The Planning Inspectorate

Appeal Decision

Site visit made on 19 April 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Appeal Ref: APP/Z2505/W/21/3287269
1 Grand Sluice Lane, Boston, Lincolnshire PE21 9HL

- 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 John Lay against the decision of Boston Borough Council.
- The application Ref B/21/0379, dated 10 August 2021, was refused by notice dated 11 October 2021.
- The development proposed is the division of one existing residence into two residences within an already extended house.

Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issues

2. The main issues are:

   - the effect of the proposal on the character and appearance of the area;
   - whether or not the proposal provides acceptable living conditions for future occupiers with particular regard to internal space and outlook;
   - the effect of the proposal on the living conditions of the occupiers of the existing dwelling with particular regards to garden space; and
   - whether or not the proposal would provide safe accommodation as a dwelling with particular regard to flooding.

Reasons

Character and appearance

3. Grand Sluice Lane is formed by a variety of dwelling types, but mainly a series of terraced two storey houses, in thin linear plots. Gardens extend to the rear onto an informal lane providing vehicle access to the rear of the properties. The front of the terrace is characterised by a uniformity of appearance, while the rear has much more variety. Some properties have been extended and there are a number of outbuildings/garages of various shapes and sizes.

4. No 1 Grand Sluice Lane is an end of terrace property which has been extended to the rear. As an extension to the existing house, it relates well to the host property and the surrounding area, being a subservient addition to the rear. However, although potentially housing the same number of residents, the proposal to subdivide the plot and use this part of the existing house as a

separate dwelling would be contrary to the established layout and character of dwellings in their own lengthy linear plots. Consequently, it would be incongruous in the local area. Although not visible from Grand Sluice Lane, the use of the appeal site as two separate dwellings would be more apparent from the lane to the rear where the separate gardens and their entrances would be visible contrary to the established pattern of development.

5. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area in conflict of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 126 of the National Planning Policy Framework (the Framework). Together these require that development is of high quality design which is not inappropriate for the local area and reflects the character and appearance.

Living conditions

6. The ground floor of the proposed house comprising a shared living room and kitchen would have two windows, one of which would face directly onto the boundary treatment with the neighbouring house providing a very limited outlook. The remaining window would face the small garden area. Outlook at first floor would be restricted to rooflights only.

7. I noted at my site visit that the submitted plans are not reflective of the extension that has been built on site. On site there is much more space above the ground floor windows than shown on the submitted plans. Even if the space available on site would allow an adequate level of accommodation at first floor level, the very limited outlook available overall would create an oppressive and overbearing living space.

8. Although the garden space for the existing dwelling would be of a similar size to others in the neighbourhood, it would be located away from the house. Users would leave the front door and access it via a narrow passageway to the side of the house, past the window of the new dwelling into a small space enclosed by 2m high fencing. This would not be a satisfactory or convenient way to access garden space, which would be totally detached and segregated from the host dwelling, harming the living conditions of the occupiers.

9. For the reasons above, the proposal would not provide satisfactory living conditions for the occupiers of the proposed dwelling with regard to outlook and would be harmful to the living conditions of the occupiers of the existing house through the poor location of garden space. There would therefore be conflict with policies 2 and 3 of the Local Plan and paragraph 130 of the Framework. Together these require that development provides a high standard of amenity for existing and future users.

Flooding

10. As an extension to the existing house the structure may meet flood risk requirements. In addition, the extension received planning permission in 2011 since when both the Framework and the Local Plan have been published. Policy 4 of the Local Plan states that the change of use of existing buildings will be supported providing they do not pose an increase in risk to people. The Framework seeks to ensure that development is appropriately flood resistant and resilient.

11. The proposed house would be located in Flood Zone 3, an area with the most probability of flooding and with a 'Danger for Most' hazard rating and a predicted flood depth of between 0.5 metre to 1 metre within the South East Lincolnshire Strategic Flood Risk Assessment 2017. To overcome the risk of flooding the finished floor level must be set at 1 metre above ground level with flood resilient construction 300 mm above the predicted flood level.

12. While there would be first floor accommodation, the submitted Flood Risk Assessment (FRA) states that the finished floor level would only be 100 mm above ground level and that electrical supply would be positioned 500 mm above the finished floor level. Therefore, these measures do not adequately demonstrate that the development would be made flood resilient and that occupants would be protected from flooding from any source.

13. For the reasons above, I conclude that the proposal would not provide safe accommodation in the form of a dwelling with particular regard to flooding as required by Policy 4 of the Local Plan and the Framework.

Planning Balance and Conclusion

14. I have found conflict with a number of Local Plan policies which brings the proposal into conflict with the development plan as a whole.

15. The proposal would provide an additional small unit of accommodation in an accessible location. There is nothing before me, such as a S106 agreement, to ensure that the house would be affordable in accordance with the definition in the Framework. It would, nonetheless, contribute to the Government's objective of significantly boosting the supply of housing. The Council has confirmed it can demonstrate a five year housing land supply and given the addition of only one unit I give this, and associated economic benefits, modest weight.

16. Those benefits, even when taken together, would not be sufficient, in my view, to outweigh the conflict with the development plan. There are no persuasive material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan.

17. For the reasons set out above, and having regard to all other matters raised, I conclude on balance that the appeal should be dismissed.

Zoe Raygen

INSPECTOR