



Appeal Decision

Site visit made on 4 November 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2024

Appeal Ref: APP/E2530/W/24/3346859

33 High Street, South Witham NG33 5QB

- 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 Hudson against the decision of South Kesteven District Council.
 - The application Ref is S23/2099.
 - The development proposed is demolition of existing outbuilding, erection of a 1.5 storey annexe with adjoining car port.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - the character and appearance of the host dwelling, and the South Witham Conservation Area.
 - the living conditions of the neighbours at No.35 High Street, with regards overlooking.
 - the living conditions of the future occupiers, with regards natural light.

Reasons

Character and appearance

3. No.33 High Street (No.33) is a traditional two-storey cottage fronting High Street on its southern side. To the rear, it benefits from a large plot accessed by a driveway between No.33 and No.35 High Street. Broadly the rear half of the plot has a gravel surface and along its eastern boundary is a large, detached outbuilding constructed of stone, brick and timber with a sheet metal roof. I observed on my site visit that the land rises slightly from north to south (so away from High Street), and there is a step (demarked by railway sleepers) between the lawn of No.33 and the existing outbuilding.
4. It is proposed to demolish the existing outbuilding and replace it with a part 1.5 and part single storey annexe with attached car port. The annexe would be arranged with a kitchenette and hobby room and 2no. ensuite bedrooms at ground floor and 2no. further ensuite bedrooms at first. It would provide additional living accommodation for the appellant's family.

5. No.33 falls within the South Witham Conservation Area (the CA); the southern boundary being formed by the rear boundary of those properties fronting High Street. S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. No.33 is also identified as a 'positive unlisted building' in the *Council's Conservation Area Appraisal and Management Plan (2013)* (CAAMP).
6. The proposed annexe would be offset by around 15m from the rear elevation of No.33, sited at 90 degrees to it, and I acknowledge that it would sit comfortably within its plot. However, the proposed annexe would appear overbearing in size and scale relative to its modest host dwelling. The proposed annexe would have a footprint of around 184sqm, so larger than its host, and would extend over 22m along the eastern boundary of the plot. The annexe has been designed with a steep roof pitch and relatively low eaves (around 3.4m), accommodating the first floor bedrooms within the roofspace. The ridge height would nonetheless be around 6.8m, some 2m higher than No.33 and the 1.5 storey element of the proposed annexe would have a significant depth of around 9m. Combined with the slight rise in site levels, I find the scale of the proposed annexe would dominate its host, rather than complementing it in terms of a hierarchy of building forms. It would fail to appear a subordinate, ancillary structure which, I concur with the Council, an annexe should be. For this reason, the proposed annexe would also have a negative impact on the setting of No.33 within its plot, an identified 'positive unlisted building.'
7. The CA boundary contains the early development of South Witham along Church Street, High Street and Church Lane to the east. Its significance is derived, in part, by the linear grain of townscape along High Street, and a defined and consistent streetscape with buildings directly addressing the road. The CAAMP identifies a key view in the CA as being east and west along High Street, and I note that views are generally contained by the building frontages of High Street. However, I also observed on my site visit that the existing outbuilding to the rear of No.33 can clearly be seen from High Street between No.33 and No.35 High Street, and the stone gable and sheet metal roof is glimpsed from the High Street and Water Lane junction. I accept that the sheet metal roof is not a traditional material, but I do not find the existing outbuilding a significant detractor (or detractor at all) when viewed from either location. Rather it appears a simple, stone built structure that does not compete with No.33 or detract from the views of the linear townscape along High Street.
8. The existing outbuilding has an offset pitched roof, such that its ridge (at a height of around 3.9m) is close to the eastern boundary of No.33 and is only just visible from High Street. In contrast, the proposed annexe would have a traditional pitched roof, its ridge some 3m higher than the outbuilding, and would therefore appear unduly prominent in the streetscene, dominant relative to the modest scale of No.33, despite its setback from the road.
9. I acknowledge that from the entrance to the Blue Cow Inn (from High Street), and from the public footpath which runs through the car park and to the south of the rear boundary of No.33, there are a number of outbuildings, sheds and boundary treatments which do not positively contribute to the character and appearance of the CA. This includes the steep sheet metal roof, prominent along the eastern boundary, rather than the built form or scale of No.33's existing outbuilding.

10. The proposed annexe and car port would have a width of 22.4m and would be sited such that the rear elevation would form the party wall with the adjoining pub car park, and the gable of the car port would extend up to the rear boundary, so adjacent the footpath as it returns west. It is accepted that the construction of the proposed annexe in stone with a tiled roof would be a more appropriate, traditional building material than the existing block built wall on the boundary of No.33 and the pub car park, and the sheet metal roof of the existing outbuilding. The proposed annexe would also screen views of the large outbuilding in the rear of No.35 High Street from the footpath through the pub car park. However, the height of the proposed eaves on the eastern boundary would be between 2.78m and 3.4m (so higher than the existing block boundary wall and the eaves of the existing outbuilding), and combined with its significant width, it would appear a substantial building rather than an ancillary annexe or outbuilding. Although it would be viewed in the context of the large gable of No.13 Station Avenue to the south, it would nonetheless dominate the rear of No.33 and the adjacent cottage that fronts High Street.
11. The appellant's evidence draws my attention to six examples where it is considered that the Council have granted planning permission for large annexe buildings on residential plots. Although I have been provided with some details from the Council's planning application portal and extracts of drawings, I have been provided with insufficient information – notably in respect of the footprint and height of the approved annexes relative to the host and their wider context – to establish whether they are directly comparable to the appeal proposal before me. I have therefore considered the appeal proposal on its individual merits and on the specific characteristics of the site and surrounding area.
12. I therefore conclude on the first main issue that the proposed annexe would cause harm to the character and appearance of the host dwelling, and to the wider South Witham Conservation Area. Consequently, it would conflict with policies EN6 of the South Kesteven District Council Local Plan 2011-2036 (2020) (LP) and Section 16 of the National Planning Policy Framework (the Framework) which seek to protect and enhance heritage assets and, where development causes harm to the significance of a heritage asset, planning permission would only be granted where public benefits of the proposal outweigh the harm. No public benefits associated with the proposal have been put forward in the evidence, and I am not persuaded that additional living accommodation for the appellant's family is itself a public benefit.
13. The proposal would further conflict with LP Policy DE1 and the guidance in the *Design Guidelines for Rutland & South Kesteven Supplementary Planning Document (2021)* (SPD) because it fails to make a positive contribution to the local distinctiveness and character of the area and would have an adverse impact on the streetscene. In this regard, it would also fail to meet the principles of good design set out in Section 12 of the Framework.

Living conditions – neighbours

14. No.35 High Street (No.35) is a bungalow with a deep plan form which projects away from High Street sited broadly parallel with the western boundary of the appeal site. I observed on my site visit that there are 3no. windows and 2no. sets of doors (providing access to a patio area) on the eastern elevation of No.35 facing the shared boundary.

15. The front elevation of the proposed annexe would be orientated toward the western boundary, so perpendicular to No.35, but, sited within the rear half of the appeal site, it would be beyond the rear building line of the neighbouring bungalow. There would be two, deep dormer windows in the roofslope of the front elevation, but because of its siting and distance from the boundary (of around 15.5m), the proposed annexe would not overlook the windows on the eastern elevation of No.35 or its patio area. This would be consistent with the SPD guidance that where practical, windows should not look onto private areas of other homes, including habitable rooms (living rooms, dining rooms, bedrooms), kitchens and patio areas in gardens immediately adjoining the building.
16. The garden of No.35 is relatively long and along the rear boundary, which broadly aligns with the southern boundary of the appeal site, are a collection of sheds and outbuildings. The proposed annexe would however directly face part of the private garden of No.35 between these buildings and the bungalow itself. The deep and narrow design of the dormer windows (around 2.1m deep, by 1.2m wide) afford limited usable space within the bedroom and I concur with the appellant that views out would be largely limited to times when the curtains or blinds are being opened and closed. Because of this, and the distance to the shared boundary, the proposed annexe would not cause overlooking of this part of the garden of No.35, such that it would cause a loss of privacy and therein harm to living conditions.
17. Consequently, the proposal would not conflict with LP Policy DE1 which expects all development proposals to ensure there is no adverse impact on the amenity of neighbouring users in terms of loss of privacy. Further, there would be no conflict with paragraph 135 of the Framework in so far as it requires planning decisions to ensure that developments create places with a high standard of amenity for existing users.

Living conditions – future occupiers

18. The proposed annexe would be single aspect with windows only on the front (west) facing elevation, save 4no. small Velux windows within the rear roofslope serving the first floor ensuite bathrooms. At ground floor, there would be no.4 windows: two for the hobby room and kitchenette (in the single storey element) and one to each of the ground floor bedrooms. These windows would all be of a reasonable size (around 1.8m by 1.2m) and although the plan form of the proposed annex is deep (over 9m for the 1.5 storey element), I am satisfied that sufficient natural light would be afforded to the ground floor rooms.
19. As I have described above, the proposed annexe would have two dormer windows in the front roofslope, each serving a first floor bedroom. I accept that the size of the windows themselves are not dissimilar to those of the host dwelling and other dwellings in the surrounding area. However, the dormer windows are relatively narrow and deep and this results in space internally (around 1.25m wide by 2.1m in depth) which effectively creates a corridor between the main (functional) part of both bedroom and the window.
20. I have had regard to the appellant's evidence that the proposal would have at least a medium (3 hours plus) Annual Probable Sunlight Hours (APDH) and a horizontal viewing angle of 20 degrees. Although the Council have not contested this evidence, it is not clear how the APDH has been derived and it is

clear from *Figure 24 – Viewing angles from within the proposal*, submitted in the appellant's evidence, that only a small part of the bedroom (beyond the dormer) would see the window. Whilst I accept that the two first floor bedrooms would benefit from some natural light, on the evidence before me, I am not persuaded that this would be anything more than minimal and certainly would not create a comfortable or satisfactory living environment.

21. I therefore conclude on the third main issue that there would be harm to the living conditions of the future occupiers because of a lack of natural light. For this reason, the appeal proposal would conflict with LP Policy DE1, failing to demonstrate high quality design. It would also conflict with the guidance in the SPD and paragraph 135 of the Framework which both seek to ensure that new development promotes or creates places with a high standard of amenity, which includes natural light, for future users.

Conclusion

22. Although I have found that the proposed development would not cause harm to the living conditions of the neighbours at No.35 High Street, for the reasons I have given, it would cause harm to the character and appearance of the host dwelling, and the South Witham Conservation Area, and to the living conditions of future occupiers.
23. I therefore conclude that the appeal should be dismissed.

R. Jones

INSPECTOR