



Appeal Decision

Site visit made on 7 August 2018

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2018

Appeal Ref: APP/Z2505/W/18/3199745

67 Sleaford Road, Boston PE21 8EX

- 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 S Epton of Yarborough Developments Limited against the decision of Boston Borough Council.
 - The application Ref B/17/0248, dated 8 November 2017, was refused by notice dated 7 February 2018.
 - The development proposed is construction of 5 No 3 bed town houses to the rear of No 67.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the site and surrounding area;
 - the living conditions of existing occupiers of No 67 Sleaford Road and neighbouring properties, with particular regard to privacy; and
 - the car parking provision for No 67 Sleaford Road and the additional residential units.

Reasons

Character and appearance

3. The appeal site is located on the northern side of Sleaford Road. This portion of Sleaford Road is characterised by period residential properties. The properties are set back from and fronting onto the road and have the benefit of being sited within generous plots that gives a sense of space and proportion. No 67 Sleaford Road is an imposing deep red brick Victorian detached dwelling with the evidence of some attractive detailing. Evidence of previous alterations, particularly to the rear, are unsympathetic and has begun to erode what would have been in the past a dwelling with significant architectural interest. Although not listed No 67 remains a characterful property which is no longer a single family home having been previously sub-divided into flats.
4. The appeal proposal is for the erection of a terraced block of 5 townhouses. The 5 townhouses would each have three bedrooms with accommodation in the

- roofspace. The block would be sited to the rear of No 67 on a proportion of the existing amenity land associated with No 67. The amenity land has not been specifically landscaped and contains rough grass together with a washing line strung between 2 trees and a rotary washing drier.
5. The siting of the proposed block would introduce a substantial amount of built development into a backland position. This form of development would harm the established traditional suburban plot structures in this part of Sleaford Road. I note that the appellant acknowledges that the siting is inconsistent, although suggests that the Council has allowed development to the side and rear of other properties within other parts of Boston. No specific examples have been presented to me for comparison. Each application and appeal must be determined on its own merits in accordance with the development plan and the individual site context.
 6. From the public realm a proportion of the appeal site is clearly visible through the vehicular access to No 67. This is supplemented by an additional proportion coming into view across the low timber boundary fence between Nos 67 and 69. The presence of the substantial mature trees about halfway along the mid-to rear portion of the boundary between Nos 67 and 69 would not interrupt these views to any significant degree. A substantial proportion of the proposed block would be visible from the public realm and I do not agree with the appellant that it would be only visible in 'glimpses'.
 7. Although the surrounding context does not contain a uniform style, there is a sense of unity created by the materials used in the period properties of this part of Sleaford Road. The proposed design and the suggested materials are very contemporary. The proposed white resin walls and grey doors and windows would fail to respect the established period character of the context. The front elevation also indicates the use of beech cladding, although this appears to have been omitted from the front of Plot 5. The proposed design and materials would serve to draw the eye away from the established properties fronting the road and would therefore have the appearance of an incongruous addition to the built form.
 8. No 67 has previously been sub-divided into a number of flats. The application form indicates 7 flats but the appellant's statement suggests that it is 9 flats. From my site visit it was not clear as to how many flats were present in No 67. The proposed 5 townhouses would therefore increase the number of units on appeal site to either 12 or 14.
 9. Notwithstanding this inconsistency a sense of the intensity of use of the site was evident from the number of wheeled bins. At the time of my visit 13 wheeled bins were lined up along the timber fence portion of the boundary with No 69. They were visually prominent from the public realm and served to illustrate the existing level of use within the site. The proposed plans do not indicate the location for storage of the additional wheeled bins. However, this matter could be covered by a suitable planning condition if the proposal was found to be acceptable in all other respects. Nonetheless the increase of intensity of use arising from 5 dwellings would emphasise the existing intensive use to an unacceptable degree.
 10. I find that the appeal proposal would substantially harm the character and appearance of the site and surrounding area. Accordingly it fails to satisfy the requirements of Saved Policy G1 and H3 of the Boston Borough Local Plan (LP),

adopted 1999. These policies seek, amongst other things, that development should not harm the general character of the area. It would not therefore be supported by paragraphs 127(c) and 131 of the National Planning Policy Framework (2018) which seek developments which are sympathetic to local character and history; and fit in with overall form and layout of their surroundings.

Living conditions

11. The proposed block of townhouses would introduce new built development into an area which is currently open. Although the block is off-set from the adjoining boundaries with neighbouring properties, it would still be closer than existing established dwellings in this part of Sleaford Road. Whilst I acknowledge that the proposed height of the block would be marginally less than that of No 67 when combined with its width and its proposed siting it would not diminish the sense of its presence to surrounding occupiers. This sense would be reinforced by the inter-visibility through the gaps in between the mature trees which form the side boundaries between No 67 and both neighbours of Nos 65 and 69.
12. From my site visit the rear garden of No 65 is landscaped and consequently valued and appreciated by the occupiers. A garden room with patio area is visible towards the end of their rear garden. The introduction of a built structure within close proximity of the communal boundary would create a sense of enclosure and a perceived loss of privacy for the occupiers of No 65.
13. The main entrance for Plot 5 is located on the side elevation facing towards the rear garden and the garden room with patio of No 65. Consequently there would also be potential for disturbance from the comings and goings from the future occupiers of Plot 5.
14. It is noted from drawing reference 17-024-SR5H-006 that the proposed side elevations for Plots 1 and 5 contains windows that would all be fitted with obscure glass. Whilst this is a standard approach for bathrooms, as indicated on drawing reference 17-024-SR5H-005, it is more unusual for staircases as they are not habitable rooms. Furthermore, it is not clear whether 1 or 2 windows are proposed for the staircase in Plot 5 since the two referenced drawings do not match.
15. Given that the bedroom in the attic space has the en-suite it is reasonable to assume that this would be a master bedroom. The only source of light into the bedroom itself would from a window in the side elevation. This window is also indicated to be fitted with obscure glass. The obscure glass is necessary to mitigation any overlooking; however, it would adversely affect the living conditions of future occupiers of this bedroom to an unacceptable degree.
16. Plot 1 would be the mirror image of Plot 5. The proposal would see the removal of some boundary trees to enable the creation of 2 tandem car parking spaces. Whilst the rear garden of No 69 is not presently landscaped and therefore not currently used in a similar manner to the rear garden of No 65, it does not diminish the need for the occupier's existing living conditions to be protected. In this regard I note the concerns raised by the occupier of No 69 which was reported to the Planning Committee regarding the removal of trees. The removal of boundary trees would introduce greater inter-visibility between Plot 1 and No 69 and its rear garden area. This would to a degree be

diminished by the use of obscure glass in the side elevation. However, it would not eliminate the perceived loss of privacy and resultant harm that would arise to living conditions of the occupiers of No 69.

17. The rear elevation of No 67 contains a variety of windows, the majority were clear glazed. The single storey extension would be the closest part of No 67 to the proposed block. The rear elevation of the extension contains a large clear glazed window into a presently vacant habitable room. The slightly elevated position of this part of No 67 would face towards the windows of the living rooms of Plots 4 and 5. Whilst I note that there are 2 car parking spaces indicated to be sited in between, this would, when in use interrupt the inter visibility between windows. However, the intermittent nature of this potential screening from parked vehicles would not be sufficient to protect the living conditions of both the occupiers of the rear extension of No 67 and Plots 4 and 5.
18. The Council does not have any adopted standards regarding appropriate distances between dwellings. It is therefore a matter for an on-site judgement. The rear elevations of the semi-detached dwellings on Sydney Street to the north have a range of windows facing towards the appeal site. Whilst the retention of the mature trees on the rear boundary would help to reduce the potential for inter-visibility between first floor windows of the proposed dwellings and those of Sydney Street. However, the distance between facing elevations would in this case be sufficient to protect the living conditions of the existing occupiers of Sydney Street.
19. On balance, I find that the presence of the built structure, the siting of the front door, particularly for Plot 5 would substantially harm the living conditions of the existing occupiers of No 67 and the neighbouring occupiers of Nos 65 and 69, with particular regard to privacy. Accordingly, it conflicts with Saved Policy G1 of the LP, which seeks amongst other things that development will not substantially harm the amenities of other nearby land users or residents.

Car parking provision

20. There would be no significant changes to the existing vehicular access. At present there are no formally defined car parking spaces, albeit for a small 'visitor parking' sign on the side of No 67 itself. At the time of my visit there were 5 cars informally parked within the site, although there was sufficient space to accommodate several more cars. The appeal proposal indicates that 12 defined car parking spaces would be provided to accommodate vehicles associated with the existing flats within No 67 and also the new townhouses.
21. Within the vicinity of the appeal site, Sleaford Road and some of the surrounding streets, already have parking restrictions. I cannot agree that the appeal proposal would result in on-street parking.
22. Given that the appeal site is well located within walking distance of the town centre the need to provide car parking should be less within urban areas than more rural settlements where alternative means of transport, other than a car, are more limited.
23. I have not been provided with any local car parking standards. However, I find the proposed 12 car parking spaces to be reasonable for a combined total of 12-14 residential units given the urban location. It would not therefore conflict

with Saved Policy G1 of the LP, which seeks amongst other things, that development does not generate harm from the level of traffic generation.

Other matters

24. Concerns have been raised about highway safety. The existing vehicular access to the appeal site has good visibility in both directions. The appeal proposal does not present any changes to the existing access. At the time of my visit I found Sleaford Road to be a busy road with a steady flow of two-way traffic. However, no substantive evidence has been submitted that would lead me to be able to dismiss the appeal on highway safety grounds. The Highway Authority had not objected subject to a planning condition.
25. It is acknowledged that the appeal site lies within a residential area and within walking distance of the services and facilities within Boston town centre. The addition of 5 townhouses would make a limited contribution to the housing supply. The construction phase would potentially generate some short term jobs. However, in my view judgement these limited benefits presented to me do not significantly and demonstrably outweigh the substantial harm I have identified to the character and appearance and the living conditions of existing occupiers.

Conclusion

26. It is not disputed between the main parties that the Council cannot demonstrate a 5 year housing land supply. However, the presumption in favour of sustainable development is not engaged since the appeal proposal fails to be supported by the development plan. Even if it were, in this case the benefits arising from the appeal proposal would not significantly and demonstrably outweigh the harm I have identified.
27. For the reasons given above and taking all matters raised into account, I conclude that the appeal should be dismissed.

Rachael A Bust

INSPECTOR