
Appeal Decision

Site visit made on 29 September 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 04.10.2023

Appeal Ref: APP/E2530/W/23/3314578

16 Park Estate, Deeping St. James, Lincolnshire PE6 8NG

- 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 R. Fox (Barleypark Builders Ltd) against the decision of South Kesteven District Council.
 - The application Ref: S22/2059, dated 19 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is the erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area, ii) the living conditions of the occupiers of 16 Park Estate in respect of outlook, and iii) whether there would be an acceptable amount of outside amenity space for the appeal property and 16 Park Estate.

Character and appearance

3. It is proposed to erect a single storey dwelling within the curtilage of a two-storey and two-bedroom semi-detached dwelling known as 16 Park Estate. The appeal dwelling would be partly erected on land which currently includes a detached garage. An existing vehicular access serving the said garage would be utilised in association with use of the proposed dwellinghouse and a separate existing access off Park Road would be used by occupiers of 16 Park Estate. The proposed dwelling would be positioned between 16 Park Estate, which is angled towards Park Road, and 41a Park Road, which is also a two storey dwellinghouse.
4. The dwellings in the area include a mixture of bungalows and two storey dwellinghouses. They are positioned within large plots with front and back outside amenity spaces. There is a pleasing order to the pattern of development with properties following a mainly consistent building line relative to main roads, and where the sense of space between and around properties adds positively and distinctively to the character and appearance of the area.

5. While I acknowledge that the appeal building would be built on land which currently includes a detached garage, it would be much larger than this building and hence would not be appreciated in the street-scene as being a subordinate addition to the existing garden setting. The proposed dwelling would be positioned very close to 16 Park Estate which is positioned at an oblique angle within the plot.
6. Owing to its position and size, I consider that it would appear as a cramped and incongruous addition when seen from Park Road, detracting unacceptably from the spacious character that is prevalent in respect of the pattern of development in the locality. The cramped impact would be exacerbated in visual terms, given that 16 Park Estate is located at an oblique angle and owing to the relatively small outside amenity space which would not be reflective of the mainly generous garden spaces which add positively and distinctively to the pattern of development in the area as a whole.
7. For the above reasons, I conclude that significant harm would be caused to the character and appearance of the area. Therefore, the proposal would not accord with the design, character and appearance requirement of policies DE1 and SP3 of the 2020 South Kesteven Local Plan (LP), policy DNP9 of the Deepings Neighbourhood Plan 2021 (NP) and chapter 12 of the National Planning Policy Framework 2023 (the Framework).
8. In reaching the above conclusion, I accept that there is a school opposite the appeal site and that the local planning authority has commented that the '*character of the northern section of Park Road has been diluted*'. Nonetheless, it is not the case that the predominantly residential environment does not continue to display some distinctive and positive characteristics as a whole, even accounting for the occasional infill development elsewhere in the area. It is in this context, that I have found that the proposal would be materially harmful in character and appearance terms.

Outlook

9. The proposed dwelling would be positioned close to the rear elevation of 14 Park Estate. It would be about 5.75 metres in height. While it would be possible to address privacy issues by erecting fencing between the two properties, this would compound my concern about the adverse effect of the development upon the spacious pattern of development in the area.
10. My principal concern relates to the effect of the development upon the outlook enjoyed by existing and future occupiers of 16 Park Estate. Owing to the position, size and height of the proposed dwelling, I find that it would have an unacceptably enclosing and dominant impact when seen from the rear of 16 Park Estate, thereby causing material harm to outlook.
11. The Rutland and South Kesteven Design Guidelines Supplementary Planning Document (SPD) states that for two storey development a separation distance of 14 metres should be provided between habitable room/principal window to a blank two-storey elevation. A two storey dwellinghouse is not proposed and so the SPD guidelines are not directly applicable. Nonetheless, the dwelling would be about 5.75 metres in height. Taking this into account, coupled with the separation distances involved, I find that material harm would be caused to the living conditions of the occupiers of 16 Park Estate in terms of outlook.

12. For the above reasons, I conclude that the proposal would not accord with the amenity requirements of policy SP3 of the LP, policy DNP9 of the NP and paragraph 130(f) of the Framework. Policy DE1 of the LP is not directly relevant to this main issue as it does not concern outlook.

Outside amenity space

13. The proposal would result in a significant amount of hardstanding area associated with the appeal dwelling and 16 Park Estate. While the outside amenity space provided for the appeal property would not be large, it would nevertheless be an adequate size in the context of the size of the appeal property including its bedroom numbers. The space to the rear would be capable of being made private.
14. The proposal would result in a significant loss of outside amenity space associated with 16 Park Estate. However, the resultant outside amenity space would still be quite large albeit not very private. Nonetheless, the outside amenity space associated with 16 Park Estate is currently not very private in so far that it can be seen by those passing by on Park Road.
15. For the above reasons, I do not find that the outside amenity spaces for the appeal building, or for 16 Park Estate would be unacceptable in terms of size or privacy. I conclude that the proposal would be acceptable in respect of outside amenity space for the appeal property and 16 Park Estate. In this respect, it would accord with the amenity requirement of paragraph 130(f) of the Framework.

Conclusion

16. While the proposal would be acceptable in terms of outside amenity space, significant harm would be caused to the living conditions of the occupiers of 16 Park Estate in terms of loss of outlook and to the character and appearance of the area. The latter are matters of overruling concern and outweigh the limited social and economic benefits associated with the erection of a dwelling on the site. I conclude that the development would not accord with the development plan for the area taken as a whole, and there are no material planning considerations which indicate that the application should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR