



Appeal Decision

Site visit made on 5 March 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/A2525/W/24/3355977

Victoria Cottage, Stockwell Gate North, Whaplode, Spalding, Lincolnshire PE12 6WH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs I Sloan against the decision of South Holland District Council.
 - The application Ref is H23-0616-24.
 - The development proposed is outline application for 1no. dwelling on site adj. Victoria Cottage, Stockwell Gate North.
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Decision

1. The appeal is allowed and planning permission is granted for 'outline application for 1no. dwelling on site adj. Victoria Cottage, Stockwell Gate North' at Victoria Cottage, Stockwell Gate North, Whaplode, Spalding, Lincolnshire PE12 6WH in accordance with the terms of the application, Ref H23-0616-24, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with all matters reserved. I have considered the appeal accordingly. A plan has been submitted as part of the application which indicates how a dwelling could be accommodated on the site. I have taken this plan into account for indicative purposes only.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site sits within a semi-rural location with the surrounding area being predominantly residential in nature. Dwellings typically follow a linear arrangement either side of the highway forming a mix of single storey and two-storey properties. There is a general set back of built form from the highway edge, in some cases behind wide grassed verges. Roadside vegetation is also frequent which adds to the rural nature of the area.
5. The site itself is a broadly triangular plot of land which currently forms garden land to the host dwelling, Victoria Cottage. Victoria Cottage is a two-storey dwelling which appears to have been previously extended with relatively modern alterations. There is also a detached two storey outbuilding within its spacious

grounds. The site sits at the junction of Stockwell Gate and Stockwell Gate West and has a roadside hedge defining the boundary.

6. The proposal seeks to erect a new dwelling to the side of Victoria Cottage. The indicative plan shows that vehicular access could be gained from Stockwell Gate along the eastern boundary of the site.
7. Both parties have referred to a previous appeal on the site, which was dismissed, albeit the full decision has not been provided by either party. As set out in the reason for refusal for the appeal scheme before me, the previous Inspector's decision stated, "Whilst there does appear to be scope to increase the width of the plot by at least 2 or 3 metres, I must consider the proposal based upon the plans before me, which were considered by the council and other interested parties." The appeal scheme now for consideration does have an increased plot size and is therefore materially different to the previously dismissed scheme.
8. The Council raise concern that the plot size would still be overly cramped for a dwelling. However, I find that the increased site area in comparison to the previously dismissed scheme is sufficient to overcome the harm identified by the previous Inspector. The host dwelling sits within a spacious plot which could accommodate the sub-division as proposed. The appeal site would now be comparable in size to other residential plots in the immediate vicinity. In particular, during my site visit I noted the presence of a single storey bungalow at the opposite side of the junction which also sits within a broadly triangular plot. This in my view demonstrates that the appeal site can deliver a single dwelling without appearing cramped in the street scene.
9. Although purely provided for indicative purposes, the plan shows that the dwelling would likely be situated in the northwestern corner of the site. Given the likely close proximity to the host dwelling in this positioning, any reserved matters application would need to demonstrate a single storey dwelling to safeguard the living conditions of the occupiers of the host dwelling. If this were the form of development to come forwards, then the indicative plan shows that there would still be space to the south of the dwelling which could function as garden land, and to the east which could function as hardstanding for parking. This would still retain a set back from the highway which would be typical of the character of the area.
10. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. In this regard, the proposal would accord with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019) which, amongst other matters, require development proposals to respect the density, scale, and visual closure of neighbouring buildings and the surrounding area.

Other Matters

11. Interested parties have raised concerns relating to wildlife and trees, the position of the driveway, the re-location of an oil tank, privacy and loss of sunlight. These are not matters in dispute between the main parties and I have no substantive evidence before me to reach a different view from the Council with regards to these issues. Furthermore, from my own observations on site, separation distances are likely to be sufficient to ensure no adverse privacy or loss of sunlight impacts would be likely to result. Given the outline nature of the proposal, the exact form of the development is not yet known. These matters would therefore

require consideration at reserved matters stage should a reserved matters application be forthcoming.

Conditions

12. The National Planning Policy Framework (the Framework) states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
13. In the interests of certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters (1 and 2), the commencement of development (3) as well as the approved plans (4). A condition specifying further details expected for landscaping is also included in the interests of clarity (6).
14. It is necessary to impose conditions relating to the adequate management of surface water runoff (5) and flood risk mitigation (7) noting that the site is in an area at risk of flooding.
15. Given the proximity of the site to existing dwellings, a condition limiting the hours of construction on the site would be reasonable and necessary in the interests of protecting neighbouring living conditions (8). However, I do not consider that the Council's suggested requirement for a construction management plan condition is justified or proportionate to a single dwelling.
16. A condition was suggested from the Council in relation to capping the water consumption from the dwelling. Whilst I have amended the suggested wording to ensure that the condition is precise, it is considered necessary to reduce and conserve water consumption at the development site (9).
17. The proposed dwelling would share a close relationship with the host dwelling. Any reserved matters application would therefore need to be restricted to a dwelling of single storey height to protect the living conditions of the occupiers of Victoria Cottage (10).
18. The Council has suggested conditions relating to materials, boundary treatments, waste disposal and proposed site levels. However, these are all matters which would reasonably come forwards through the reserved matters details and therefore are not necessary to condition at outline stage. In respect to site levels, this would already to some extent be controlled by the flood risk mitigation condition (7) which controls the ground floor level of the dwelling in relation to the existing ground level.

Conclusion

19. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal should be allowed.

L Gardner

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the red line area as outlined in "Site Location Plan" reference 0416/23/01A.
- 5) Before the commencement of the development hereby granted, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.
- 6) When an application is made to the Local Planning Authority for approval of reserved matters pursuant to landscaping, that application shall be accompanied by a scheme of landscaping and tree planting indicating (including screening of bin collection points), inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
- 7) The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment, prepared by SM Hemmings, dated 14th August 2023 forming part of this planning application, in particular the following measures shall be fully implemented before the property is first occupied:
 - The ground floor level of the proposed dwelling should be 300mm above the highest existing ground level of 3.63m ODN. This level is 200mm above the finished ground floor level of the existing house.
- 8) During the construction of the dwellings no machinery shall be operated, no processes shall be carried out and no deliveries shall be taken from the site, outside the hours of 07:30-18:00 Monday-Fridays and 08:00-13:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

- 9) The development hereby approved shall not be occupied until details of the internal consumption of potable water have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 110 litres per person per day for the residential use hereby approved. The development shall be implemented and operated in complete accordance with the approved details and retained as such thereafter.
- 10) No element of the development hereby permitted shall exceed single storey in height.

END OF SCHEDULED CONDITIONS