



Appeal Decision

Site visit made on 16 April 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 MAY 2024

Appeal Ref: APP/E2530/W/23/3327712

Virginia Cottage, Uffington Road, Stamford, Lincolnshire, PE9 2EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Carroll against the decision of South Kesteven District Council.
 - The application Ref is S23/0745.
 - The development proposed is the demolition of existing dwelling and replace with 3 sustainable dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address given on the application form does not match that on the appeal form or Council's decision notice. I have used the same wording as on the decision notice here as this provides the more accurate site description.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

4. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) whether the proposed development would be affected by, or have an effect upon, protected trees; and
 - c) the effect of the proposed development on highway safety having regard to access and parking.

Reasons

Character and appearance

5. The site is located along the south side of Uffington Road within an area that has seen substantial development recently. Examples include a care home next door to the site, residential development and a superstore on the opposing side of the road. The developments vary in their overall form but typically rise to two or three storeys in height. These developments have been positioned in and around various clusters and belts of established trees.

6. The site itself comprises a triangular piece of land with a narrow point formed with Uffington Road. The two other sides are a bridleway and dismantled railway. Both these sides are characterised by a number of mature trees protected by a Tree Preservation Order¹ (TPO).
7. The proposed dwellings would be arranged with plot 1 at an oblique angle to Uffington Road and plots 2 and 3 addressing the rear boundary. The dwellings would be detached and would rise to four storeys in height. Despite this verticality, they do not address any important frontages. The houses are slim, and their height is emphasised using gables to their principal elevations. They would be arranged within the site to avoid the boundaries with protected trees and therefore are clustered towards the centre.
8. The dwellings have no regard to their surroundings. They would appear as a concentrated group of insular buildings which would be tall, cramped within their plots and display minimal relation to the surrounding pattern of development in the locality. They would not address the street or the area in a coherent manner. This layout, and the scale of development would, effectively, push three dwellings into a constrained site.
9. The proposed development would therefore be detrimental to the character and appearance of the area and would conflict with policies DE1, SD1, SP2 and SP3 of the South Kesteven Local Plan 2020 (SKLP), policy 2 of the Stamford Neighbourhood Plan 2022 (SNP) and provisions of the Framework. Read collectively, these policies require new development to make a positive contribution to the local distinctiveness, vernacular and character of the area, reinforce local identity and not have an adverse impact on the street scene.
10. Whilst I do recognise that this immediate area has been subject to numerous recent developments, the height and relationship of these with their plots and the surrounding area are different to this proposal. Neighbouring buildings are articulated with space between them and use of varying heights. These heights reach no more than three floors. The example of another triangular plot in Stamford is different as the site is much larger and dwellings arranged in a broad line that addresses the street with a central focal point.

Effect of trees and upon trees

11. The site is characterised by a number of protected trees which broadly run along two of its three boundaries. These trees make a positive contribution to the area.
12. The proposed dwellings would not directly affect these trees. However, the garden areas would be dominated and overshadowed by them. The same applies to the windows to habitable rooms. As a result, it is likely that, if this scheme were permitted, the future occupants would, understandably, wish to prune or even remove these surrounding trees to enable natural light to garden areas and rooms. This would result in a conflict between providing reasonable living conditions for the future occupants and requirements to retain the protected trees.
13. As such, the proposed development would either; be unreasonably impacted by the presence of the trees or it would likely result in the heavy pruning or loss of them to the detriment of the character and appearance of the area. The

¹ TPO 124 of 1977

proposed development therefore fails to comply with policies DE1, SD1, SP2 and SP3 of the SKLP, policy 2 of the SNP and the Framework. These policies support providing sufficient private amenity space that is suitable to the type and amount of development whilst also retaining and incorporating important on-site features.

14. Other trees and hedges may have been removed at surrounding developments. However, I do not have sight of the details of these schemes, the condition of those trees or whether any replacement planting is intended to make up for lost specimens.

Access and parking

15. The proposed dwellings would be reached via two access points taken from the bridleway. These lead to a single driveway to plot 1 and a shared driveway to plots 2 and 3. Limited details have been provided as to how this arrangement would operate in practice. None of the plots appear to have sufficient space for vehicles to enter, turn and leave in a forward gear and no tracking information has been provided to clarify this. The accesses with the bridleway and to Uffington Road gives no clear detail as to its manner of operation, whether there is adequate visibility, consideration of conflicts with bridleway users or if this single-track lane can accommodate additional vehicle movements. These details are important and are different to a Travel Plan.
16. I conclude that insufficient information has been provided that would allow an assessment on the practicalities of access to the site and parking provision on it. Without this information, the proposed development cannot be determined to be safe from a highway safety perspective and the proposal is therefore contrary to SKLP policy ID2. This policy requires that new development does not impact on the safety and movement of traffic on the highway network.

Other Matters

17. Whilst not expressed as a concern by the Council, I am aware of the proximity of the site to the Grade II listed Hudds Mill which is located to the south of the site. S66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In making this assessment I have had regard to paragraph 205 the Framework. In this case, the distance of the proposed dwellings, the physical separation and intervening landscape features are such that the development would not harm this heritage asset.

Planning Balance and Conclusion

18. The proposal would be acceptable in relation to other matters. However, the acceptability in this regard is a neutral factor that neither weighs for or against the development given that they only relate to the absence of harm.
19. The appeal proposal would deliver a net gain of two dwellings and the site is a small one so the development could, potentially, be delivered quickly. It would support the Government's objective of significantly boosting the supply of homes, albeit the social and economic benefits associated with two new homes would be minimal. Even so, taken together, these benefits attract limited weight in favour of the appeal proposal and do not clearly outweigh the harm

that I have identified in relation to the character and appearance of the area, the effect on trees, future residents living conditions and highway safety.

20. Overall, I conclude that the proposal would conflict with the development plan, read as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

Nick Bowden

INSPECTOR