



Appeal Decision

Site visit made on 7 November 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/E2530/W/23/3322193

1 Grantham Road, Great Gonerby, Lincolnshire NG31 8JZ

- 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 Ms A Samuel against the decision of South Kesteven District Council.
 - The application Ref S23/0165, dated 27 January 2023, was refused by notice dated 9 March 2023.
 - The development proposed is the erection of single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published on the 19 December 2023 and is a material consideration. The relevant sections of the Framework have remained unchanged within the updated version of the Framework.

Main Issues

3. The main issues are the effect of the proposed dwelling on:
 - the character and appearance of the surrounding area; and,
 - existing trees.

Reasons

Character and appearance

4. The site is set back from Grantham Road, with a footpath and deep grass verge that includes a row of trees between the site and Grantham Road. Vehicular access to the site is via a shared private driveway, leading from Grantham Road, which is set behind a substantial hedge located between the grass verge area and a row of single storey dwellings and their detached garages. To one side of the site is a footpath with a substantial hedge to its boundary, and beyond the footpath are the grounds and church of St Sebastian's, which is a very imposing building within an attractive open setting. The proximity to the open church grounds, hedging along the adjacent footpath and driveway, the verdant and deep verge in front of the site and, the low density and low height of dwellings, provides an attractive spacious and green open character to the immediate surroundings of the appeal site.

5. There is a mix of scale and design of dwellings in the wider surrounding area, although the appeal site is at the end of a row of detached bungalows, which are set within reasonable sized plots, having the dwellings set back more central to their plots with driveway parking and detached garages in front.
6. Whilst the appeal site is triangular-shaped and the host bungalow is set at an angle, rather than parallel to the main road, with a smaller rear garden than its neighbours, the set back from Grantham Road and overall plot size of the appeal site is comparable to these other neighbouring properties. Therefore, there is a distinctive density and form of development in the vicinity of the appeal site.
7. The proposed dwelling would be located towards the corner of the site, set considerably forward of the host dwelling, close to the boundary with the verge and existing vegetation along Grantham Road. In this position, it would be set markedly further forward than the continuous building line of other dwellings along the shared private driveway and thereby appear at odds with the prevailing character.
8. The resultant plot size of the proposed bungalow would be considerably smaller than that typically found in the immediate surrounding area. It would also have a limited private garden area at the rear, particularly restricted due to its shape and overhanging trees. This would result in the proposed dwelling appearing cramped within its plot and be incongruous with the character of the immediate surrounding area.
9. Some of the neighbouring bungalows have large detached, pitched roof garages set at the front of their plots, forward of their host bungalows. These garages are however set back further from the verge and beyond the private driveway compared to the position of the proposed bungalow. The set back position of these garages means they have diminished views from the wider street scene, despite their forward location. The proposed position of the new bungalow much further forward, would not therefore follow the grain and building line of dwellings and outbuildings within the vicinity.
10. Whilst I accept there would be sufficient garden space retained for the existing host dwelling and provided for the future occupiers of the new dwelling to meet requirements, the grain, siting, and density of the proposed dwelling would not be in keeping with that found in the immediate surrounding area.
11. Also, whilst it is appreciated that the development would provide an end stop to the private driveway, rounding-off the development form, this would not create a positive addition to the street scene. Rather, it would appear contrived and not in keeping with its immediate context, by adding built form considerably further forward of other buildings.
12. The existing trees and hedges beyond the front boundary of the appeal site and hedge along the adjacent well-used footpath to the side would provide some screening of the proposed dwelling. However, the vegetation in front of the site lies outside the control of the appellant and subsequently could be removed. Furthermore, the proposal would be a permanent structure, unlike the hedge and other vegetation surrounding the site and, the trees and vegetation would not be in full leaf and provide the same level of screening all year round. Also, due to the proposed proximity of the new bungalow to the trees, and lack of

tree survey, it is difficult to assess whether the adjacent trees would be damaged and/or require removal to accommodate the proposed dwelling.

13. In addition, even if solid gates were provided at the end of the access driveway to provide screening from the private driveway when closed, such screening would not overcome the concerns related to the forward siting of the proposed dwelling and that it would be a cramped form of development.
14. In view of the above, the proposed dwelling would be harmful to the character and appearance of the surrounding area, in conflict with Policies SP3 and DE1 of the South Kesteven District Council Local Plan (SKDCLP) (January 2020). In that, Policy SP3 of the SKDCLP requires infill development to be in keeping with the character of the area and is sensitive to the setting of adjacent properties. And, furthermore, Policy DE1 of the SKDCLP requires, amongst other matters, high quality development that contributes to local distinctiveness and character of an area, which is of an appropriate scale and density, given the context of the area.
15. The proposal would also be contrary to the guidance contained in the Design Guidelines for Rutland & South Kesteven, Supplementary Planning Document (November 2021), which, amongst other matters, notes at part 6H that infill development should complement the street scene; that the density should reflect its context and that building lines, landscape character and boundary treatments are important components of local character that infill development needs to be sensitive to.

Trees

16. Trees within the verge along Grantham Road, which have canopies overhanging the appeal site, provide a mature tree canopy that makes a positive contribution to the street scene. Also, the tree located within the plot, which would be within the small proposed rear garden of the new bungalow contributes positively to the verdant character of the surrounding area.
17. Whilst the existing trees make a positive contribution to the character of the area and would provide some filtering of views of the proposed bungalow, without a tree assessment or any other substantive evidence with regard to the trees, it is not demonstrated that the proposed dwelling would be located sufficient distance away to protect the future integrity of these important trees. Either due to damage or loss caused by the construction of the bungalow to the root and canopies of the trees or from future pressure to prune and/or remove as a result of any impact on the living conditions of the occupiers of the bungalow, due to the close proximity and small private garden area proposed.
18. It is acknowledged that there are varying methods of construction that could potentially be used to minimise any harm caused to the tree roots during construction. Although, no site-specific details have been provided to show how piling would accommodate the existing root systems. Also, it is proposed that the floor level of the new dwelling would be some 0.75m lower than the existing bungalow and the proposed plans show the levels would also be lower than the height of adjoining land beyond the front boundary. This reduction in ground levels would have the potential to cause harm to the roots of the adjacent trees, which has not been fully assessed.

19. Therefore, site specific foundation construction details and a tree survey is needed to provide certainty that these important trees would be retained and preserved, and that there would be no degradation to the character of the street scene through loss of any trees, as a consequence of the proposed development. It would not be appropriate to condition a certain method of foundation construction, as it is an important consideration to define whether the principle of development in such close proximity to the trees would be acceptable.
20. In view of the above, there is insufficient evidence provided to demonstrate the proposed dwelling would not have a harmful effect on existing trees. The proposal would therefore conflict with Policy DE1 of the SKDCLP which, amongst other matters, requires development proposals to retain and incorporate important on-site features, such as trees and hedgerows and identifies the importance of no adverse impact on landscape/townscape character to ensure high quality design is achieved.

Other Matters

21. That there would be no harm caused to the setting of the nearby listed building, St Sebastian's Church is not a matter which relates to the main issues of concern. However, having regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that due to the distance separation between the church and appeal proposal and that the churchyard setting around the listed building would be unaltered, its setting would be preserved and there would be no harm caused to its significance. Such lack of harm to the significance of the listed building does not however outweigh the harm I have identified above.
22. Having regard to the previous applications for a bungalow on the appeal site, which were refused in 1992 and 2022, I note that the appeal proposal is of a reduced scale and that, there are no concerns related to the subservience of the new bungalow in relation to the host dwelling, or the living conditions of its occupiers, in terms of loss of privacy or overlooking. However, such matters do not overcome the concerns in respect of the character and appearance of the surrounding area and the effect on existing trees.
23. The appellant has highlighted examples where the Council has granted consent for other new dwellings in the village, which have smaller private garden space than that proposed. Having reviewed the details provided, I do not however consider these examples are comparable to the appeal proposal. The site context of these examples differs to that of the appeal site, and they are not located within the immediate surroundings of the appeal proposal either. For example, at Eaton Mews and High Street, the surrounding areas are of a more built-up, higher density character than the appeal site context. Furthermore, the example at Easthorpe Road is not for a single infill dwelling plot, rather it relates to a new development of 46 dwellings and therefore, the context and form of that development is not comparable.
24. I acknowledge that the appeal site is accessible to local facilities and services, however such matters do not outweigh the concerns identified.

Conclusion

25. For the reasons given above, the proposal conflicts with the development plan and there are no other material planning considerations, including the Framework, which would outweigh such conflict. Accordingly, I conclude that the appeal should be dismissed.

C Billings
INSPECTOR