



Appeal Decision

Site Visit made on 16 August 2021

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

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 07 September 2021

Appeal Ref: APP/Z2505/W/21/3272263

Treetops Lodge, White House Lane, Fishtoft, Boston, PE21 0BE

- 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 & Mrs Adams against the decision of Boston Borough Council.
 - The application Ref B/20/0263, dated 20 July 2020, was refused by notice dated 1 October 2020.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on the 20 July 2021 and the parties have been provided an opportunity to comment on the implications of this for their case.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site includes an area of garden land and driveway to the side of Treetops Lodge, a single storey dwelling. Dwellings along White House Lane are varied in type and style although they generally occupy generous plots and are set back from the edge of the highway. Reasonably generous areas of front garden with extensive planting and frequent hedgerows provide uniformity and a verdant and pleasant sense of space and openness along White House Lane. The appeal site is currently laid to grass and bordered to three sides by tall hedgerow. Despite its enclosure and it being largely obscured from public view, the absence of built form above the existing hedgerow ensures that the appeal site makes a positive contribution to the open and spacious character of the surrounding area.
5. The proposal would introduce a sizeable two storey dwelling with a relatively small area of garden to its front which would differ from other dwellings along White House Lane that are typically set back within their plots. Moreover, its proximity to the highway is untypical of the surrounding area such that it would harmfully erode the distinctive spacious and open character of the area. The inclusion of a porch with steps would add to the overall prominence of the proposed dwelling. Whilst hardstanding areas for the parking of vehicles to the front and side of dwellings is commonplace along White House Lane, taking

- everything into consideration and noting the constrained area of front garden combined with space for parking and turning of vehicles and its proximity to the highway, the proposed dwelling would appear cramped and visually jarring.
6. Despite front boundary treatments being varied along White House Lane, close boarded fencing is not a commonly used material. The inclusion of a substantial length of solid close boarded fence running along the back edge of the highway would not be sensitive to the wider area and it would fail to complement the existing streetscene and its verdant character.
 7. Overall, the proposed development would not relate well to the existing dwellings in the vicinity. The proposed development would be readily visible in public views from the highway and from neighbouring dwellings from where the appeal scheme would appear as a dominant, incongruous and discordant addition to the locality. The retention of existing hedgerow along the side and rear boundary of the site and the proposed additional planting would have little effect in screening nor softening the impact of the proposal.
 8. Reference is made to the proposed development being broadly aligned with the front elevation of Treetops Lodge and being positioned at a similar distance from the edge of the highway. However, in my view, Treetops Lodge is an anomaly to the prevailing pattern of development. Its effect is mitigated by its single storey height and its position behind a substantial hedgerow boundary which makes a significant positive contribution to the verdant spaciousness of the streetscene. My attention has also been drawn to Nos 89 and 91 White House Lane, however these dwellings are set further back within their plots behind verdant hedgerow and broadly follow a common buildline along the opposite side of the highway. To my mind, Nos 89 and 91 are comparable to other dwellings within the vicinity and they make a positive contribution to the character and appearance of the area.
 9. Although large scale buildings of Beech House, Maple Lodge and St John's Nursing Home add to the variety of built form in the vicinity, they nonetheless retain a significant degree of separation and set-back from the highway and considerable vegetation along their boundaries complements the pleasant and spacious character and appearance of the area.
 10. The appeal proposal has sought to overcome the Council's reasons for refusal of a previous application and includes, among other things, a more compact design to allow for greater space around the building. Whilst I have taken these matters into account, the appeal scheme fails for the reasons given above.
 11. Accordingly, I conclude that the proposed development would harm rather than respect or enhance the character and appearance of the surrounding area. It would fail to accord with the provisions of Policies 2 and 3 of the South East Lincolnshire Local Plan (2019)(LP) insofar as it requires new development to achieve a high quality of design that responds creatively to the character and distinctiveness of the surrounding area. In addition, it would also fail to accord with the aims of the National Planning Policy Framework which seeks to achieve well-designed places.

Other Matters

12. The proposed development would provide an additional dwelling and its future occupants would contribute towards local services and facilities. However, one

dwelling would have a negligible impact on boosting housing supply. Whilst the appellant claims that the Council may be unable to demonstrate a five-year supply of housing land, no clear reasons are given nor any substantive evidence to corroborate this view.

13. The appeal site is well located to provide access to a range of services and facilities by sustainable means. The appeal scheme would utilise under-used land and be capable of being delivered quickly. However, any such benefits would be limited given the scale of the proposed development and they do not outweigh the harm I have described above.
14. The Council are satisfied that the proposal would maintain sufficient private outdoor amenity space for the occupants of Treetops Lodge and the new dwelling. On the basis of the evidence before me, I see no reason to disagree with that view. The proposed development would provide sufficient internal space for future occupants, adequate daylight to habitable rooms and satisfactory space for turning and parking of motor vehicles. Issues of flood risk would be capable of being satisfactorily dealt with by an appropriate planning condition. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
15. My attention has been drawn to a nearby housing development. However, there is little information before me relating to the particular circumstances of this development and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance, and I have considered the appeal before me on its individual planning merits.
16. The appellant suggests that the existing hedgerow could be removed at any time and there is no restriction to prevent the erection of the proposed close-boarded fencing. Nevertheless, I observed the hedgerow to be in existence at the time of my site visit and there is limited evidence before me that this would be removed unless the appeal scheme were to go ahead as it presently provides screening to an area of private amenity space. Even so, if I were minded to accept that a valid fall-back position exists for the hedgerow and fencing, this does not overcome the other matters which have led to this appeal being dismissed.
17. Reference is made to 'neighbour and local councillor pressure', however, this is not a matter for me to determine as part of this appeal and in any event, I have determined the appeal before me on its individual planning merits.

Conclusion

18. The proposal would conflict with policies of the development plan and there are no material considerations that justify a decision otherwise than in accordance with it. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR