



Appeal Decision

Site visit made on 16 June 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/A2525/D/24/3349329

17 Windsor Gardens, Long Sutton, Spalding, Lincolnshire PE12 9DY

- 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 Hayden Luke Kearns against the decision of South Holland District Council.
 - The application Ref is H11/1055/23.
 - The development proposed is for extensions and alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Appellant refers to an apparent misunderstanding with the Council about the ridge height of the proposal and plans. For the avoidance of doubt, I have determined this appeal based upon submitted plans referenced 4803-23-01 and 4803-23-02A. The plans show the ridge height of the proposed extension at the ridge height of the host dwelling.

Main Issues

The main issues are the effect of the proposal on (i) the character and appearance of the host dwelling and the surrounding area and (ii) the living conditions of the neighbouring occupiers at 15 Windsor Gardens, particularly with regard to overshadowing.

Reasons

Character and Appearance

3. The appeal property is situated in a cul-de-sac, at the end of a group of dwellings of similar design. The other dwellings within the group have different styles of extension, however, all extensions are subservient to their host dwelling. None have an extension of the scale and design of the appeal scheme.
4. The neighbouring property, No. 15, has been extended to the side at the shared boundary with the appeal property. The relationship with No. 15 as existing is relevant to the assessment of the appeal proposal. That extension is

set back from the front elevation and appears subservient as a result, providing an acceptable form of development.

5. The appeal scheme would not achieve subservience to the host dwelling, as it proposes a two-storey extension flush with the front elevation and the roof ridge height the same as that of the existing dwelling. It would therefore fail to respect the character and appearance of the host dwelling and the surrounding area and would be incongruous in the street scene. This conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) (SELLP) and paragraph 131 of the National Planning Policy Framework (the Framework), which seek high quality design that makes a positive contribution to its context.
6. My attention has been drawn to other examples of extensions in the surrounding area however these are not within the immediate context of the appeal site and therefore of limited weight in my decision, which focuses on the impact on the street scene and the host dwelling.

Living Conditions at No. 15

7. There is already a degree of overshadowing to No. 15 caused by the existing appeal property. Due to the proposed two storey extension being flush with the front elevation the level of light to the side elevation ground floor windows and the first-floor front elevation window at No. 15 would reduce further. This would lead to an unacceptable impact on the living conditions of the occupiers of No. 15 by way of further overshadowing in conflict with policies 2 and 3 of the SELLP and paragraph 135(f) of the Framework which requires the promotion of health and well-being with a high standard of amenity for existing and future users.

Other Matters

8. The appeal site is adjacent to a conservation area and within the vicinity of listed buildings. Due to the distance between these heritage assets and the appeal site the proposal does not fall within their setting or have any effect on them.
9. I have had regard to the support for the proposal from the occupiers at No. 15, however in reaching my conclusion I must consider the long-term impact on both present and future occupiers.
10. I have also had regard to the Appellant's need for a larger property, however this does not outweigh the identified harm caused by the proposal.
11. The Appellant has expressed dissatisfaction with the Council's handling of the Planning Application however this is a matter between the main parties and outside the scope of my decision.

Conclusion

12. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations including the Framework that would outweigh this conflict. The appeal should be dismissed.

A Hartley

INSPECTOR