



Appeal Decisions

Site visit made on 29 July 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal A Ref: APP/R2520/W/21/3292618

70 Sleaford Road, Ruskington, Sleaford NG34 9BS

- 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 Mrs Alice Fury against the decision of North Kesteven District Council.
 - The application Ref 21/0343/FUL, dated 24 September 2020, was refused by notice dated 21 May 2021.
 - The development proposed is described in the application form as '2 No. bungalows with attached garages (with new garage for No70) and associated works'.
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Appeal B Ref: APP/R2520/W/22/3297092

70 Sleaford Road, Ruskington, Sleaford NG34 9BS

- 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 Mrs Alice Fury against the decision of North Kesteven District Council.
 - The application Ref 21/1073/FUL, dated 25 June 2021, was refused by notice dated 31 August 2021.
 - The development proposed is 'Erection of dwelling, associated works and parking for no. 70 Sleaford Road'.
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Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for erection of dwelling, associated works and parking for no. 70 Sleaford Road at 70 Sleaford Road, Ruskington, Sleaford NG34 9BS, in accordance with the terms of the application, Ref 21/1073/FUL, dated 25 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: 20-2503-01 REV D (SITE PLAN PROPOSALS); 20-2503-02 REV C (PLOT 1 PROPOSALS); 20-2503-LP REV B (LOCATION PLAN).
 - 3) The boundary treatments shown on drawing 20-2503-01 REV D shall be implemented prior to the first occupation of the dwelling hereby permitted and shall thereafter be retained.
 - 4) No works comprising the erection of any dwelling/building, excluding foundations, shall take place on any part of the site to which any part of this

permission relates until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and agreed in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.

Applications for costs

3. An application for costs was made by Mrs Alice Fury against North Kesteven District Council. This is the subject of a separate Decision.

Preliminary Matters

4. As set out above there are two appeals on this site. They differ in the number of dwellings proposed, the site layout and the detailed design of the dwellings. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. The Council altered the description of the development of application Ref 21/1073/FUL, including clarification that the proposal includes parking for No 70 Sleaford Road. This description is more precise than that given on the application form. I have used this description in the banner heading and formal decision, omitting any additional wording that is unnecessary to accurately describe the scheme.
6. In their Statement of Case for both appeals, the Council has referred to the Submission Draft Regulation 19 version of the emerging Central Lincolnshire Local Plan (emerging Local Plan), including emerging policies S1, S3 and S4 of that document. The Council has confirmed that since the decisions on both applications, the emerging Local Plan has been submitted to the Planning Inspectorate, pending examination. Given the stage of preparation of the emerging Local Plan, these policies do hold some weight¹. However, the extent to which there are unresolved objections to them has not been clarified. In any event, in so far as they relate to the main issues of the appeals, the emerging policies do not introduce any considerations additional to those of the saved policies referred to by the Council in their decisions. Therefore, while I have had regard to the emerging policies, their application does not have a significant bearing on the decisions.
7. Since the decisions on the applications were made, revised versions of the National Planning Policy Framework (NPPF) and National Design Guide (NDG) have been published, in 2021. In so far as they relate to the main issues of the appeals however, there have been no substantive changes to the parts of these documents referred to by the Council in their decisions.

Main Issues

8. The main issue in both appeals is the effect of the proposed development on the character and appearance of the area. With respect to Appeal A, there is an additional main issue concerning the effect of the proposed development on the living conditions of future occupiers, with particular regard to the quality and quantity of private amenity space.

¹ Paragraph 48 of the National Planning Policy Framework (2021)

Reasons

Character and Appearance

9. The appeal site comprises an existing detached bungalow located on an elongated rectangular plot with vehicular access onto Sleaford Road. This stretch of the road is characterised by a mix of predominantly detached dwellings of various sizes, typically set back from the footpath and well-spaced. Near the site, bungalows are prevalent on the west side of Sleaford Road. Surrounding plot sizes vary, however those immediately adjacent to the site also have long rear gardens. The generous front gardens, wide grass verge and prevalence of mature landscaping give the area a spacious and verdant feel.
10. 'Backland' development, while not common, can be found locally in various forms, including those highlighted by the appellant in support of this appeal. With respect to those examples on the opposite side of Sleaford Road, it is noted that the impact on the character of the area is minimal. These examples are so far set back and so significantly screened from Sleaford Road by vegetation and existing dwellings as to have little visual impact, with only their vehicular access revealing their presence. They therefore do not contribute significantly to the prevailing character and appearance of the area.
11. In both appeals, the proposals would occupy the large rear garden area of the host dwelling. Part of the garden is currently occupied by two park home type units sited along both side boundaries, facing into the site. Between the two units the area is gravelled, beyond this the garden is lawned. Despite the park home units, the wider garden appears expansive and somewhat underutilised. The site is enclosed to the sides and rear by a high fence and there is a wide vehicular access along the side of the host dwelling, serving the rear garden. This access allows partial views through to the rear garden from Sleaford Road.
12. The Appeal A proposals would see two bungalows with considerable footprints, including attached garages, erected in the rear garden. Plot 1 would be located centrally in the site immediately behind and in line with the host dwelling. Plot 2 would be sited behind plot 1 at an oblique angle, close to the rear boundary, filling almost the entire width of the site. While the site is long, this amount of development would leave limited space between the three dwellings occupying it. All three would be left with small rear gardens comparative to the size of the dwellings and the gardens around them. Those at plots 1 and 2 would also be somewhat irregular in shape, and they would feature very little front garden space. The open spaces of the site would be largely occupied by the shared private driveway, turning head and parking spaces serving the dwellings.
13. Views along the vehicular access from Sleaford Road would be of built development, hard surfaces and boundary enclosures. There would likely be additional parked cars and other domestic paraphernalia visible. The roof forms of the dwellings would also appear in views between the bungalows fronting onto Sleaford Road. Their proximity to one another would appear cluttered and there would be little space for any meaningful tree or shrub planting to soften or screen the development. In the wider context, the Appeal A proposals would therefore appear as an uncharacteristic and cramped form of development. They would detract from the prevailing spacious and verdant character and appearance of the area.

14. Turning to the Appeal B proposal, this comprises a single bungalow located toward the rear of the site albeit set off the rear boundary an appreciable distance. This would afford the proposed bungalow a rear garden commensurate with its size, and a front garden comparative to others in the area. The host bungalow would be left with a reduced garden, bounded by the turning head to the rear. However, it would also remain commensurate to the dwelling's size and rear gardens in the wider area.
15. I have had regard to the recent appeal decision referred to by the Council (Ref APP/R2520/W/20/3260210), which they consider supports their analysis of the character and appearance of the area. It is acknowledged that this type of 'backland' form of development is not a defining characteristic of the area and would diverge from the established pattern of development on this side of Sleaford Road. Furthermore, the resulting plot sizes of both the proposed bungalow and the host dwelling would be smaller than the current plot size, and of those either side and opposite.
16. The resulting plots would still however be generously proportioned and comparable in size to, or in some cases larger than, many other plots further along Sleaford Road. The proposed bungalow and associated hard surfaces, parked cars and other domestic paraphernalia would be visible to the rear of the host dwelling along the shared access. However, the extent of this would be limited, and the spaciousness of the site would prevent it feeling cramped and allow more opportunities for tree and shrub planting. The gap between the proposed bungalow and the side boundaries of the site, as well as its reduced footprint compared to the Appeal A proposals, would also allow some views through to be retained and would protect the general sense of spaciousness.
17. While the roof form of the single bungalow would also be glimpse between existing dwellings, it is not uncharacteristic for other dwellings to sit in the backdrop of those fronting onto Sleaford Road. In this instance, the extent to which the bungalow is set back and its distance to other structures would prevent the area from feeling cluttered. Any intervening planting that may occur on the retained garden areas would further soften the visual impact.
18. The submitted details indicate both proposals would result in removal of the two park home units on site. While the appellant does not seek to use the retention of these units as a 'fall-back' position, they maintain they are lawful development and consider their removal to be a visual enhancement. The Council has however queried the lawfulness of the park homes. When viewed from Sleaford Road, one of the park homes is largely obscured by existing boundary enclosures, dwellings and vegetation, and so has little visual impact. The other, due to its orientation, modest height and width, and distance into the site, has the appearance of a large domestic outbuilding when viewed from the front. The units also do not formally subdivide the site. Overall, their effect on the prevailing character and appearance of the area is therefore limited and not comparable in nature to the appeal proposals. I therefore find removal, or replacement of the units with what is proposed, would not enhance the character or appearance of the area and so I apportion no weight to this as a benefit of the proposals. Whether the units constitute lawful development thus has no bearing on the outcome of the appeals and is a separate matter.
19. In respect of Appeal A, I find that the proposals would harm the character and appearance of the area and would not constitute appropriate infill or

intensification. The proposals are therefore in conflict with saved Policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 Adopted April 2017 (Local Plan), and emerging Policies S1 and S4 of the emerging Local Plan. These policies, amongst other things, seek to protect and enhance the character and appearance of the area and achieve high quality sustainable design. The proposals are also contrary to characteristics C1 and I1 of the NDG, which advocates consideration of site context and local character and identity, and paragraphs 130 and 134 of the NPPF, which amongst other things seek well designed development, sympathetic to local character.

20. In respect of Appeal B, it is accepted that the 'backland' nature of the proposed development deviates from the established pattern of development on this side of Sleaford Road. However, I find that it would not harm the prevailing spacious and verdant character and appearance of the area. The proposal is therefore an appropriate infill or intensification of the site and would comply with saved Policies LP2, LP17 and LP26 of the Local Plan, and emerging Policies S1 and S4 of the emerging Local Plan. The proposals also comply with characteristics C1 and I1 of the NDG and paragraphs 130 and 134 of the NPPF.

Living Conditions

21. With respect to Appeal A only, as described above both plots 1 and 2 feature small enclosed rear gardens that are somewhat irregular in shape. Both also feature very small unenclosed front garden areas.
22. Plot 1 would be bounded on three sides by the shared driveway and turning head. While I appreciate this would be a small development with limited vehicle movements, it would still result in some notable noise and disturbance for future occupiers given the confined space. In addition, while it would receive sufficient light, given its limited size the high boundary treatment to the rear would make the rear garden feel somewhat constrained. This would curtail the enjoyment of the outdoor spaces for future occupiers.
23. Plot 2 would feature a largely triangular rear garden with ancillary space to the side. The overall area of the garden is larger than that of plot 1. However, its irregular shape, relationship to the main internal living space and its position mainly north of the dwelling (with associated overshadowing) would restrict the useability of parts of the garden and likely focus activity in the north-west corner. This corner is closest to the rear elevation of 17 Elmtree Road and would result in actual and perceived overlooking from its first-floor windows. While it is common to be able to look down on parts of a neighbouring garden from a first floor rear window, the extent and proximity of views from No 17, particularly across those areas of plot 2's garden most likely to be used on a regular basis, would be detrimental to the privacy of future occupiers.
24. The appellant has suggested removing the gable from the lounge of plot 1 to add 4m² to the garden. It's not entirely clear which dwelling this relates to, as the plans before me show plot 2 with a projecting gable above the lounge, with plot 1 featuring a projecting gable above the second bedroom. In any event, while this would provide a modest increase in useable garden space at either plot, it would not be sufficient to overcome the other harm identified.
25. The appellant has also suggested conditions to secure planting/landscaping as a means of achieving well-related external amenity and public spaces. While planting/landscaping can often be useful in this respect, it's retention cannot be

secured in perpetuity, and it can itself have an enclosing or overbearing effect where space is limited. Ultimately, this would not overcome the fundamental issue of lack of adequate and sufficiently private amenity space.

26. In respect of this main issue, I therefore find that the Appeal A proposal would overall fail to protect the living conditions of future occupiers. It would therefore conflict with saved Policy LP26 of the Local Plan which, amongst other things, seeks to ensure proposals have considered issues of compatibility with neighbouring land uses and overlooking. The proposals are also contrary to characteristics H2 of the NDG, which encourages well-designed private external spaces, and paragraph 130 of the NPPF, which amongst other things seeks a high standard of amenity for existing and future users.

Other Matters

27. With regard to Appeal A, I acknowledge that appropriate residential infill or intensification within a large village is acceptable in principle, and I have found no harm in relation to any matters other than the character and appearance of the area and living conditions of future occupiers. However, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.
28. The Appeal A proposals would contribute to local housing delivery, more so than the Appeal B proposals, including providing homes that are suitable for, albeit not exclusive to, elderly occupiers. However, while this is an acknowledged benefit of the scheme, this contribution is marginal, and it would not outweigh the identified harm and development plan conflict.
29. It is also appreciated that the existing garden is expansive, appears underutilised and may be difficult to maintain for elderly occupiers. This would not however justify the extent of development proposed in Appeal A or otherwise outweigh the identified harm and development plan conflict.
30. It is noted that Ruskington Parish Council have indicated their support for both proposals, albeit also raising some concern regarding the privacy and wellbeing of residents. In addition, no formal objections have been received from neighbours, and a letter of support has been received in respect of Appeal A. However, while Policy LP2 of the Local Plan refers to 'demonstration of clear local community support', this test does not apply to development in the 'Large Villages' category of that policy, which includes Ruskington. This test is therefore not relevant to the appeals and so, while the letters of support are noted, this does not in itself weigh in favour of either scheme.

Conditions

31. The Council have suggested conditions should the appeals be successful. In respect of Appeal B, I have considered these and amended where necessary in light of the national Planning Practice Guidance. It is necessary to specify the approved plans as this provides certainty. The provision of boundary treatments prior to occupation of the approved dwelling will protect the privacy of the occupiers of the host dwelling. Finally, external material samples need to be approved in the interests of the character and appearance of the area.

Conclusion

32. I find that the development proposed in Appeal A conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, for the reasons given above, I conclude that Appeal A should be dismissed.
33. In respect of Appeal B however, I find that the proposal would comply with the development plan. Therefore, for the reasons given above, I conclude that Appeal B should succeed.

Ryan Cowley

INSPECTOR