



Appeal Decision

Site visit made on 1 July 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/E2530/W/24/3339847

Land at Holywell Road, Castle Bytham NG33 45L

- 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 Mark Nicholls - Oakwood Homes Ltd against the decision of South Kesteven District Council.
 - The application Ref is S23/1942.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling at land at Holywell Road, Castle Bytham NG33 45L in accordance with the terms of the application, Ref S23/1942, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. Four planning applications for a new dwelling of varying design on the appeal site have been refused by the Council (Refs: S20/2150, S22/0249, S23/0134 and S23/0955). Two of these were subsequently dismissed at appeal. The first appeal (Ref: APP/E2530/W/21/3275463) concerned a new chalet bungalow (the 2021 appeal). The more recent appeal (Ref: APP/E2530/W/22/3300602) related to a new dwelling with garaging and private parking (the 2022 appeal). While the proposed development before me is different, I shall have regard to the other Inspector's findings, insofar as they are relevant to the matters in dispute.

Main Issues

3. The main issues in this appeal are the effects of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers the neighbouring dwelling 'Churchfield House', with particular regard to outlook.

Reasons

Character and appearance

4. Holywell Road is fronted by detached and semi-detached two storey dwellings of varying architectural style forming ribbon development on both sides south of its junction of Little Bytham Road. As the route transitions to open countryside, dwellings are located on one side of the road, including a row of 6 recently constructed two storey detached dwellings (6 new houses) and other dwellings in a more traditional farmstead style arrangement. The more recent

dwelling have a slightly staggered building line set behind highways verges. There are a variety of roof forms including those of single storey detached garages that sit forward of the 6 new houses. The predominant building materials comprise limestone, brick and a mix of pantile, slate and tile roofs. There are wider views out to the surrounding landscape and hedgerow boundaries along the route. Therefore, despite the variety of development in the area, the overall consistency in the linear form, materials, spacing and rhythm of development make a positive contribution to the character and appearance of the area.

5. The appeal site was most recently used as a temporary compound during the construction of the 6 new houses. The site is bound by a mix of hedgerow, close boarded fence and post and rail fence, has a gravel hard surface and forms a gap between the side of a two-storey detached dwelling known as Plot 1 (Plot 1) and a short cul-de-sac of single and two-storey dwellings ('Pineview', 'Churchfield House' and 'Oak House').
6. The Inspector deciding the 2021 appeal found that by virtue of its scale and massing, the design of the chalet bungalow proposed in that instance would have clashed visually with the 6 new houses and, in particular, the traditional styled neighbouring dwellings on the cul-de-sac. In the subsequent 2022 appeal, the Inspector found that that the proposed dwelling would assimilate with its surrounds given the mixed character and appearance of the area.
7. The scheme before me proposes a two-storey detached dwelling with front projecting gable. Although the overall form of the current proposal would be similar to that in the 2022 appeal, due to a reduction in the depth and width of the two-storey elements, the overall size of the proposed dwelling would be smaller by comparison.
8. The proposed dwelling would be of a modest scale and reflect the front gable, chimneys, fenestration and materials elsewhere in the vicinity. Even though the gap between the proposed dwelling and Plot 1 would be less than the spacing between the 6 new houses in the same row, a space would nonetheless be retained. The consistency in roof pitch scale, and complimentary design, ridge height would be similar to other dwellings in the row of 6 new houses. Similar to the finding of the Inspector in the 2022 decision, I consider that the current proposal would also sit comfortably between dwellings and would suitably respect the rhythm of the street due to the mixed character, appearance and layout of buildings in the area.
9. Concerns have been raised in respect of the attached garage and spacing between the proposal and 'Plot 1'. However, due to its modest scale and its siting to the side of the proposed dwelling, the garage would not be overly prominent and would not be harmfully out of place. Overall, I consider that the proposed development would suitably respect the local vernacular and accord with the prevailing characteristics of the village.
10. I conclude that the proposal would not have a harmful effect on the character and appearance of the area. In this regard there would be no conflict with Policies SP2, SP3 and DE1 of the South Kesteven District Council Local Plan 2011-2036 (2020) (LP) which seek to ensure high quality design, that does not compromise the village's nature and character. It would also comply with the National Planning Policy Framework, December 2023 (the Framework) insofar as it seeks to ensure that development establishes or maintains a strong sense

of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live. For the same reasons, it would accord with the guidance set out in the Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (2021) (SPD) with respect to the design of infill development.

Living Conditions

11. The rear of Churchfield House is located to the south of the application site and has a number of windows at ground and first floor level facing towards the appeal site. The rear garden of Churchfield House is enclosed with a post and rail fence with a tree and soft landscaping within its garden. The extant outlook for the occupiers of Churchfield House is relatively open and spacious, across the rear garden. The outlook extends towards the rear boundary and dwellings beyond, albeit at slightly oblique angles looking either side of the tree and the side gable of Plot 1.
12. The Inspector deciding the 2021 appeal concluded that, by virtue of its low overall height, the proposed chalet bungalow would not be overbearing when seen from within the dwellings to the south or their rear gardens. However, due to the increased size of the dwelling and by virtue of a two-storey side gable extending along a significant proportion of the rear boundary of Churchfield House, the Inspector found that the proposal subject of the 2022 appeal would have had a significant enclosing and dominating effect on the outlook from the nearest rear windows of Churchfield House.
13. The appellant has sought to address the Inspector's concerns raised in the 2022 appeal by reducing the ridge height of the roof and depth of the two-storey part of the proposed dwelling. The appellant suggests that the two-storey side gable of the proposed dwelling would be 15.483 metres (m) away from the nearest windows in the rear elevation of Churchfield House. This stated distance has been queried by an interested party who contends that the gable would be closer, some 13.96m from the rear elevation of Churchfield House. The Council's SPD recommends a minimum distance of 14 metres between a habitable room and a blank two-storey elevation on a neighbouring building. Even taking the lower figure, the distance and relationship between the proposed dwelling and Churchfield House would be very close to the and therefore broadly in accordance with the SPD guidance.
14. I acknowledge that the Inspector deciding the 2022 appeal found that proposal met the SPD guidance but would, nonetheless, create an unacceptable visual intrusion. However, the proposal before me is of a reduced height and massing by comparison. Whilst the appeal dwelling would be visible from the rear windows of Churchfield House and the two-storey part of the appeal proposal would be closer than the dwelling on 'Plot 1', the outlook experienced would be set against the backdrop of Plot 1. Therefore, I am satisfied the revised proposal overcomes the concerns identified by the previous Inspector in the 2022 appeal and the proposed development would not have an unduly dominating impact for the occupiers of Churchfield House.
15. I conclude that the appeal proposal would not have a harmful effect on the living conditions of the occupiers of the neighbouring dwelling Churchfield House, with particular regard to outlook. As such, there would be no conflict with Policies SP2, SP3 and DE1 of the LP which seek development not to adversely impact on the amenity of neighbours. The appeal proposal also accords with

the Framework insofar as it requires development to have a high standard of amenity for existing and future users. For the same reasons, it would accord with the guidance set out in the SPD with respect to residential amenity.

Other Matters

16. The Parish Council and other interest parties have raised concern regarding the potential effects of the proposal on the living conditions of the occupiers of Plot 1 and Oak House in respect of privacy, noise and disturbance. From my own observations on site, I am satisfied that the separation distances and layout of the proposal would ensure that it would not result in any harm to the living conditions of the occupiers of these other dwellings.
17. Representations have also been made in respect of additional policies in the LP, not referred to in the Council's decision notice, and expressing a preference for the appeal site to be kept undeveloped or as open space in order to support biodiversity. It has also been suggested that the appeal proposal contravenes previous planning permissions. I have not been provided with a copy of these additional policies and in any case, the site was considered to be an appropriate location for a new dwelling having regard to the 2021 appeal. While the Council may be able to demonstrate a sufficient supply of housing land, this is not expressed as an upper limit. Whilst I note concerns regarding the easement strip for underground electric cable having not been shown accurately on the plans, this is a private matter and their existence or otherwise would not presuppose the outcome of any assessment of the planning merits of the proposal in the context of this appeal. I am obliged to determine the proposal before me which for the reasons set out would be acceptable. Therefore, these matters do not alter my conclusions that the proposal would be acceptable having regard to the policies provided and the Framework.

Conditions

18. Various conditions have been suggested by the Council, in the event that I am minded to allow the appeal. I have considered these against the tests set out in the Framework and Planning Practice Guidance. In some instances, while I have adopted the suggested conditions, I have made changes to wording to add precision and clarity as appropriate. In respect of pre-commencement conditions, the wording of these has been agreed in writing by the appellant.
19. Conditions specifying timescales for the commencement of development and requiring the development to be carried out in accordance with the approved plans are necessary in the interests of planning certainty and clarity. A condition requiring details of site levels is necessary in the interests of the character and appearance of the area and living conditions. A condition requiring samples of materials to be used is also necessary to ensure they reflect the character and appearance of the area. Conditions requiring a landscaping scheme and replacement planting are necessary in the interests of visual amenity and biodiversity.
20. It is reasonable and necessary to include a condition requiring a Construction Method Statement, in order to minimise the impact of the development during the construction phase on neighbouring residents. However, as conditions should be tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls, I have not included elements of

phasing, routes of construction traffic and surface water management in the details required. A condition requiring sustainable building measures is necessary to mitigate against and adapt to climate change.

21. I note that informative notes have been recommended by the Local Highways Authority in relation to the formation of a new/amended vehicle access. However, since they are not conditions they are not included in the attached schedule.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

H Marriott

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site and Location Plan P003 Rev C, Proposed Elevations P020 Rev C, Proposed Ground and First Floor Level P010 Rev C.
- 3) No development shall take place until a plan showing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of the building with reference to an off-site datum point has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a full specification of all proposed soft landscaping works including tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees and shrubs to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 5) If, within a period of 5 years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 6) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;

- iii. storage of plant and materials used in constructing the development;
- iv. measures to control the emission of dust and dirt during construction;
- v. delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) Prior to the occupation of development, a scheme of sustainable building measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details demonstrating how the proposed dwelling will minimise carbon dioxide emissions through its design and construction, details of water efficiency, the provision of an electric car charging point and the proposed timescale for implementation of the measures. The development shall be carried out in accordance with the approved details and maintained (or subsequently upgraded) thereafter.
- 8) No development above ground level shall take place until details of all materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.