



Appeal Decision

Site visit made on 18 October 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/E2530/W/22/3300602

Pineview, Holywell Road, Castle Bytham, Lincolnshire NG33 4SL

- 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 Mark Nicholson of Oakwood Homes against the decision of South Kesteven District Council.
- The application Ref S22/0249, dated 4 February 2022, was refused by notice dated 5 April 2022.
- The development proposed is a new dwelling with garaging and private parking (Plot 7).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to a previous appeal¹ on the site which related to a chalet type bungalow. Whilst I have considered the present appeal on the merits of the case, I shall have regard to the other Inspector's findings insofar as they are relevant to the matters in dispute.

Main Issues

3. The main issues are the effects of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance

4. In dismissing the previous appeal, the Inspector found that the scale, massing and design of the proposed chalet bungalow would clash with the design of the dwellings to the north and south of the site and would not be in keeping with the character of the area. The Inspector considered that the bungalow would have the appearance of having been contrived to fit into a relatively cramped and unsuitable space. In reaching this conclusion the Inspector noted that the footprint of the bungalow would maintain the spacing and rhythm of the new housing to the north of the appeal site.
5. In response, the revised proposal makes material changes to the previous appeal scheme. A two-storey dwelling is now proposed incorporating a front

¹ Appeal Ref: APP/E2530/W/21/3275463

projecting gable, integral garage, and window design which all feature within the development to the north. The ridge height of the proposal and the palette of materials would also reflect that development meaning that overall the proposed dwelling's design would be consistent with the development to the north of the appeal site.

6. Whilst the development now proposed is not as wide as the previously proposed bungalow, it would still largely fill in the gap between the existing dwellings either side of the appeal site, closing the line of sight to the open countryside beyond. Nonetheless, the proposed design and reduced footprint would ensure that the site would not appear cramped or unsuitable for the proposed development. The concerns of the Inspector in the previous appeal in this regard are therefore addressed.
7. Overall, I consider that the proposed two storey dwelling would better assimilate with its surrounds and given the mixed character and appearance of the area, the design of the proposed dwelling would be acceptable.
8. I conclude that the proposed development would not harm the character and appearance of the area. As such, it would accord with Policies SP2, SP3 and DE1 of the South Kesteven District Council Local Plan 2011-2036 (LP) which seek to ensure high quality design, that does not compromise the village's nature and character. It would also achieve the design aims set out in the National Planning Policy Framework (the Framework).
9. The Council have referred to the Design Guidelines for Rutland and South Kesteven Supplementary Planning Document 2021 (SPD) in the reason for refusal. However, in respect of this main issue, I have not been presented with a case that would lead me to conclude that the proposal is contrary to the SPD.

Living conditions

10. The adopted SPD recommends a minimum distance of 14 metres between a habitable room and a blank two-storey elevation on a neighbouring building, that is not shown on the appeal plans. It is a point of dispute between the parties as to whether the proposal marginally exceeds this guidance or falls materially short. The SPD is, however, guidance rather than a prescriptive document. Breaches on occasion may be acceptable, and conversely there may be circumstances where the guidance is met but the effect of development on living conditions would be unacceptable.
11. Whilst set off the common boundary, the proposed dwelling would result in a two-storey side gable extending along a significant proportion of the rear boundary of the adjoining property, Churchfield House. Consequently, the proposal would have a significant enclosing and dominating effect on the outlook from the nearest rear windows of that property. Even if the SPD guidance was met, the proposal would, nonetheless, create an unacceptable visual intrusion to the detriment of the living conditions of the occupiers of that property.
12. I note that the Inspector in the previous appeal found the effect of the chalet bungalow on the living conditions of the neighbouring residents to be acceptable even though it did not achieve the minimum separation distance set out in the SPD. Notwithstanding that a marginally greater separation distance is achieved to the proposed dwelling than the previously proposed chalet, the

impact on the living conditions of the occupants of Churchfield House would be unacceptable due to its significantly greater height, bulk and massing.

13. The proposal would not cause harm the living conditions of the other adjoining properties, Oakhouse and Pineview, in respect of outlook, privacy, light or noise due to the separation distance and the angles of view. Nonetheless, it would have a harmful effect upon the living conditions of the occupiers of Churchfield House for the reasons set out above.
14. Consequently, the proposed development would cause significant harm to the living conditions of the occupiers of Churchfield House with particular regard to outlook. As such, it would conflict with Policies SP2, SP3 and DE1 of the LP which seek to ensure high quality design, that does not adversely impact on the amenity of neighbours. It would also be contrary to the design aims of the SPD and the Framework to promote high standard of amenity for existing and future users.

Conclusion

15. Whilst I have found that the proposal would not harm the character and appearance of the area this does not outweigh the harm to living conditions that I have identified. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
16. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR