
Appeal Decision

Site visit made on 4 January 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/R2520/W/22/3304328

21 Eastgate, Heckington, Sleaford NG34 9RB

- 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 Keith Atkinson against the decision of North Kesteven District Council.
 - The application Ref 22/0172/FUL, dated 2 February 2022, was refused by notice dated 29 March 2022.
 - The development proposed is new bungalow including parking spaces for the existing bungalow at 21 Eastgate Heckington.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Keith Atkinson against North Kesteven District Council. This application is the subject of a separate decision.

Procedural Matters

3. The Council's decision notice refers to two different drawings showing proposed elevations and floor plans. It has confirmed that its decision was taken on drawing number 20-2508-P-02D. I have considered this appeal using that plan.
4. The Council's reason for refusal does not refer to disturbance arising from the use of the proposed communal parking area. It is raised as a concern in the Council's officer report and appeal statement. The appellant therefore has had the opportunity to respond to this and I am satisfied there has been no prejudice.

Main Issues

5. The main issues are:
 - the effect on living conditions, with particular regard to noise and disturbance and levels of daylight to occupiers of 19 Eastgate and noise and disturbance and the provision of private amenity space for occupiers of 21 Eastgate;
 - the effect on the living conditions of future occupiers of the proposed dwelling with particular regard to outlook, noise and disturbance, and the provision of private amenity space; and
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- the effect on the character and appearance of the area.

Reasons

Living Conditions of existing occupiers

6. The proposed site layout would result in parking and manoeuvring space being provided immediately adjacent to 19 Eastgate. There is a window, which the evidence suggests is in use as a bedroom, in the elevation that faces onto the garden of 21 Eastgate. There is currently no provision for cars to access the rear garden, which was peaceful at the time of my site visit. The introduction of vehicular movements into this area would inevitably result in increased noise and disturbance to this window due to its proximity. The levels of noise and disturbance would be increased by the manoeuvring that would be necessary to use the parking spaces proposed to serve No 21 which would be directly opposite No 19. This would be exacerbated in times of darkness when car headlights would be likely to shine on this window, resulting in glare and additional disturbance. This would unacceptably harm the living conditions of occupiers of No 19.
7. No 19 sits immediately adjacent to where it is proposed to site the bungalow. There is a window in the elevation that would face toward the proposed bungalow. While this window faces north, serves a bathroom, and is obscure glazed, there would be a substantial reduction in levels of daylight to this window due to the proximity and scale of the proposed bungalow to this elevation. This proximity is such that the proposed hipped roof would not mitigate the loss of daylight. This would also have an unacceptable effect on the living conditions of the occupiers of No 19.
8. The proposal would result in No 21 having a significantly reduced amount of private amenity space. While compact, it would not be unacceptably small as it would be a useable shape and provide adequate space for sitting out and day to day use. Furthermore, I have not been provided with any policy which sets out a minimum requirement for such provision.
9. This amenity space would be immediately adjacent to the parking spaces to serve the proposed bungalow and the general manoeuvring space to serve both properties. The vehicular access serving No 27 is also in proximity. It is therefore likely that there would be some noise and disturbance arising from vehicle movements. However the relationship with No 27 is existing and part of the disturbance would only arise from vehicle movements associated with No 21. The private amenity space would therefore not be adversely affected by noise and disturbance arising from vehicle movements. Overall, I consider the proposal would result in an acceptable provision of private amenity space for occupiers of No 21 and there would not be an adverse effect on their living conditions arising from levels of noise and disturbance.
10. However, the effect on living conditions, with particular regard to noise and disturbance and loss of light to occupiers of 19 Eastgate would be unacceptable. The proposed development would therefore be contrary to Central Lincolnshire Local Plan adopted April 2017 (CLLP) Policy LP26 which requires development to provide a reasonable level of amenity and not unduly harm the amenity of existing occupants including with regard to increase in glare and adverse noise. This is consistent with paragraph 130 of the National

Planning Policy Framework (the Framework) which requires a high standard of amenity for existing users.

Living conditions of future occupiers

11. The plans show the main living space of the proposed bungalow would face onto the private amenity space to the rear of the dwelling. However, this space would have a relatively shallow depth. The boundary treatments would be dominant when viewed from those windows and the outlook would be uninviting. This would result in unacceptable living conditions for future occupiers.
12. The proposed bungalow would have private amenity space which would be modest in the context of the surrounding area. It would be a usable shape and would provide sufficient space for sitting out and day-to-day use. As noted above, no minimum size requirement has been identified. While it would be overlooked by a small window in the side elevation of 27 Eastgate, that elevation is set away from the boundary and the nature of the overlooking would not be dissimilar from that found in typical residential layouts in built up areas. I therefore consider there would be acceptable provision of private amenity space for future occupiers of the proposed dwelling.
13. While the parking spaces serving the dwelling would be in close proximity to its bedroom windows, it is not uncommon for dwellings to have parking spaces adjacent to the front elevation. There would be further noise and disturbance from the use of the parking and manoeuvring space by the occupiers of No 21. However, given the parking spaces to serve No 21 would be sited away from the proposed bungalow and the extent of the manoeuvring space proposed to serve both properties, I find there would not be levels of noise and disturbance that would harm the living conditions of future occupiers.
14. I have found the effect of the proposed development on the living conditions of future occupiers of the proposed bungalow would be acceptable as they relate to the provision of private amenity space and noise and disturbance. Nevertheless, the effect on the living conditions of those future occupiers with regard to outlook would not be acceptable. The proposal would therefore be contrary to CLLP Policy LP26 which requires development to provide a reasonable level of amenity including with regard to outlook. This is consistent with paragraph 130 of the Framework which requires a high standard of amenity for future users.

Character and appearance

15. There is a considerable degree of variation in the layout of the surrounding area. Development along the western side of Eastgate generally fronts onto the street with private amenity space to the rear. The opposite side of Eastgate has less road frontage development due to the presence of access roads. There are dwellings to the rear of the site which do not front onto the road.
16. However, Nos 19 and 27, which sit either side of the proposed bungalow, do not front onto Eastgate. The amenity space of No 19 sits to the rear of other properties. No 27 has a substantial area of amenity space to the front. Neither of these properties were prominent in the street scene. While the roof of the proposed bungalow would be visible behind the wall which would partially replace the existing garage, views would be localised.

17. The appeal proposal would result in two dwellings sited on considerably smaller plots than the existing dwelling. However, while the immediate surrounding properties are set in more generous plots, this is not the case for dwellings in the wider surrounds. The appellant has identified a number of schemes where dwellings appear to be set in much smaller plots, most notably at Royal Oak Court which is accessed from Eastgate. While the Council has sought to distinguish the proposals, as the dwellings at Royal Oak Court were part of a larger development scheme, it nonetheless has delivered dwellings with smaller plots in the vicinity of the appeal site. There is also variation in the relationships between dwellings in the area, with some dwellings being sited close together, irrespective of overall plot size. The proximity of the proposed bungalow to No 19 would not be incongruous given the range in the surrounding patterns of development.
18. No concerns have been raised regarding the design of the proposed bungalow and I have no reason to disagree with this given the variation in the scale and appearance of buildings in the surrounding area. However this amounts to a lack of harm and as such would be a neutral factor.
19. I therefore consider that the siting of a dwelling to the rear of No 21 would not be out of keeping with the existing character and appearance of the surrounding area. The proposed development would not have an adverse effect on the character and appearance of the area. It would therefore be in accordance with CLLP Policies LP2 and LP26 which seek to ensure that development has regard to the character and local distinctiveness of the area. It would also be in accordance with the advice and guidance contained within the Framework at paragraphs 8, 124 and 130 and the National Design Guide which require development proposals to be of a high quality which respect the character, context, identity and built form of the surrounding area.

Other Matters

20. The significance of the Heckington Conservation Area is derived from its historic role as the centre of the settlement. Its setting consists of the surrounding built form which, although varied in appearance and layout, is mostly residential in nature. The limited scale of the proposal and its residential use would have a neutral effect on the setting of the Heckington Conservation Area and therefore would not harm its significance.
21. The proposal would contribute to the supply of housing and the NPPF acknowledges the benefits of small sites that can be built out quickly. There would be social and economic benefits during the construction and occupation of the dwelling, and from the efficient use of land. Nonetheless, given the scale of the scheme the above benefits would be small.
22. No compelling evidence has been provided that there is a particular need for this type of dwelling and no mechanism before me to secure its occupation by any particular group.
23. I observed some on-street parking at the time of my site visit which was during the day when it is likely some vehicles would be at locations other than the home. However, as No 21 already has access to off-street parking in the form of the existing garages and their forecourt, there would be no benefit in this respect were the appeal to be allowed.

24. There is community support for the proposal, including from the occupier of No 19 where I found the proposal would have an adverse effect on living conditions. However, support for a proposal is not a reason in itself to allow a development.
25. I have had regard to the appellant's longstanding personal connection to the site and knowledge of the historic development of the surrounding area. However, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. I must also assess the effects of the development with the situation as it exists at present.
26. The scheme has been amended to seek to overcome a previous refusal. However, I have found unacceptable harm from the scheme that is before me.
27. The manner in which the Council dealt with the application and the issue of subsequent site visits does not affect my findings on the main issues of this appeal and are outside of its scope.

Conclusion

28. While I have found no harm to the character and appearance of the area, I have found harm with regard to the living conditions of occupiers of No 19 and future occupiers of the proposed development. This would be determinative. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance with the development plan. Therefore for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR