



Appeal Decision

Site visit made on 7 December 2021

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/E2530/W/21/3276310

2 Valley Road, Grantham NG31 7ND

- 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 Laurence James against the decision of South Kesteven District Council.
 - The application Ref S20/1850, dated 3 October 2020, was refused by notice dated 16 April 2021.
 - The development proposed is described as '1 no new disabled bungalow'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and I have had regard to it in reaching my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. No 2 Valley Road is a semi-detached house on a corner plot at the junction of Valley Road and Barrowby Gate. Properties along the northern side of Valley Road are of a similar design with relatively generous rear gardens.
5. The appeal site comprises land to the rear of No 2 Valley Road. The land is separated from No 2 by a fence line but was formerly part of its rear garden. The side boundary of the garden area is adjacent to Barrowby Gate and there is a vehicular access into the land from here. The northern boundary of the plot is adjacent to Barrowby Stream.
6. Barrowby Gate is a wide distributor road with wide grass verges. The road slopes down from the north to a low point at Barrowby Stream before rising towards the south. The two storey properties facing Barrowby Gate near to Valley Road are of various designs and mostly set back from the road frontage. The stream and the open land around it, backed by the gardens of properties on Valley Road and High Meadow, including the appeal site, provide an attractive open space that adds to the character and quality of the area. The open space is highly visible because of the surrounding topography and due to its proximity to the footpath adjacent to the stream.

7. The proposal is to construct a detached bungalow centrally within the plot with garden area to one side and parking and turning area to the other. In general, bungalows are not a significant feature of the immediate area but there is sufficient variety within the street scene for a property of different proportions to be visually acceptable. The proposed render and slate roof would, however, be somewhat at odds with the surrounding buildings and would draw attention to the different and smaller scale of the bungalow design.
8. Further, the bungalow would be on a limited plot the form and layout of which would not sit comfortably with the more spacious surrounding plot sizes. The proximity of the structure to the joint boundary with No 4 Valley Road and its siting, in front of properties on Barrowby Gate and projecting forward of the side of No 2 Valley Road would draw attention to the proposed bungalow. The bungalow would appear particularly conspicuous in its relatively open and undeveloped surroundings, it would detract from the spacious setting of the pedestrian route, appear prominent in the open space around Barrowby Stream and would intrude into the rear garden environment of adjacent properties.
9. The existing garage is clearly an ancillary structure of limited height and visibility, sited near to the back of the plot where it is screened by the exist fence and vegetation. The location of the garage does not alter my concerns about the proposed development.
10. Overall, the proposal would be detrimental to the character and appearance of the area and would conflict with Policies SP2, SP3 and DE1 of the South Kesteven District Council Local Plan 2011- 2036 which collectively seek to ensure that development is in keeping with the character of the area, is sensitive to the setting of adjacent properties and contributes positively to local distinctiveness. It would also conflict with the Framework where it requires development to be sympathetic to local character including the surrounding built environment and landscape setting.

Other Matters

11. The proposed bungalow would be occupied by the appellant's father who is registered blind. Section 149 of the Equality Act 2010 sets out that disability, defined as a physical or mental impairment that has substantial and long-term adverse effects on a person's ability to carry out normal day-to-day activities, is a relevant protected characteristic for the purposes of the Act. Consequently, it is necessary for me to have regard to the Public Sector Equality Duty contained in the Equality Act. This includes having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it, including by taking steps to meet the needs of such persons that are different from the needs of persons who do not share the relevant protected characteristic.
12. Whilst it has been indicated that the appellant's father wishes to live independently, I have limited other evidence of the family's current circumstances, how the proposed bungalow's design is adapted to meet the specific needs of the appellant's father and what other options have been considered to provide suitable accommodation. I am sympathetic to the appellant's personal circumstances but there is insufficient specific evidence for me to draw a clear conclusion that the provision of the proposed detached bungalow is the only reasonable option available to meet the family's needs. As

such I can only give limited weight to the personal circumstances identified by the appellant.

13. The appellant refers to the site being previously developed land, but the appeal site is a residential garden in a built-up area and does not meet the definition of previously developed land as set out in annex 2 of the Framework.
14. The Council concludes that the proposal would not harm neighbouring living conditions or be detrimental to highway safety. I have no evidence before me which would lead me to a different conclusion, but the absence of harm is a neutral factor which neither weighs in support of, nor against, the proposal.

Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise.
16. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations, including the appellant's personal circumstances, that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR