



Appeal Decision

Site visit made on 24 April 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/A2525/W/23/3329045

14 Cross Street, Fleet, Spalding PE12 7BD

- 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 Adrian Wright against the decision of South Holland District Council.
 - The application Ref is H05-0294-23.
 - The development proposed is dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issues

3. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the area; and
 - (ii) the living conditions of occupiers of neighbouring dwellings, with particular regard to outlook, light and noise and disturbance.

Reasons

Character and appearance

4. No 14 Cross Street is located to the side of the street characterised by detached bungalows, within plots of varying size, which back on to open countryside. There is variation to the building line. For example, the bungalow and associated outbuilding at No 14 are closely aligned and sit close to the front boundary. In contrast, the immediate neighbouring bungalow at 'Green Lodge' is set further back from the road. However, dwellings have a prevailing single storey appearance and plots are laid out parallel to one another with garage buildings located to the front or side of their respective dwellings. These factors combine to provide general consistency in scale and a pleasant degree of spaciousness which complements the character and appearance of the settlement edge.

5. The position of the proposed dwelling to the side and rear of the existing dwelling at No 14 would not on its own be dissimilar to the respective positions of No 14 and 'Green Lodge'. However, the height of the dwelling and the greater presence of first-floor elements would appear incongruous alongside the more modestly scaled bungalows to this side of the street. The considerable size of the garage combined with its position within an L-shaped plot would significantly curtail the rear garden serving No 14. Together these factors would result in a cramped arrangement of buildings that would detract from the general consistency of scale and the spacious character to this side of Cross Street.
6. In terms of the examples provided by the appellant of dwellings granted planning permission in the wider area, only the example at Albion Street is located close to the appeal site. That particular dwelling sits with a more densely arranged part of that street, away from the settlement boundary. The other examples given are in different locations and from what I have seen did not have identical design and character considerations to the case before me.
7. I conclude, the proposal would have a harmful effect on the character and appearance of the area. In that regard, it would conflict with the design and character and appearance requirements of Policies 2 (Development Management) and 3 (Design of New Development) of the South East Lincolnshire Local Plan (2019) (SELLP). It would also be contrary to the requirements for development to be visually attractive as a result of good architecture and layout and to be sympathetic to local character as set out at Paragraph 135 of the Framework.

Living conditions of neighbouring occupiers

8. No 18 Cross Street has a rear garden of shallow depth with boundary fencing. Even so, the existing arrangement of neighbouring buildings and the open field to the rear provide for a spacious outlook from the rear windows, conservatory and garden serving this dwelling.
9. The proposal would incorporate a roof which would be angled away from No 18. However, the ridge height at approximately 7.4 metres and depth of the dwelling would combine to form a side profile of considerable mass. Due to its position very close to the shared boundary with No 18 and its substantial projection beyond the rear elevation of this neighbouring dwelling, it would have a dominating presence. This would be particularly the case when experienced from the nearest rear elevation kitchen window at No 18 and parts of the patio area that sit closest to the boundary such that it would unacceptably reduce the quality of outlook for occupiers of No 18.
10. The appellant has provided a 'Sun Angle Study' (the study) and contends that 'only between October and February would there be any risk of overshadowing (during late afternoon / early evening)'. They also suggest that the only room affected would be the kitchen/diner of No 18. There is no contrary technical evidence before me.
11. However, I note the appellant's commentary on the study does not consider the potential effects on the patio area at No 18, particularly where it sits close to the boundary. From what I saw on my site visit, this is an area used for sitting out and there is the potential that even a limited effect on levels of light experienced there would be noticeable to occupiers of No 18.

12. Overall, when the effects on light are considered together with the effects on outlook, the proposal would have an unacceptable effect on the living conditions of occupiers of No 18.
13. The proposed driveway and garage would bring new neighbouring activity close to the dwelling and reconfigured rear garden at No 14 Cross Street. Some of the proposed parking spaces would also extend close to the boundary with No 18.
14. However, there is no objective evidence before me to suggest that vehicle movements or other activity associated with a single dwelling would be beyond levels that would usually be expected within a residential area. Furthermore, a brick boundary wall is proposed to the shared boundary with No 14 which would likely provide a sufficient buffer to this property given these factors. Consequently, I consider it unlikely that there would be levels of noise and disturbance that would have a material effect on the living conditions of occupiers of neighbouring properties including Nos 14 and 18.
15. I conclude, the development would have an unacceptable effect on the living conditions of occupiers of No 18 Cross Street, with particular regard to outlook and light. In that regard, it would conflict with the requirements relating to the relationship to existing development and land uses and residential amenity in Policies 2 and 3 of the SELLP. For the same reasons it would also conflict with Paragraph 135 of the Framework which requires that developments create places with a high standard of amenity for existing and future users.

Conclusion

16. The development would be harmful to the character and appearance of the area and to the living conditions of occupiers of No 18 Cross Street. The other material considerations that have been advanced in this instance do not justify a decision other than in accordance with the development plan which, in terms of my conclusions under the main issues, the appeal scheme would clearly conflict.
17. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR