



Appeal Decision

Site visit made on 27 May 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/E2530/D/21/3283030

Cranleigh, New Cross Road, Stamford PE9 1AJ

- 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 Simons against South Kesteven District Council.
 - The application Ref: S18/0439, was dated 5 March 2018
 - The development proposed is Ground Floor side extension and First Floor Loft Conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although a refusal date appears in the appeal form, no decision notice was published and the appeal is therefore against a failure to determine the application within the prescribed period.
3. The appellant's statement of case includes extensive narrative as to the Council's handling of the application prior to the date of appeal and raises questions and requests as to that process and availability of documents. Such matters are not before me to consider and are not material to any decision made.
4. The Town and Country Planning (Development Management Procedure) (England) Order 2015 at S7(1) requires applications for planning permission to include a plan which identifies the land to which the application relates but also '*any other plans, drawings and information necessary to describe the development which is the subject of the application*'. Although validated by the Council, the drawings provided with the application fail to adequately demonstrate the relationship between the proposed development and its setting within the appeal site, nor do they show any features on the ground, current boundary locations, treatments or relationship to adjacent property sufficient to understand how the proposal would relate to neighbouring users. These deficiencies create significant uncertainty as to the appearance and likely impacts of the proposal which cannot be rectified at this stage without prejudice to other parties.
5. The appeal has been validated as a 'failure' case but no statement of case nor putative reasons for refusal have been offered by the Council. I have,

consequently, from the information before me and the matters aforementioned set out to determine this appeal on the main issues identified below.

Main Issues:

6. The main issues are: the effect of the proposed extension and loft conversion:
- Upon the character and appearance of the area and
 - Upon the living conditions of neighbouring users.

Reasons

Character and appearance

7. 'Cranleigh' is a detached bungalow set within mature grounds in an established residential area. The street scene is predominantly of hedged and treed foregardens with glimpsed views of the individual mid-late twentieth century houses west of the appeal site and of more prominent large Edwardian houses on its eastern side.
8. The Rutland and Kesteven Design Guidance SPD (adopted November 2021) (Design Guidance SPD) makes clear in section 6 how character and appearance are strongly related to architectural detail. Although the existing dwelling is traditionally detailed and the application form refers to materials, the graphic representation of the proposals is ambiguous as to architectural treatment. Usual techniques of graphic rendering and varying line weight absent, the use of single lines to represent the junctions and intersections of differing surfaces, materials and set back or angled planes that make up a building fails to demonstrate how the proposal would, in reality, appear if completed.
9. Nevertheless, the appeal property is set back and well screened from the road and, at the time of my visit, enclosed by high panel gates. Consequently the proposed alterations, which increase the height and bulk of the building would not be widely visible in the street scene. On that basis, and notwithstanding the aforementioned concerns, I am able to conclude that the development proposed would not have any material impact upon the character and appearance of the area.

Neighbouring users

10. The development proposal would both significantly increase the floor area of the dwelling and introduce a large number of windows and other openings above the ground storey. Due to the limited information provided it has not been possible to assess, for instance, whether the proposal would accord with relevant provisions of the Design Guidance SPD such as 6E with any degree of certainty.
11. Nevertheless, evidence to the contrary absent, the potential for overlooking adjoining amenity space and accommodation in the neighbouring property, 'Highfields', must be taken as significant due to the number and configuration of new openings. The appellant has indicated rooflights but the resulting viewing height and related window heights are not clear; certain openings would be obscure glazed. Notwithstanding such measures, or the possibility that there may be no direct intervisibility, the introduction of several above-ground-storey openings would bring about a significant change in the neighbouring user's reasonable expectation of a good degree of privacy which is their current experience. Taken with the increased height of a roof which

extends deep into the plot, this would be a degree of change which in my view, would be overbearing and impactful. Such an outcome would not be in accordance with the objectives for good design set out in section 12 of the Framework nor with the relevant parts of the development plan that I have identified.

Conclusion

12. Although I have found no planning harm would arise with regard to the character and appearance of the area, this does not outweigh my conclusion as to the failure to achieve a high standard of design with regard to impact on neighbouring amenity. Therefore, the proposal does not accord with the development plan taken as a whole.
13. Even if this were not my conclusion, the usual 'plans' condition necessary to ensure a development is constructed as approved, would not, in my view, meet the required tests of precision and enforceability due to the deficiencies of drawn information that I have identified. To grant planning permission on that basis would risk unacceptable planning harm.
14. Consequently, taking all matters into account and for the reasons given, the appeal does not succeed.

Andrew Boughton

INSPECTOR