

Appeal Decision

Site visit made on 3 November 2016

by **R W Allen B.Sc PGDip MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2016

Appeal Ref: APP/Z2505/D/16/3158757

15 Mentmore Gardens, Boston, Lincolnshire PE21 7TH

- 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 Clive Dingwall against the decision of Boston Borough Council.
 - The application Ref B/16/0206, dated 26 May 2016, was refused by notice dated 23 August 2016.
 - The development proposed is raise the roof height and add on a rear extension to existing garage, two side windows (approx. 1.2sq.m), one in each gable, two personal doors and inspection pit in new floor.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the Council's decision notice cites only one ground of refusal, that being the effect on living conditions of occupiers of surrounding residential properties, I requested comments from both parties on the matter of the size and scale of the proposed enlarged garage building and its effect on the character and appearance of the area, which I have some concerns with. I have taken both their responses into consideration. Because of this, I am satisfied that neither main party would be caused any injustice by me taking this matter into account as a main issue in my determination of this appeal.

Main Issues

3. The main issues therefore are:
 - The effect of the proposed development on the character and appearance of the area having specific regard to its size and scale; and
 - The effect of the proposed development on the living conditions of surrounding residential properties.

Reasons

Character and appearance

4. The appeal building is a detached garage positioned between the appellant's property and No.16 Mentmore Gardens (No.16). The current garage is wider than other garages in the street scene. However its depth and roof height are broadly similar to other neighbouring garages, such that it does not appear

- incongruous in its current form. It thus remains a subservient building to the host dwelling consistent with the general character of the street scene.
5. The proposed extended garage before me would fundamentally alter this relationship. It would result in an uncharacteristically large and rather dominating building which would no longer appear subservient to the host and neighbouring dwellings. Contrary to the appellant's assertion, I find it would consume a considerable portion of the plot such that the curtilage would be dominated by built form, and would erode much of the remaining rear garden. As a result, the plot would notably depart from the surrounding and established layout. While the majority of the extension would occur at the rear, the resultant size and scale of the garage would nonetheless be unavoidably apparent. For these reasons, the enlarged garage would be wholly at odds with the character of the street scene which comprises dwellings accompanied by moderately sized garages. This I find would be significantly harmful in its effects.
 6. I note the appellant is a car enthusiast and that he requires additional garage space for maintenance and repair of his vehicles, and that he has gone to some lengths to amend the scheme for it to be considered acceptable by the Council. However, I am not persuaded that the personal circumstances of the appellant are sufficient to outweigh the considerable harm to the character of the area that I have identified. I have also noted the enlarged garage to No 18 Mentmore Gardens and others referenced by the appellant. However none are of a size which is anywhere near comparable to the appeal scheme, and I draw little comparison with them.
 7. I therefore find that the proposed development would conflict with relevant parts of saved policy G1 of the Boston Borough Local Plan 1999 (Local Plan). This states that planning permission will only be granted for development which will not substantially harm the general character of an area because of its scale or appearance.

Living conditions

8. The existing garage and No.16 are positioned within close proximity of one another either side of the common boundary. However, as the garage is set further forward, and there are no flank windows in the neighbouring property facing the appeal site, no current harm is caused to the living conditions of the occupiers of the neighbouring property.
9. The extended garage and enlarged roof would, in my judgement, not worsen this effect. The extended garage would extend level with the rear wall of No.16 and would not obstruct or obscure the occupiers' enjoyment of their conservatory. The positioning of the side window in the upper floor hobby room area would not be capable of overlooking the neighbouring garden. Having regard to the orientation of the property and the daily path of the sun, I am satisfied that the proposed extension including the increase in roof height would not have any significant effect on overshadowing.
10. I am therefore satisfied that the proposed development would not have any significant effects on the living conditions of the occupiers of No.16. It would also be sufficiently distant from No.14 Mentmore Gardens and other properties not to have any significant harm to the living conditions of the occupiers of these properties.

11. I therefore find no conflict with relevant parts of Local Plan saved policy G1. This states that planning permission will only be granted for development which will not substantially harm the amenities of other nearby residents.

Other Matters

12. The occupiers of No.16 have raised concerns regarding the likely business use of the garage, particularly in relation to noise nuisance and the requirement of an inspection pit. The Council is satisfied that the use of the garage would continue to be used incidental to the enjoyment of the dwelling, and that it can control both noise nuisance and any change use that may occur. I have no evidence before me to disagree with the Council or form an alternative view.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR