boundary of No 47, which has a large L-shaped garden. The use of the balcony would allow some overlooking of the garden at No 47, however it would be limited to the area of garden that is furthest from the dwelling. No overlooking of other properties would occur as a result of the position of the balcony. For these reasons, I find that the proposal would not cause any harmful loss of privacy to the neighbouring occupiers. It is

noteworthy that the Council did not raise loss of privacy as a concern when it refused the planning application.

12. The garage would be situated in the paved yard area of the appeal site, and the proposal would retain a large landscaped garden area to the rear of the site. As such, the proposal would not result in infill of green amenity space.
13. No 47 Ermine Street is a Grade II listed building. However, given the considerable distance between the proposed garage and the listed building, the proposal would not have a significant impact on the setting of the listed building. Furthermore, the design and scale of the garage would be in keeping with the character and appearance of the area.
14. Concerns have been expressed over the parking arrangements for the Bed & Breakfast at the appeal property. However, the appellant has stated that the Bed & Breakfast use has ceased and that the property has reverted to a residential dwelling. Notwithstanding this, the proposal includes car parking and in the absence of evidence to the contrary I find that the proposal would be unlikely to result in highway safety concerns as a result.
15. I note the concerns raised about the effects of the proposal on drainage and likely damage to existing boundary walls and an outbuilding in the garden of No 57. However, I have no substantive evidence that the drainage system in the locality would not be able to accommodate the proposal. Furthermore, damage to neighbouring property is a private matter and there is no indication on the evidence before me that this would occur. These matters do not alter the conclusion that I have reached.

Conditions

16. In order to provide certainty and in the interests of proper planning it is necessary to impose the standard time limit and specify the approved plans. In the interests of the character and appearance of the area a condition specifying that materials used match the existing dwelling is also necessary.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I therefore recommend that the appeal should be allowed, and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal.

RC Kirby

INSPECTOR