



Appeal Decision

Site visit made on 8 March 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 21 April 2021

Appeal Ref: APP/Z2505/W/20/3261810

**Land to the rear of Crest House, Coles Lane, Swineshead, Boston, Lincs
PE20 3NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Garner against the decision of Boston Borough Council.
 - The application Ref: B/20/0281, dated 26 July 2020, was refused by notice dated 24 September 2020.
 - The development proposed is erection of one bungalow (single storey) with double garage (detached).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is submitted in outline with all matters except for access reserved for future consideration. Plans have been submitted showing the proposed siting and layout of the dwelling. I am advised that these are indicative only and accordingly I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on the living conditions of the occupants of the host dwelling and neighbouring dwelling, Rosedale, with particular regard to noise and disturbance and the character and appearance of the surrounding area.

Reasons

Living conditions

4. The appeal site comprises part of the rear garden to the host dwelling, a substantial sized detached dwelling with an extensive sized rear garden. The proposed dwelling would be positioned towards the furthest part of the rear garden area with access from Coles Lane taken along the existing driveway serving the host dwelling. The access would be shared between the host and proposed dwelling with a private drive solely serving the appeal scheme beyond the position of a replacement garage.
 5. The access driveway is located alongside the flank wall of the host dwelling and its neighbouring dwelling, Rosedale, together with their respective front and rear gardens. The existing close boarded fence positioned on the boundary with Rosedale and its single storey outbuilding would provide a reasonable buffer from the noise and disturbance generated by vehicles using the driveway.
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Similarly, additional taller fencing proposed along the southern part of the shared boundary would avoid undue harm as a result of manoeuvring vehicles in close proximity with this boundary. For these reasons, the proposal would not be unduly harmful to the living conditions of the occupants of Rosedale.

6. There are a number of windows within the side elevation of the host dwelling including, a number that appear to serve a habitable room at ground floor level and which would face onto the shared driveway. Albeit, there is presently some potential for noise and disturbance generated from the existing use of the driveway by occupants of the host dwelling, there would likely be a greater usage of the driveway as a consequence of the proposed scheme, albeit I accept that the number of vehicular movements generated by the occupiers of a single dwelling would likely to be modest.
7. Nevertheless, Coles Lane appeared to be a relatively tranquil residential area at the time of my site visit and consequently, I consider it is likely that noise and disturbance associated with vehicular movements along the driveway would be readily noticeable above the level of background noise. As a result, the close proximity of passing vehicles to a habitable room within the flank elevation and its private amenity areas, particularly those areas closest to the rear elevation, would likely give rise to a serious adverse effect by way of noise and disturbance to the occupiers of Crest House.
8. The use of tarmac as a surface material would reduce the amount of noise that would be generated. However, there is little evidence before me to demonstrate that it would be reduced to an acceptable level nor would it overcome issues of disturbance arising from the visual intrusion of the use of the driveway. As such, I do not find that it would be capable of overcoming the harm identified above.
9. Accordingly, I conclude that the proposal would result in a significantly unacceptable standard of living conditions for the occupants of Crest House. Therefore, the proposal, would conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019)(LP) insofar as it seeks to protect residential amenity and ensure that new development does not impact upon neighbouring land uses by reason of noise and disturbance.

Character and appearance

10. The proposed dwelling would not directly front onto the highway and by reason of its position to the rear of the host dwelling it would represent a backland form of tandem development. Whilst I accept that the predominant form of development along Coles Lane is of frontage dwellings with a direct access onto the highway, I observed at the time of my site visit that there were other examples of backland development elsewhere. In particular, a development of some five bungalows adjoins the appeal site and effectively sits to the rear of the adjoining dwelling, Willow House together with other dwellings. Whilst I am advised that the circumstances that led to grant of planning permission on the adjacent land was different to the appeal scheme, in particular, that it was a piece of open, landscaped garden, such development cannot be discounted as entirely uncharacteristic of the area.
11. The long rear garden of the host dwelling is comparable with others within the locality. However, the Council have already accepted a scenario where rear

gardens appear truncated with development positioned beyond their rear boundaries.

12. Whilst the appeal scheme would result in the subdivision of the rear garden of the host dwelling, the plot would be divided roughly equally between the existing and proposed dwellings. The proposed rear boundary for the host dwelling would broadly align with the existing rear boundary line of dwellings to the west. The retained garden area would be comparable in size to those neighbouring dwellings. The Council describe an adverse increase in density of development within the surrounding area. However, on the basis of my observations of the wider area, I have noted there to be a considerable variation in the types and nature of residential development along Coles Lane, including plot sizes. I am satisfied that the development of the appeal site for the density of development as proposed would not represent a departure from the range that already appears to be present within the area.
13. For similar reasons, given the extensive substantial height close-boarded fencing along the intervening boundary between the appeal site and the newly constructed bungalows, I am not persuaded that additional fencing along the boundary with Rosedale would appear out of keeping within the locality.
14. For the reasons already set out, I am satisfied the development of the appeal site would not either in itself or in combination with other existing development, result in a form of development which would have a harmful effect on the prevailing character of the surrounding area. The proposal would comply with LP Policies 2 and 3 insofar as these policies seek to ensure that new development responds to the character and appearance of an area. In addition, it would accord with the aims of the National Planning Policy Framework (the Framework) which seeks a high standard of design that is sympathetic to the character of an area.

Other Matters

15. I have had regard to the comments of interested parties. Whilst matters concerning privacy and loss of light to neighbouring dwellings would be matters to be addressed at a reserved matters stage, I am mindful that the proposed scheme as a single storey dwelling should be capable of being designed to overcome these issues.
16. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The Framework states that a proposal should be considered in the context of the presumption in favour of sustainable development. This is defined by the economic, social and environmental dimensions and the interrelated roles they perform.
17. The Council are able to demonstrate a five-year supply of land for housing. Although this is not contested by the appellant, it is suggested that the delivery of new homes has fallen and the Council are failing to meet housing demand. However, there is little evidence before me to substantiate this claim and thus I do not find the 'tilted balance' to be engaged in this instance.
18. The appeal site lies within the settlement boundary of Swineshead, a 'Main Service Centre' as identified within the LP. The occupants of the proposed dwelling would provide economic support to those services and facilities, which I note include a number of shops, a doctors surgery and a village hall. It is also

located within Boston's 'travel to work' area and is close to transport links. As such, the appeal site is sustainably located with regards to services and facilities. The scheme would generate economic benefits during the construction phase, albeit these benefits would be temporary in nature. The new homes bonus and income from council tax would bring additional resources to the Council.

19. Whilst the scheme would provide additional choice of local housing, the provision of one additional dwelling would have a negligible effect on the government's aim to significantly boost housing supply. The benefits associated with one additional dwelling would be very limited in scale.
20. No harm has been identified by the Council with regards to the proposed scheme's impact on highway safety and flooding. Whilst the proposal is in outline and a detailed consideration of the scheme is not possible at this stage, the size of the site is such that adequate parking provision could be accommodated and vehicles would be capable of accessing and egressing the appeal site in a forward gear. However, the absence of harm is a neutral factor that weighs neither for nor against the proposal.
21. The proposal would make effective use of under-utilised land, include modern materials, be environmentally compliant and reduce carbon emissions. However, there is little evidence before me regarding the detail of these matters and therefore I attribute these benefits only negligible weight.
22. It is the appellant's evidence that the scheme would be a self-built home. Although the government is supportive of self-built schemes, there is little evidence before me to secure the delivery of a self-built home. As such, there would be no restriction preventing the scheme from evolving into a different type of development. I therefore attach minimal weight to this matter.
23. Reference has been made to the existence of a long driveway in-between Rosedale and Hathaway Lodge. There is little information relating to the particular circumstances of this driveway, nor is it clear to me that it serves more than one dwelling. As such, I cannot be certain that the circumstances are therefore comparable to the appeal proposal and a comparison is therefore of little relevance in this instance. In addition, separation distances between the access for the newly constructed bungalows and Lygon Lodge and The Croft are not analogous to the appeal scheme. I observed there to be a greater distance of separation and it has not been put to me, nor did it appear evident at the time of my site visit that there were habitable windows within the side elevations of those properties. I have therefore considered the appeal scheme before me on its individual planning merits.

Conclusion

24. I have found that there would be no adverse harm to the character and appearance of the surrounding area. Nevertheless, the harm I have identified with regards to the living conditions of the occupants of Crest House is decisive. There are no material considerations in this case to justify a decision other than in accordance with the development plan. Accordingly, the appeal is dismissed.

E Brownless - INSPECTOR