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## Appeal Decision

Site visit made on 4 February 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 14 March 2025**

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**Appeal Ref: APP/E2530/W/24/3348245**

**The Willows Residential Care Home, 74 Station Street, Rippingale, Lincolnshire  
PE10 0SX**

- 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 and Mrs S & R Nahil of The Willows Care Home Limited against the decision of South Kesteven District Council.
  - The application Ref is S22/1853.
  - The development proposed is for the erection of a new detached building and extension to existing care home.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr and Mrs S & R Nahil of The Willows Care Home Limited against the decision of South Kesteven District Council. This application is the subject of a separate decision.

### Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In this instance, the issues most relevant to the appeal are unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the area, including trees and hedgerow;
  - the effect of the proposed development on the living conditions of occupants of neighbouring dwellings with particular regard to outlook;
  - whether the proposed development would provide acceptable living conditions for future occupants of the care home with particular regard to outlook; and
  - the effect of the proposed development on biodiversity.

## Reasons

### *Character and appearance*

5. The appeal site (The Willows) is an established residential care home located to the rear of dwellings fronting Station Street. Station Street is a gently curving residential road, fronted by residential properties of varying age and architectural styles with a footway on one side. Dwellings tend to be detached and set in spacious plots although terraces are also present. Due to the topography of the land, which rises upwards away from the street, many of the dwellings including those on Pinfold Close sit slightly higher than the level of Station Street. Pinfold Close is a cul-de-sac leading off Station Street and has a fairly uniform layout, fronted on both sides of the street by detached bungalows set back behind similar sized front garden areas with a footway on both sides.
6. Front gardens on both streets tend to be enclosed by walls and/or hedgerow. Grass verges, mature trees and glimpses of development to the rear of frontage dwellings are also prevalent along the routes. The predominant building materials are brick, stone and render and tile pitched roofs. Therefore, despite the variety of development in the area, the street scene has a cohesive character and appearance informed by the soft landscaped features and the overall consistency in materials, plot rhythm and spacing of development.
7. The main access of The Willows is located between 72 and 76 Station Street (Nos 72 and 76). Part of its rear boundary is also visible along Pinfold Close. It is a two-storey building with a mixture of render and brick finishes. It has been significantly altered and extended including a large single storey extension to its rear. Its set back position alongside the hedgerows and trees within its grounds ensures that The Willows sits comfortably within the street scene of both Station Street and Pinfold Close.
8. The appeal proposal is for the erection of a single storey detached building containing five en-suite bedrooms on a garden area located adjacent to the car park and the erection of a single storey extension containing six bedrooms on a garden area to the rear of the building. Additional vehicle parking spaces are also proposed adjacent to the existing access to the front of the site.
9. The proposed detached building would be brick and with a hipped tile roof, similar in appearance to the existing single storey extension that it would sit adjacent to. The section plans indicate that the land would be partially excavated to create a flat floor level. The low level, scale and massing of the proposed detached building would be in keeping with the character and appearance of the site and would not be visually intrusive in the street scene. However, its tight position between the existing care home, car park and site boundaries would be at odds with the more spacious arrangements on adjoining plots.
10. The appellant has reduced the footprint of the proposed extension and altered the roof from a pitched roof to a flat roof with parapet wall compared to an extension previously refused by the Council<sup>1</sup> (the previous application). Even so, the extension would result in an overall building footprint on the site that would be significantly larger than other buildings in the locality and would compound the intensive arrangement of built form. The proposed roof design would also have a

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<sup>1</sup> Council Ref: S20/1103 Erection of new detached building and extension to existing care home - refused

vertical emphasis given that it would sit at a similar height to the bottom of the first-floor windows in the rear southern elevation. Whilst parts of the existing roof of The Willows are flat, this does not justify a further flat roof extension that is not in keeping with the prevailing pitched roofscape of the buildings in the surrounding area. The sprawling expanse and contrasting form of the proposed extension would overwhelm this part of the building and garden area. Even though the wall materials would be brick, this would not mitigate the harm I have identified.

11. The majority of views from Pinfold Close would likely be screened in part by the existing fence and filtered by the section of hedgerow proposed for retention above it, located adjacent to the driveway serving 4 Pinfold Close (No 4). Even so, glimpses would still be achievable. The proposed extension would result in an incongruous addition not in keeping with the main pitched roof form of the existing building and would not relate sympathetically to the cohesive character or appearance of the locality.
12. The appellant has submitted a tree survey which assesses some but not all of the trees within the appeal site. Even so, the Council's Tree Officer raises no objection to the appeal proposal subject to conditions relating to the protection of retained trees during construction and a suitable replacement landscape scheme. It is not clear whether these comments relate to the individual merits of each tree as opposed to the effect of their removal on the character and appearance of the area. Furthermore, the Council have not explained which trees and hedgerow they are specifically concerned about. Whilst these trees and hedgerow are not currently protected from removal, their removal as shown on the proposed plans would nevertheless reduce the verdant qualities of the street scene along Station Steet and Pinfold Close, and it has not been demonstrated that there would be sufficient space remaining on the site to enable the provision of a meaningful landscape scheme that would adequately mitigate this loss.
13. I conclude that the proposed development would result in a harmful effect on the character and appearance of the area. In this regard the proposed development would conflict with Policies E5 and DE1 of the of the South Kesteven District Council Local Plan 2011-2036 (2020) (LP) which require proposals not to have an adverse impact on the character and appearance of the area and to ensure high quality design. It would also be contrary to Policies DM1 and RE1 of the Ripplingale Neighbourhood Plan 2023 – 2026 (2023) (NP) which require development proposals to not have an unacceptable impact on the character of the village and to give due consideration to the Design and Materials Code, which amongst other things requires proposals to take into account the distinctive character of the area.

#### *Living conditions - neighbours*

14. The rear and side elevation of No 2A contain habitable room windows and a patio door at ground floor level. The existing outlook from these windows is towards its side and rear garden area, although the outlook is contained to some degree by the boundary treatment which comprises a close boarded fence, behind which is a high hedgerow.
15. The proposed extension would be located close to the boundary with No 2A, necessitating the removal of the hedge which would result in the proposed extension being more obvious in views from Nos 2A. Even so, the position and height of the proposed extension would be set against the backdrop of the existing

care home building. As a consequence, whilst the view from the windows may differ, owing to the scale of the proposed extension and the angled relationship of the footprint of No 2A with the shared boundary, the proposed development would not have an overbearing impact and the outlook for the occupants would be maintained.

16. Whilst parts of the proposed development would likely be visible, I am also satisfied that the proposal would not harm the outlook of occupants of any other adjacent dwellings including No 8 Pinfold Close (No 8), No 4, and Nos 72 and 76, owing to the existing boundary treatments and their respective relationships to the proposed development.
17. I conclude that the proposed development would not harm the living conditions of occupants of neighbouring dwellings with particular regard to outlook. In this regard, there would be no conflict with Policies E5 and DE1 of the LP which require proposals not to have an adverse impact on the amenities of neighbouring occupiers.
18. Whilst the Council's decision notice refers to Policy DM1 of the NP, I find no particular conflict with this policy as it does not relate to living conditions.

#### *Living conditions – future occupants*

19. The southern elevation of the proposed detached building would be located very close to the shared boundary with No 8. The height of the acoustic fence to the boundary with No 8 is not shown on the sections provided. However, it is likely that due to the proposed partial excavation of the land, the windows in the proposed detached building would be below the height of this fence. Consequently, two of the proposed bedroom windows would face immediately out onto the acoustic fence. This would result in an oppressive relationship and the occupants of these rooms would not be afforded adequate levels of outlook.
20. Whilst the internal layout of the existing building would be reconfigured to convert the existing bedrooms closest to the proposed detached building to a store and staff room, this would not make the outlook for the occupants of the proposed detached building any more acceptable.
21. I conclude that the proposed development would not provide acceptable living conditions for future occupants of the care home with particular regard to outlook. In this regard, Policies E5 and DE1 of the LP, and Policy DM1 of the NP as cited in the decision notice are not directly relevant as they do not relate to the amenity of future occupants. The proposed development would however be contrary to paragraph 135(f) the Framework insofar as this indicates that decisions should ensure that developments should provide a high standard of amenity for future users.

#### *Biodiversity*

22. The Council's reason for refusal states that the removal of the existing trees and hedgerow would be harmful to local biodiversity although it has not explained its concern in any detail in this regard. Even so, the removal of trees and hedgerow could reduce the biodiversity of the appeal site and it has not been demonstrated that these losses would be effectively mitigated through a landscape scheme. The

potential for compensatory biodiversity measures is also restricted by the limited space that would remain on the site.

23. On this basis, I conclude that the appellants has failed to demonstrate that the proposed development would not result in a harmful effect on biodiversity. In this regard it would conflict with Policies DE1 of the LP which require proposals to provide well designed soft landscaping. It would also be contrary to Policy EP1 of the NP which requires proposals to avoid or mitigate any negative impact on green infrastructure and local habitats.

### **Other Matters**

24. Whilst the case officer recommended approval of the application, the Council is not bound by the recommendation of its Officers, nor am I. The applicant sought to address the Council's reasons for refusing the previous application through the resubmission of the appeal proposal. Even though the two decisions cite partially differing/additional reasons for refusal, this does not justify the harm I have also identified. Whilst noting the appellant's frustration in this regard, I have determined the appeal based on the plans and evidence before me having regard to the requirements of the development plan and all other material planning considerations.
25. The benefits of the proposed development include the provision of additional care accommodation for older people that has the potential to support the needs of the community and provide additional employment opportunities. However, such potential benefits do not outweigh the clear harm identified.

### **Conclusion**

26. For the reasons given above the appeal should be dismissed.

*H Marriott*

INSPECTOR