



Appeal Decision

site visit held on 2 November 1999

by Jonathan G King B A(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

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Appeal: T/APP/N2535/A/99/1027917/P4

- 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 brought by Mr T S Crowe against the West Lindsey District Council.
- The site is located at Crowe's Nest, Front Street, Normanby-by-Spital.
- The application (ref:99/P/0455, dated 25 May 1999, was refused on 29 July 1999.
- The proposed development is the continuation of occupation of a converted barn as a separate dwelling without complying with condition 4 subject to which planning permission 98/P/0752 was granted; and the retention of a new access.

Decision: The appeal is dismissed

Procedural matters and background to the appeal

1. Planning permission was granted on 24 November 1998 (Ref: 98/P/0752) for the conversion of a barn into a dwelling at Skittle Stone House.
2. Condition 4 attached to that permission states: *The converted building shall be used and occupied in conjunction with the existing dwelling known as Skittle Stone House and shall not be occupied as a single unit of living accommodation.*
3. The reason given was: *The converted building, if occupied as a single unit of living accommodation, would provide inadequate private amenity areas and would prejudice amenities by overlooking.*
4. The application seeks relief from this condition, together with the construction of a new, separate access to Front Street. However, as the building is already occupied contrary to the terms of the condition, and the access has been constructed, I consider the proposal as being for the *continuation* of occupation and the *retention* of the access, as set out in the preamble to this decision.
5. A fence has been erected which partly separates the 2 dwellings, but this is not on the boundary of the separate unit of occupation which is the subject of the proposal, as indicated on plan TSC/AWH/1. The appeal is considered on the basis of the boundary shown on the plan.

The main issues

6. The main issues in this case are:
 - (a) whether the proposal would provide satisfactory living conditions for the occupiers of Skittle Stone House and the appeal dwelling, particularly with regard to privacy and the adequacy of amenity space; and
 - (b) the effect on highway safety.

The development plan

7. Policy G1 of the West Lindsey Local Plan 1993-2001 (1998) is a general policy under which development should, amongst other things, be satisfactory with regard to adequate and safe access to the road network and the impact on the amenities of neighbouring land. With respect to residential development, Policy H10(iv) also seeks to protect the amenities of adjoining properties or residents. Policies H8 and H9 set out the Council's approach to Affordable, Social or Local Needs Housing. My attention has also been drawn to the Council's supplementary planning guidance *Affordable Housing*, March 1999 (SPG).

Inspector's reasons

Issue (a)

8. The converted building is small, but it provides satisfactory self-contained accommodation. Prior to its conversion it was used ancillary to Skittle Stone House; and the permission sought to maintain that link, both functionally and visually. Notwithstanding that the dwellings are now in different ownerships and partly separated by fencing, the relationship between them remains intimate. The main façade of the converted building, which contains its principal windows, is approximately 10 metres from the side of the house. This has 4 windows and a patio door, together with a conservatory which projects to within about 7 metres of the other dwelling. Views from the ground floor in one dwelling towards windows in the other would be partly obscured by fencing which it is intended to erect along a new boundary, but some intervisibility would still be possible. At first floor level, if it were not for the presence of blinds and curtains at the windows, it would be possible to see directly into one dwelling from the other. Though this may be acceptable if they were to be occupied as part of a single unit, I take the view that it presents a wholly undesirable, unneighbourly situation where each is occupied separately.
9. The Council is concerned that the amenity areas available to the 2 dwellings would be disproportionately small, but it does not refer me to any adopted size standards. In any event, Planning Policy Guidance 3, *Housing* states that functional requirements within development, including such matters as garden size, are, for the most part, a matter for the marketing judgment of developers. I agree that the gardens are small, but I am satisfied that they are acceptable in that respect. Of greater concern to me, however, is the fact that both are directly overlooked, so that neither contains any private sitting-out area.
10. I note that the appellant is prepared to accept conditions intended to address the issue of loss of amenity. These include the removal, or obscure glazing, of the bedroom window from which the most direct views into Skittle Stone House can be obtained, and the enlargement of another window in the gable end of the same room. In my view, such amendments would only partly address the issue. The gardens would still be open to view, and potential for overlooking from the other windows would remain. No details of the alterations to the windows have been submitted. Nonetheless, particularly in view of the small size and height of the gable, I take the view that the insertion of a larger window into that elevation would appear incongruous, and adversely affect the character of the building. In my opinion, there is insufficient land available to the appeal property for landscaping, other than the fencing, which would make any significant contribution to screening the dwellings or their gardens.
11. I conclude that the occupation of the converted building separately from Skittle Stone House does not provide satisfactory living conditions for the occupiers of both properties,

mainly by reason of inadequate levels of privacy. In my opinion, the proposal is contrary to Policies G1(e) and H10(iv) of the Local Plan.

Issue (b)

12. The approved layout plan indicates a single access for both buildings, 2 parking spaces and room to turn a car to enable it to emerge in forward gear. Under the present proposal, 2 parallel accesses are proposed. Parking for 2 cars in each of the driveways would be possible, but turning would not. The dwellings are located on the main village street, which is subject to a 30mph speed limit and, at least subjectively, appears to be lightly trafficked. However, I take the view that the ability to emerge forwards is important in the interests of road safety. In my judgment, the visibility of a driver of a car emerging in reverse would be seriously impaired by the buildings to either side of the 2 dwellings and by the wall along the frontage. There would be insufficient visibility either of oncoming traffic or of pedestrians. Similarly, pedestrians and motorists would have insufficient warning of a reversing vehicle. I conclude that this arrangement would be hazardous to highway safety, and contrary to Policy G1(b) of the local plan.

Other matters

13. PPG3 and Circular 6/98 say that a community's need for affordable housing is a material consideration in deciding planning applications. There is, in principle, no dispute between the parties concerning the value of affordable housing to the economic and social well being of rural communities. A survey of general need for affordable housing across the District indicates a need for 6 affordable dwellings within a group of 7 parishes including Normanby-by-Spital. This is translated in the SPG as a need for 1 unit in the parish. No further specific evidence of need has been submitted in support of the proposal, nor of the cost of local housing. While I accept that the appeal dwelling could provide limited accommodation, I am unable to draw any firm conclusion on whether it should be regarded as being "affordable" within the context of the local plan and the guidance. Consequently, I am not satisfied that the need for the dwelling as an independent unit is pressing, nor is it critical to the satisfaction of the local plan policy. Moreover, the appellant has neither made nor suggested any arrangements for ensuring that the dwelling would remain available as affordable housing, contrary to the policies of the local plan and national guidance.
14. I have considered the "fall-back position" in the event that this appeal is dismissed. I understand that Skittle Stone House is no longer in the same ownership as the appeal building. Therefore, unless the latter is left unoccupied, there may be a difficulty in the appellant complying with the disputed condition. However, I have insufficient information upon which to come to a firm conclusion on this matter. I agree that it would not be desirable for the dwelling to be empty. Nevertheless, in my opinion, the change in ownership should not be the reason for allowing non-compliance with a condition which in my opinion was properly imposed.
15. I note the extensive reference to Planning Policy Guidance generally, in relation to housing and to development in rural areas, but none is sufficient to outweigh the conclusions I have reached on the main issues in this case.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed, and I shall exercise the powers transferred to me accordingly.

