



Appeal Decision

Site visit made on 18 March 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2025

Appeal Ref: APP/E2530/W/24/3353590

21 Eastgate, Deeping St. James, Lincolnshire PE6 8HH

- 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 P Whittaker against the decision of South Kesteven District Council.
 - The application Ref is S24/1014.
 - The development proposed is the erection of dwellings to the rear of existing house (all matters reserved with the exception of access) (Re-submission following S23/0617).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of dwellings to the rear of existing house at 21 Eastgate, Deeping St. James, Lincolnshire, PE6 8HH in accordance with the terms of the application, Ref S24/1014, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme is an outline proposal with all matters reserved except access. The plans before me are indicative and show what could, not necessarily what will, be constructed.
3. For clarity, I have taken the description of the proposal from the application form in my formal decision above, removing words that do not relate to an act of development under the Act.
4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and corrected on 7 February 2025. I have had regard to the revised Framework as a material consideration in my decision making.

Main Issues

5. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location

6. Deeping St James forms part of 'The Deepings' which is identified as one of the District's three market towns in the South Kesteven District Council Local Plan 2011-

2036 (the LP), where development that does not compromise the nature and character of the settlement will be supported.

7. However, the Council contend that the proposal would not only be an edge of settlement development but would extend beyond and differ from the existing pattern of development in the village and hence fail to meet the requirements of Policies SP3 and SP4 of the LP and DNP2 of the Deepings Neighbourhood Plan 2020-2036 (the NP) as an infill development or redevelopment opportunity.
8. I find to the contrary. The appeal site relates to the rear garden area of 21 Eastgate (no 21) which lies within the built-up part of Deeping St James. Therefore, given the host dwelling lies within the settlement it follows that its associated garden space does too. Furthermore, development on this land would not extend built development further north-east than existing back land developments in the area. Therefore, the proposal would not extend the pattern of development into the countryside.
9. Eastgate is a long road that is generally, but not exclusively, characterised by frontage development. On the appeal site side of the street and in close proximity to the site, there are examples of back land and cul-de-sac developments which are sited beyond properties fronting the street. This results in a more varied pattern of development than can be seen on the opposite side of the road which, other than a small number of dwellings sat behind frontage properties, predominately has a more traditional linear arrangement.
10. In addition, while the appeal site has a more generous rear garden than the majority of properties in the vicinity, the appeal proposal would not extend beyond the existing boundaries of the garden area into the undeveloped land to the north-east. Nor would it extend further north-east (i.e., closer to Back Lane) than existing development in the vicinity. Accordingly, having regard to the pattern of development in the locality, the principle of residential development on the appeal site would not compromise the general nature and character of the settlement.
11. For the reasons set out above, I therefore conclude that the site would be a suitable location for the proposed development having regard to the development plan policies. Consequently, the proposal would accord with Policy SP2 of the LP, which amongst other things, supports development in The Deepings where it does not compromise the nature and character of the settlement. I also find no conflict with Policies SP3 and SP4 of the LP as supported by DNP2 of the NP given they contain criteria for infill and edge of settlement development which are not considered to be applicable in this case.

Character and appearance

12. The site comprises the rear garden of no 21 which is mostly enclosed by hedgerows and trees, with post and mesh fencing to the rear boundary. Surrounding properties vary in scale and style and the pattern of development appears to be reflective of a settlement that has incrementally grown over time. On the appeal site's side of the road, properties front the street and are predominately arranged with regular spacing. Properties to the north-west, up to the junction with Stephens Way, appear to have generous rear gardens. In contrast, to the south-east of the appeal site there are more examples of back land and cul-de-sac developments behind properties fronting the street. Where such back land development exists, properties typically have a closer relationship with one another and smaller plot sizes. Although such development does

not prevail across the entirety of Eastgate, it does characterise the pattern and density of development near to the appeal site.

13. Close to the appeal site there are examples where the spacing between dwellings and down shared access drives affords views of properties that have been constructed to the rear of those fronting Eastgate. Therefore, whilst the appeal site is not immediately bordered by development, back land development is not an uncharacteristic pattern of development for the area immediately surrounding the appeal site. The illustrative block plan indicates how two dwellings could be delivered on the site. Access would be provided via a shared drive with the existing dwelling. Whilst this plan is indicative, the site is confined to the existing garden area of no 21 and any development on this land would not extend built development further north-east than existing back land developments in the area. Therefore, the proposal would not extend the pattern of development into the countryside beyond. Glimpsed views of the dwellings are likely to be achieved from Eastgate down the access drive. However, this would not be harmful to the street scene given the context of existing development in the area and other similarly achievable views in the area.
14. Whilst appearance, landscaping, layout, and scale would be assessed at the reserved matters stage, the size of the appeal site would mean that if two dwellings were proposed on the site (as is shown on the indicative plan), they would have smaller garden areas than properties to the north-west. However, this would not be uncharacteristic when compared with other examples of back land development in the locality that have smaller curtilages. Residential development on this site would therefore be sympathetic to the surrounding built environment and local character.
15. Beyond the residential garden areas of properties on this side of the street are parcels of undeveloped grassland and areas of woodland that extend up to Back Lane. This land provides the rural backdrop to the settlement and contributes positively to the verdant character of Back Lane which is identified as a 'green lane' under Policy DNP12 of the NP. This policy seeks to preserve existing green infrastructure and requires development on land adjoining green lanes to be designed and arranged to take account of their rural character and appearance. However, by virtue of the intervening land between the appeal site and Back Lane, the appeal site would not adjoin the green lane. Nevertheless, I am satisfied that the development could be designed to preserve the rural character and backdrop of the village in any event.
16. Therefore, for the reasons set out above, I conclude that the proposed development would not be uncharacteristic of the surrounding pattern of development and would therefore preserve the character and appearance of the surrounding area. Consequently, in respect of the character and appearance of the area, the proposal would accord with Policy DE1 of the LP.
17. For the same reasons as explained under the first main issue I find no conflict with Policies SP3 and SP4 of the LP or DNP2 of the NP given they contain criteria for development which are not considered to be applicable in this case. I also find no conflict with Policy DNP12 of the NP given the site would not adjoin Back Lane or impact this existing green infrastructure.

Other Matters

18. Deeping St James Conservation Area (CA) boundary terminates at 17 Eastgate. Therefore, whilst the appeal site is proximate to the CA, it is not directly adjacent to its boundaries. No statutory protection for the setting of a CA is present under the

requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, in accordance with the Framework, I have had regard to the effect of the proposal on the significance of the CA as a designated heritage asset, including from development within its setting.

19. The Deeping St James Conservation Area Appraisal and Management Plan (2014 review) (the CAAMP) refers to the CA as having a meandering quality, following the contours of the River Welland with a strong linear plan. However, the CAAMP notes that this plan form has been partially eroded by back land development. I consider the special interest of the CA is in part derived from the development of the settlement having been influenced by the topography of the river, the grouping of vernacular buildings, strong linear planform and the use of a limited palette of natural building materials which creates a unifying characteristic across the CA.
20. The CAAMP explains that areas of Eastgate have been excluded from the CA boundary due to its fragmented character, disruption to the linear planform and being inconsistent with the vernacular and historic character of the CA. Bearing in mind the location, nature and extent of the appeal proposal residential development would not look out of place or incongruous in this location. I therefore consider the principle of residential development on this site would not affect the significance of the Deeping St James CA through development in its setting. As such, it would preserve the setting of the CA and would neither harm nor diminish the ability to appreciate its significance. I note that the Council has raised no concerns in this regard either.
21. Concerns have been raised by interested parties regarding several other matters. In addition to the main issues, these include the layout of the development, extent of hard surfacing and the effect of the proposal on the living conditions of neighbouring occupiers with regards to privacy and light. However, these are all matters which would be addressed as part of the reserved matters applications and are not considerations to be dealt with at this stage. Similarly, concerns have been raised about the 'future garage' annotated on the indicative site plan, however, this lies outside of the appeal site and is not for consideration as part of this appeal.
22. Additional concerns raised relate to the potential ecological impact of developing the site, including the removal of trees, existing drainage issues and compliance with building regulations. In respect of ecology there is no substantive evidence to suggest that the development would result in harm to protected species, their habitats or that trees on the site are covered by tree preservation orders. Similarly, there is no persuasive evidence that the proposal would exacerbate any existing drainage issues or that suitable drainage would not be possible. Matters relating to building regulations are outside my jurisdiction in determining this appeal, so has not influenced my decision.
23. Interested parties have referred to planning applications in the area that have been refused for being contrary to the development plan in respect of the suitability of their locations for residential development. However, I have not been provided with any details of these applications in evidence. I am therefore unable to determine whether there are any similarities between these cases. Nevertheless, I have assessed this appeal on its own merits.
24. Similarly, interested parties challenge the examples cited by the appellant, noting that in some cases these were approved prior to the adoption of the NP. However, I have considered the implications of the policies in the NP in preceding sections of this

decision and found that there would not be any conflict with the policies cited by the Council. Furthermore, I note that interested parties have referred to the residential development allocations in the NP as being the locations where the local community would support development in preference to the appeal site. However, whilst this might be the case, the spatial strategy of the NP does not preclude other windfall development from coming forward, subject to compliance with the development plan.

Conditions

25. The Council has suggested a number of conditions which I have considered in light of the advice in the Framework and Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision.
26. I have attached similar conditions to those suggested by the Council in respect of the requirements for the reserved matters, timescales for submission and implementation and the approved location plan which includes the access point.
27. I have attached the Council's suggested conditions relating to boundary treatments and details of electric vehicle charging points. This is to ensure that these matters are addressed under the reserved matters so as to appropriately respond to the surrounding built context, preserve the living conditions of existing and future occupants and ensure the development contributes to low carbon travel.
28. I have also imposed a condition as requested by the Highway Authority, stipulating the minimum width of the access in the interest of highway safety. However, I have amended the suggested wording to include the requirement for the access to be widened in the interest of clarity.
29. I have also attached the Council's suggested condition relating to compliance with the Arboricultural Assessment and Tree Survey during construction, to ensure that existing trees to be retained are protected during the development. However, I have amended the suggested wording to refer to both arboricultural reports received in the interest of clarity and precision.
30. During the application process the Council's Environmental Health/Protection Officer recommended conditions relating to construction working hours and a construction management plan. The Council has not included these amongst its suggested conditions. Considering the scale of the development, proximity to neighbours and likely duration of construction works I do not consider these conditions to be necessary in this instance.
31. The Officer Report also refers to attaching conditions relating to the protection of habitats on site, however, no such conditions are suggested in the Council's Appeal Statement. I have no evidence before me to suggest that the development would impact protected species or their habitats. As such I have not imposed a condition in this regard.

Conclusion

32. For the reasons given above, I conclude that the proposal would accord with the development plan when taken as a whole, and therefore the appeal is allowed.

H Whitfield

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "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) Applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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 following approved plan: Site Location Plan ref. MSP.2057 001.
- 5) The development hereby permitted shall not be occupied until the vehicular access with the adopted highway has been widened to a minimum of 4.1 metres wide.
- 6) When an application is made for approval of Reserved Matters, details of proposed electric vehicle charging points to be made available on site for use for the occupiers of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be installed in accordance with the approved details prior to the occupation of the dwellings hereby approved and shall be retained for the lifetime of the development.
- 7) When an application is made for approval of Reserved Matters, a plan showing details of all boundary treatments shall be submitted. Thereafter, the development shall be carried out in accordance with the approved boundary treatments prior to the occupation of the dwellings hereby approved and shall be retained for the lifetime of the development.
- 8) During construction, the recommendations, protection and mitigation measures as set out in the submitted East Midlands Tree Surveys Ltd Arboricultural Assessment and Tree Survey dated 31 October 2023 and East Midlands Tree Surveys Ltd Trees in relation to design, demolition and construction AIA, AMS & TPP dated 15 February 2024 shall be adhered to.

*****End of Schedule*****