



Appeal Decision

Site visit made on 11 March 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2025

Appeal Ref: APP/Z2505/W/24/3351242

1 Hospital Lane, Boston, Lincolnshire PE21 9BY

- 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 Ms L Taylor against the decision of Boston Borough Council.
 - The application Ref is B/24/0232.
 - The development proposed is the demolition of existing outbuilding and construction of new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the determination of the planning application amended plans were submitted to the Council. From the evidence before me, the Council made its decision against the amended plans (ref. 24/245/Pr – 01 Rev. A and 24/245/Pr – 02 Rev. A). I have therefore determined the appeal on the same basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space.

Reasons

Character and appearance

4. The appeal site lies to the west of 1 Hospital Lane and contains a brick-built outbuilding. Hospital Lane is a narrow street characterised by traditional terraced and semi-detached houses and to the west is a cul-de-sac of semi-detached bungalows. On Hospital Lane, properties are positioned close to the back edge of the pavement behind small front garden areas, and this creates a sense of enclosure in the street scene. Where gaps exist between built form on the southern side of the street, these contain smaller and subservient scaled elements such as garages and provide off-street parking. This provides visual relief from the otherwise relatively dense urban grain and contributes positively to the character and appearance of the area.

5. The outbuilding on the appeal site has a generous footprint and fills the majority of the site. However, the building hierarchy is such that this appears subservient in scale to the adjacent dwelling and the building has a decidedly functional appearance as a garage/store. The building is formed by a single storey range adjacent to the back edge of the footpath with a two-storey range perpendicular to it towards the rear of the site. The set back position of the two-storey range reduces its prominence in the street scene and helps to retain a more open and spacious feel to the site.
6. In contrast, the appeal proposal would replace the outbuilding with a two-storey dwelling, set at the back edge of the footpath and filling the majority of the site. The dwelling would sit gable end to the street with an open-ended car port at ground floor and a partly cantilevered first floor above. The massing of the dwelling would increase towards the rear of the site in width and height, exceeding the height of the neighbouring dwelling. The scale, size and footprint of the dwelling in relation to the site would result in a cramped appearance that would be out of character with the surrounding area and would erode the more spacious front aspect of the site which contributes positively to the street scene.
7. Furthermore, the positioning of two-storey built form forward of the prevailing build line and design of the dwelling incorporating an uncharacteristic, cantilevered car port would result in an incongruous and unsympathetic development that would be overtly prominent in the street scene. I acknowledge that the existing outbuilding has a large footprint which occupies most of the site. However, its design and form are such that it retains an incidental appearance which characteristically breaks up the massing between the semi-detached properties on this side of the street. In contrast, the proposed development would have the appearance of a two-storey house, sited close to the neighbour and filling most of the plot width. This would therefore have a significantly different effect on the street scene and materially harm the character and appearance of the area.
8. I therefore conclude that the proposed development would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036 (2019) (the Local Plan) which, amongst other things, collectively seek high quality design that is appropriate to the site and responds to the character and distinctiveness of the surrounding area.

Living conditions

9. The submitted plans show that there would be little outdoor space around the dwelling. By its very nature, the covered amenity space beneath the first floor would have an enclosed feel and would not be a true external space. Furthermore, the passageway to the side of the dwelling would be narrow and the proximity of the retained hedgerow would also increase the sense of enclosure and restrict light. As such there would be very limited external space to serve the property. Even if I was to take a pragmatic view about the covered amenity space, there would still be very little practical space to undertake domestic activities such as hanging washing.
10. I note that surrounding properties, particularly those to the east of the site, have modest areas of external amenity space. However, I consider these to be materially different as they are uncovered, positioned to the south of the dwellings, and the properties do not abut the boundary line like in the appeal site. I accept that future

occupants may not always want a large garden area for a variety of reasons and that there may be local parks within walking distance. However, notwithstanding these points, I consider it is likely that future occupants would still desire an outdoor area to sit out in and undertake domestic activities. The appeal proposal would not provide an acceptable level of outdoor amenity space in this regard.

11. My attention has been drawn to a previous appeal decision on this site¹ for a similar development in which no external amenity space was proposed. In this case the Inspector concluded that the overall standard of accommodation was acceptable. However, this appeal (dated 2011) was determined against a different development plan and prior to the publishing of the Framework. I have not been supplied with copies of the development plan against which this appeal was assessed. However, in the case of national policy, I note there is a greater emphasis on achieving high quality design and creating places which have a high standard of amenity for future users. This therefore leads me to come to a different conclusion than the previous Inspector.
12. Accordingly, I conclude that the proposed development would fail to provide acceptable living conditions for future occupants, with regard to the provision of private amenity space. There would therefore be conflict with Policies 2 and 3 of the Local Plan which, amongst other things, require that development provides a high standard of amenity for existing and future users.

Other Matters

13. The site is proximate to two Grade II listed buildings, St Leonard's Bedehouses and the Hospital Footbridge which are located to the west of the appeal site. Mindful of the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving their setting.
14. St Leonard's Bedehouses are a group of ten alms-houses, formerly associated with St Leonard's Hospital. Their significance as a group listed building arises in part from their traditional appearance and construction, architectural and historic interest. The Hospital Footbridge is an early 19th century cast iron footbridge. Its significance as a listed building derives from its historic interest in association with the Butterley Works, a nationally important ironworks and associated value as a pair of footbridges built to facilitate pedestrian access over the Maud Foster drain.
15. Taking account of the distance between the appeal site and the listed assets, as well as the built-up nature of the area and intervening landscaping and development, the appeal scheme would not affect the significance of the listed buildings through development in their setting. Accordingly, I find it would preserve the setting of the listed buildings.
16. I note the appellant and interested parties argue that the development would deliver significant visual benefits by removing the current outbuilding from the site, in addition to associated health and safety benefits due to the poor state of repair of the building. However, the existing building could be removed, regardless of the outcome of this appeal. Even if I were to agree, this would not outweigh the harm I have identified. I am also not persuaded that there would not be a less harmful way of securing the same benefits. I acknowledge that the appellant has made efforts to design the proposal to address concerns raised by the Council and the

¹ APP/Z2505/A/11/2154685

conclusions made by an Inspector as part of a previous appeal² on this site, however this is a neutral matter.

17. My attention has been drawn to other developments in the surrounding area where two-storey built form is sited at the back edge of the footpath and occupies the majority of their plot widths. I have taken these into account in terms of any influence on the character and appearance of the area so far as I am able to, based on the information before me. However, what is clear is that these properties and sites have a different character and appearance to the appeal site given they relate to different styles of properties and areas where the urban grain and built form hierarchy is not directly comparable. Furthermore, notwithstanding this evidence, each scheme must be considered on its individual merits and these example images do not alter my conclusion on the appeal scheme.
18. Reference has also been made to the installation of renewable energy technologies and compliance with Building Regulations in respect of energy efficiency and accessibility. However, there is little in the evidence to suggest the development would go beyond the requirements of the development plan or the Building Regulations that apply to all new dwellings in this regard. Accordingly, these are neutral effects.
19. Whilst the Council does not raise any objections to the proposal in terms of ecology, heritage matters, flood risk and effect on the living conditions of neighbouring occupiers, compliance with the development plan in these respects is a neutral factor.
20. I also appreciate that the proposal has some local support, and no objections have been received from statutory consultees, however these do not alter my conclusions on the main issues.

Planning Balance and Conclusion

21. The proposed development would provide one dwelling which would make an effective use of previously developed land that would contribute towards local housing supply. The re-use of brownfield land for housing attracts substantial weight in favour of this development. However, given the scale of the proposal, any social and economic benefits associated with the proposal would be very modest. Incorporation of bat and bird boxes in the design could also provide minor biodiversity benefits.
22. The re-development of the site would also provide some visual benefit through the removal of the existing building which is in a poor state of repair. However, this would be a very minor benefit and one that is tempered by the harm I have identified as arising from the proposed development itself on the character and appearance of the area.
23. The appellant puts forward that the development would result in significant improvements to highway and pedestrian safety by improving visibility from the adjacent driveway of no. 1 Hospital Lane. I note that the Highway Authority have confirmed the proposal would be acceptable in relation to parking provision and access. However, there is no evidence before me to suggest that there is a pre-existing highway safety issue that this development would address. Even if I were

² APP/Z2505/A/11/2154685

to consider the proposal to deliver a highway safety benefit, this would attract limited weight.

24. Overall, given the scale of the development, the benefits associated with the re-development of the site and delivery of one dwelling would be modest and would not outweigh the harm I have identified.
25. Consequently, for the reasons given above, the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. I therefore conclude the appeal should be dismissed.

H Whitfield

INSPECTOR