
Appeal Decision

Site visit made on 26 April 2022

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 May 2022

Appeal A Ref: APP/E2530/W/21/3284050

Land to the south of 141 Stamford Street Grantham NG31 7BS.

- 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 Robert Spencer, Spencer Construction (Homes) Ltd. against the decision of South Kesteven District Council.
 - The application Ref S20/0564, dated 3 April 2020, was refused by notice dated 1 April 2021.
 - The development proposed is the erection of three attached dwellings.
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Appeal B Ref: APP/E2530/W/21/3285057

Land to the south of 141 Stamford Street Grantham NG31 7BS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Robert Spencer, Spencer Construction (Homes) Ltd. against South Kesteven District Council.
 - The application Ref S21/0840, is dated 24 April 2021.
 - The development proposed is the erection of three attached dwellings with off street parking.
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Decisions

1. Appeal A is allowed and planning permission is granted for the erection of three attached dwellings at land south of 141 Stamford Street Grantham NG31 7BS in accordance with the terms of the application, Ref S20/0564, dated 3 April 2020, subject to the attached schedule of conditions.
2. Appeal B is allowed and planning permission is granted for the erection of three attached dwellings with off street parking at land south of 141 Stamford Street Grantham NG31 7BS in accordance the terms of the application, Ref S21/0840 dated 24 April 2021, subject to the attached schedule of conditions.

Application for costs

3. An application for costs was made by Mr Robert Spencer against South Kesteven District Council in respect of both appeals. These applications are the subject of separate Decisions.

Procedural Matters

4. In the interests of clarity, I have used the descriptions of development used by the Council in their consideration of both applications and have set this out for each appeal in the banner headline above.
5. In respect of Appeal B the Council has indicated that had it come to a decision, planning permission would have been refused due to concerns about the impact of the proposed off-street parking on the availability of on-street parking on Stamford Street and the consequential impacts for residential amenity for occupiers of existing properties; and the overdevelopment of the site in respect of the quantum of dwellings proposed and the number of parking spaces required to serve the development and the associated implications this would have in terms of on-street parking and residential amenity.

Main Issues

Appeal A

6. The main issue is the effect of the proposed development on the living conditions of existing and future residents of the existing and proposed dwellings due to the lack of on-site parking.

Appeal B

7. The main issue is the effect of the proposed development on the living conditions of existing and future residents of the existing dwellings due to the provision of on-site parking and its effect on the availability of on-street parking.

Reasons

Appeals A and B

8. The site is an area of land which is currently vacant sitting between 141 Stamford Street to the north, an end terraced property on the road frontage, and 143 Stamford Street a detached single dwelling set back slightly from the road.
9. The land levels change markedly across the site with the land falling across the site by approximately 1.2m from south to north. Currently the site is overgrown except for an area of hardstanding, occupied by a caravan on the day of my visit. An access exists serving this hardstanding and the site and this remains in situ, with a white painted line on the highway outside the site delineating this feature.
10. The residential character of the street is predominantly that of terraced properties located at the back edge of the pavement, with on street parking on both sides of the road. This character changes to the south of the site with more modern detached and terraced properties, some of which have off street parking.
11. Stamford Street is part of a loop utilising a one way system connected to the main road network via Victoria Street, a street also of predominantly terraced properties with on street parking on both sides of the road.
12. There is no dispute between the parties that the proposed development should be assessed against policy SP3 of the South Kesteven District Council Local

Plan (SKDLP) 2011-2036 and that both schemes accord with the tests set out under subsections a and b of that policy.

13. For both appeals the area of dispute is focused on Policy SP3 of SKDP which supports infill development where (c) "it does not cause harm or unacceptable impact upon the occupier's amenity of adjacent properties", and subsection (d) which states "and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties".
14. The Council also acknowledge that the principle of residential development of this site would be acceptable in policy terms and confirm an outline planning permission had been granted, although this has lapsed.

Appeal A

15. The proposed development provides no on-site parking but would close the existing access. This could result in the potential for three new cars to be parked on the street but the addition of one additional space being available due to the closure of the current access. This the Council states could reasonably be seen as a net increase in the number of cars seeking to park in the street by two over the current situation.
16. The Council do not provide any detail of a minimum parking provision for new dwellings linked to development plan policy.

Appeal B

17. The proposed development would provide three off-street parking spaces, one for each new dwelling, but in creating the access would reduce the available off-street parking for two cars.
18. The Council accept that the County Council parking standard which should be applied in this location, for dwellings of this size, would be met.

Appeals A and B

19. At the time of my site visit I could see that a large number of the properties in both Stamford Street and Victoria Street had cars parked outside of them. There were also a large number of gaps leaving ample space for other vehicles. While I acknowledge this is a snapshot in time this reflects the evidence presented by the Appellant and shows for these times at least there was available space to park several cars on both streets.
20. Both main parties have provided photographs of the street to support their cases in respect of the availability of parking in the vicinity of the appeal site. Neither party has provided a comprehensive picture, however the Appellant covers a greater spread of time and is more persuasive in this regard.
21. Limited evidence has been provided by the Council and local residents of the pressure on local parking, and the difficulties this can cause when competing for limited space. While I can well understand the concerns of local residents, the evidence presented is not persuasive. No detailed analysis over time has been submitted of the supply and demand for parking in this location, nor has the Council quantified what it considers would be an unreasonable distance to park away from a terraced house.

22. This is the more surprising as the Council have referred to another appeal decision in Stamford where the availability of street parking was also an issue. In that case a survey had been undertaken which provided a more detailed picture of the circumstances pertaining in that location. No such survey has been undertaken here. In my view, the available evidence taken as a whole does not reveal an existing on-street parking problem in the area.
23. The introduction of three new dwellings in this location is likely to add to the quantity of demand for parking in this location. In respect of both appeals, this may reduce the quantum of space currently available for the parking of cars for existing residents.
24. The difference in degree of effect between the two schemes is negligible and in either case I am not persuaded, that this would lead to a loss of amenity for existing residents or create an environment that would be unsuitable for the future residents of the proposed dwellings.
25. In respect of Appeal A the Council make no reference to parking standards, either in the reason for refusal or in the statement of case. Yet in Appeal B a County Council Highway Guide is referenced, in which it indicates that one space per dwelling in this location would be appropriate.
26. No explanation has been provided which indicates the relationship of this guidance to the Development Plan. The Council does not however indicate that in either case there is a development plan conflict in terms of parking provision, and I therefore give this guidance very limited weight in determining both appeals.
27. In the absence of precise quantified evidence on the availability or lack of it of parking I do not consider that the living conditions of existing or future residents would be harmed to an unacceptable degree in either appeal due to the increased demand for on-street parking that would result from the schemes.
28. I conclude therefore that both appeal proposals are not in conflict with either policy SP3 or DE1 of the CLLP and no harm to living conditions of existing or future residents would arise.

Other Matters

29. The Council do not focus on the overdevelopment of the site per se but reference it as a reason to refuse the scheme due to the knock-on effect to the parking in the area, with the reduction in the number of dwellings, reducing the pressure. I do not consider from the evidence before me, that it would be materially different to construct two dwellings as opposed to the three proposed, and therefore do not regard this argument as having significant weight.
30. The appeal at Casterton Road Stamford APP/E2530/W/16/3144609, indicates that highway safety and parking impacts are a material concern, but I am not in a position to understand how comparable the position between the two areas might be, and must judge this appeal on the basis of the information before me.
31. I have taken into consideration representations by interested parties, including their concern of overlooking but I agree with the main parties' position that for

both appeals suitable relationships would exist between the existing and proposed dwellings such that overlooking would not occur to an unacceptable degree.

32. I am also satisfied there would not be a conflict with the principles set out in paragraphs 128 and 129 of the NPPF as both proposals represent designs which are in keeping with the locality and would contribute to a well designed place.

Conditions

33. The Council in preparing their statement have suggested a series of conditions in the event that either appeal is successful, and the appellant has confirmed that these are considered to be satisfactory.
34. I have considered these and amended them where necessary in light of the National Planning Practice Guidance (PPG). In respect of Appeals A and B Condition 2 it is necessary to specify the approved plans as this provides certainty. Condition 3 ensures the materials specified by the applicant are used in construction, and condition 4 is required in order to ensure both the cycle and bin storage is provided and available for future residents and in the interests of encouraging more sustainable transport movements, condition 5 is necessary to ensure the landscaping works are undertaken as proposed. Condition 6 deals with land contamination which is appropriate to protect human health, condition 7 is necessary to ensure appropriate highway conditions are maintained during construction and subsequent occupation of the dwellings.
35. With regard to Appeal A only the closure of the existing access condition 8 would be appropriate to minimise access points on the highway.

Conclusions

36. For the reasons given both appeals are allowed

Edwin Maund

INSPECTOR

Appeal A Schedule of Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SS-3-05 - Amended Site Location Plan, SS-3-01 R1 - Amended Proposed Street Scene, SS-3-02 R1 - Amended Proposed Elevations, SS-3-03 R1 - Amended Proposed Floor Plan, SS-3-04 - Amended Proposed Site Plan.
- 3) Before any part of the development hereby permitted is occupied, the external elevations shall have been completed using only the materials stated in the planning application forms and approved plans.

4) No dwelling shall be occupied until, the bin store and cycle storage areas shown on Drawing No: SS-3-04 have been constructed and these shall thereafter be retained for the lifetime of the development.

5) Before any part of the development hereby permitted is occupied, all landscape works shall have been carried out in accordance with the approved details shown on Drawing No: SS-3-04.

6) Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop, and the Local Planning Authority notified immediately. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to approval in writing by the Local Planning Authority.

7) No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the development.

The Construction Management Plan and Method Statement shall include:

- Phasing of the development to include access construction
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- The routes of construction traffic to and from the site, including any off-site routes for the disposal of excavated material; and
- A strategy stating how surface water run-off on and from the development will be managed during construction, and protection measures for any sustainable drainage features. This shall include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (permanent or temporary) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

8) Within seven days of the new access being brought into use, the existing access onto Stamford Street shall be permanently closed in accordance with details to be previously agreed in writing with the Local Planning Authority.

Appeal B Schedule of Conditions

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: SS-3-05 - Amended Site Location Plan, SS-3-01 R1 - Amended Proposed Street Scene, SS-3-02 R1 - Amended Proposed Elevations, SS-3-03 R1 - Amended Proposed Floor Plan, SS-3-01-R3 - Amended proposed Development Plan, SS-8-01-R1 - parking Layout Plan.

3) Before any part of the development hereby permitted is occupied, the external elevations shall have been completed using only the materials stated in the planning application forms and approved plans.

4) No dwelling shall be occupied until the bin store and cycle storage areas shown on the Amended Proposed Development Plan: SS-3-01-R3 have been constructed and these shall thereafter be retained for the lifetime of the development.

5) Before any part of the development hereby permitted is occupied, all landscaping works shall have been carried out in accordance with the approved details shown on the Amended Proposed Development Plan : SS-3-01-R3.

6) Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop, and the Local Planning Authority notified immediately. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to approval in writing by the Local Planning Authority.

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