



B O S T O N

B O R O U G H C O U N C I L

REPORT TO:	Planning Committee
DATE:	28 May 2019
SUBJECT:	Receipt of Appeal Decisions
PORTFOLIO HOLDER:	Not known at time of issue of agenda
REPORT AUTHOR:	Growth Manager
EXEMPT REPORT?	No

SUMMARY

The purpose of this report is to advise members of the receipt of appeal decision in respect of:

- **Location:** 7 Willington Road, Kirton, Boston, PE20 1EH
- **Planning Reference** B/18/0293
- **Planning Decision:** Delegated

Reason(s) for Refusal:

1. The application site is too small to accommodate the proposed development in a satisfactory manner and would appear cramped, overdeveloped and out of character with the form and pattern of development in the surrounding area. Furthermore the modern design of the proposed dwelling will pose as an alien and unsympathetic feature to the amenity and appearance of the Kirton Conservation Area and would contravene the objectives of the National Planning Policy Framework (2018).
2. The development, by virtue of its location to the rear of existing houses, its layout and poor relationship with adjacent properties coupled with the resultant small garden areas will be incompatible with the overall characteristics of the neighbourhood and would provide a poor quality housing scheme. The development would provide a poor outlook, unpleasant and oppressive living conditions for the future occupiers of the proposed dwelling. The development is therefore contrary to the objectives of Local Plan policies H2 and H3.
3. The application site includes a shared driveway which is located to the side of 7 Willington Road. This driveway will provide access to the main part of the site where it is intended to construct the proposed dwelling, i.e. to the rear of 7 Willington Road. The rear elevation and rear garden area of 7 Willington Road would be clearly visible by pedestrians and motorists travelling along this driveway when gaining access to and from the application site.

The rear elevation and rear garden of this property will also be clearly visible from the main part of the application site where it is intended to construct the proposed dwelling. The proposed development will generate traffic (pedestrian and potentially vehicular) along this driveway which will cause substantial harm to the amenity of the occupiers of this property, by virtue of noise disturbance, overlooking and loss of privacy. Collectively, the proposed development will therefore substantially harm the amenity of the neighbouring residents, contrary to the objectives of Local Plan policy G1.

Appeal Decision: Allowed

A copy of the Inspector's decision is attached to this report.

RECOMMENDATION

The Committee are asked to note this report.

REASONS FOR RECOMMENDATION

To address the Service Plan 2019/20

1.0 INTRODUCTION

- 1.1 It is established practice that all appeal decisions are reported to Planning Committee as part of performance monitoring and to consider if any particular decisions raise issues which might influence practice or future decision making.
- 1.2 All applicants have a right of appeal against the decision of the planning authority, over a refusal, an approval with conditions (if the conditions are unacceptable to the applicant) and in cases of 'non-determination' where the authority has not issued a decision within the prescribed 8 or 13-week period without an agreed 'extension of time'. This right of appeal applies to all categories and types of applications – including Enforcement and other Notices where there are defined categories or grounds of appeal which any appellant has to follow.

2.0 APPEAL DECISIONS

7 Willington Road, Kirton, Boston, PE20 1EH

- 2.1 The Inspector considered that there were three main issues:
 - Whether the proposed development preserves or enhances the character and appearance of the Kirton Conservation Area;
 - Whether the proposed development would provide a suitable living environment for future occupiers with particular regard to outlook; and
 - The effect of the proposed development on the living conditions of 7 Willington Road with particular regard to noise disturbance and privacy.

- 2.2 Character and Appearance – The Inspector considered the existing building to be run-down with the appeal site providing a moderate contribution to the conservation area. Limited visibility of the site exists from Willington Road although it can be partly seen from the rear from Penny Gardens. The design and materials would be in keeping with the area and whilst the flat roof would be uncommon, due to being set back and clad in timber would be sympathetic to the character.
- 2.3 The footprint would be smaller than the existing building and an adequate amount of outdoor amenity space, given the size of the property, would be provided. The plot size would be comparable to other developments in the locality.
- 2.4 Outlook – Proposed windows would face south and being roughly floor to ceiling in height would not create a claustrophobic environment. Thus a suitable living environment would be provided.
- 2.5 Living Conditions – Number 7 would likely currently suffer a degree of noise and disturbance by occupiers of 1 Willington Road accessing their garden and garage. No parking is proposed and the increase in footfall by pedestrians accessing the property would unlikely cause undue noise and disturbance. The Inspector considered that even if one parking space was provided, due to the driveway already providing access to the garage at number 1, the increase in traffic would not cause undue noise and disturbance.
- 2.6 Loss of privacy would be limited by virtue of the size of the development which would likely only accommodate 1 or 2 people. Additionally, the depth of the garden would result in limited overlooking.
- 2.7 On this basis, the Inspector allowed the appeal, granting planning permission.

3.0 CONCLUSION

- 3.1 For the year to date, of the 9 appeal decisions, 1 was withdrawn by the appellant, 4 allowed and 4 dismissed. Therefore, the Planning Inspectorate determined 8 appeals and the Council has been successful in 50% of the cases. This compares unfavourably to the local Performance Indicator which tolerates 1 out of 5 going against the Council (20%).
- 3.2 The Ministry of Housing, Communities and Local Government (MHCLG) monitors authorities in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 20% of all major applications determined overturned at appeal over a rolling two-year period (i.e. the total number of major decisions divided by the total number overturned). For authorities who exceed this target, they will be classed as 'poorly performing' and applications for major developments may be made by developers directly to the Planning Inspectorate. For the previous 2 years, of the 86 decisions made, only 2 major application had been overturned which represents 2.3%. The Council is therefore well within the statutory target.
- 3.3 The Government is also monitoring the threshold for quality of decisions for non-major applications, the threshold for which is 10%. Like the major threshold, this is the total number of non-major applications overturned at appeal compared to the total number of

non-major decisions made. Of the 732 applications determined, 9 were allowed. The percentage is therefore 1.2%. The Council is therefore significantly within government's target and not at risk of being classed as poorly performing.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

None

ANY OTHER IMPLICATIONS

None

CONSULTATION Portfolio Holder: Councillor Michael Cooper

APPENDICES

APPENDIX 1. Appeal Decision 7 Willington Raod Kirton Boston.

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title

Appeal file and application file.
▪ 7 Willington Road, Kirton,
Boston, PE20 1EH –
B/18/0293

Where the document can be viewed

Development Management