

Appeal Decision

Site visit made on 4 October 2016

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 25th October 2016

Appeal Ref: APP/N2535/W/16/3154465

23 Sudbeck Lane, Welton, Lincolnshire LN2 3JF

- 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 Dr Chris Hacking against the decision of West Lindsey District Council.
 - The application Ref 133479, dated 2 September 2015, was refused by notice dated 5 February 2016.
 - The development proposed is a dwelling in the grounds of 23 Sudbeck Lane, Welton.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling in the grounds of 23 Sudbeck Lane, Welton at 23 Sudbeck Lane, Welton, Lincolnshire LN2 3JF in accordance with the terms of the application, Ref 133479, dated 2 September 2015, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the Welton Conservation Area (CA) and (ii) the effect on the living conditions of the occupants of 23 and 31 Sudbeck Lane, with particular regard to outlook, privacy and noise.

Preliminary Matter

3. The Council's evidence indicates that the Welton Neighbourhood Plan (WNP) was formally made on 5 September 2016 subsequent to the submission of the appeal. It is clear from the evidence that both parties were aware of the status of the document and had the opportunity to comment on its implications in their submissions. I have therefore determined the appeal on the basis of the national and local policies adopted at the present time.

Reasons

Character and appearance of the Conservation Area

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is reflected in Paragraph 131 of the National Planning Policy Framework (the Framework) which states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account.
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5. The appeal site is part of the rear garden of 23 Sudbeck Lane which is a four bedroomed dormer bungalow with detached garage built in the 1970s. The house is set back from the roadside within a spacious plot. To the rear of the garden is a dense bank of mature landscaping that separates the site from the brook which runs along the rear of the lane. The site also backs on to a recreation ground. The common boundary with No 21 is made up partially of an outbuilding that would be directly adjacent to the extended driveway and a high hedgerow which runs the length of the garden. On the other side of the site, a mixture of boundary wall and landscaping provide the boundary to No 31.
6. I have been provided with the Welton Conservation Area Appraisal (CAA) (1989) which has provided useful information on the historical significance of the area. This indicates that the main aspects of importance are the well preserved medieval street pattern, surviving village greens and the important older buildings which typify the village's rural heritage. Sudbeck Lane is described as having a character "unlike streets in the rest of the village", mainly due to its narrow winding nature, mature landscaping and a number of 18th and 19th century buildings. However, I note that the only reference made to the northern side of the lane, where the appeal site is located, is to the mainly modern houses having less of an effect on the street scene, being set back from the road behind mature front gardens. No mention is made of any importance of these plots to the agrarian history of the village or of their significance to the CA.
7. Reference has been made by the Council regarding the importance of the site to the 'toft and croft' settlement pattern which is a highlighted characteristic of the village. However, the CAA does not specify the location of examples of this pattern exist and the appellant has provided evidence which challenges the Council's assertion that the site typifies this arrangement. Having considered all the information provided, I find the evidence for the site being an example of the 'toft and croft' character somewhat inconclusive. In any case, many dwellings on the northern side of the lane, including the appeal site, show little sign of an agricultural past, either in terms of their design or the layout of the buildings within their plots. Rather, they are of a more modern and suburban character, with large front gardens and drives. Notwithstanding this, I have considered the Council's concern that backland development is not characteristic of the area and the loss of the garden space would undermine the intrinsically rural and agricultural nature of the lane, leading to the unacceptable urbanisation of this low density rural settlement.
8. In the context of the more modern and less distinctive development on the northern side of the line, the dwelling would have very little impact on the rural character of the lane or wider village to any material degree. The importance of this part of the village comes primarily from its distinctive street scene and the nature of the older buildings, particularly those on the southern side of the lane. The narrow winding nature of the road, the verdant landscaping and the character, appearance or setting of key buildings would not be affected by the development. The dwelling would not be prominent from the roadside and would be well screened. There would be only glimpsed views of the dwelling between existing buildings and from a short stretch of the public footpath running by No 31. Neighbouring residents, including those living at No 23, would obviously be able to see the dwelling, but the visual impact on the wider character or appearance of the area would be minimal. Screening from the

recreation ground to the rear of the site is extensive. There may be more visibility in the winter months but even then the dwelling would be seen in the same context as the existing dwellings on Sudbeck Lane and would not appear incongruous.

9. I recognise the Council's concern about the intensification of the plot and loss of the open garden space. However, there are examples of development behind the frontage building on both sides of Sudbeck Lane and in other parts of the CA. Moreover, the dwellings along the northern side of the road have a varying relationship with the roadside, some of which sit very deep within their plots and thus it is not unusual to see buildings further from the roadside. While the exact circumstances and nature of these examples may differ to some extent from the proposal before me, they have helped to confirm my view that well designed and sympathetic development can take place without material harm to the character, appearance or significance of the area. The loss of this small area of garden space would not, in my view, lead to an unacceptable urbanisation of the village.
10. The Council have not raised any particular concern about the design of the dwelling. It has been designed to reflect the local character and, while it would not be particularly prominent in the street scene, it would be a sympathetic addition to the area. The proposed materials and features such as the tumbling brick gable are appropriate to the area and will help to further reduce any effect on local character. The extended driveway would not have a material effect on the appearance of the CA. There are a number of examples of long drives on the northern side of Sudbeck Lane and this would not be a particularly uncharacteristic feature.
11. As a result of the above, I consider the development would have a neutral effect on the rural nature of the CA and thus find it would preserve its character and appearance. Accordingly, there would be no conflict with West Lindsey Local Plan¹ (WLLP) policy NBE1 which seeks to ensure development preserves or enhances the CA. Moreover, there would be no conflict with policy RES3 which specifically seeks to ensure backland development does not adversely affect the general quality of the area or materially change the form, structure or character of the village. The development would also be consistent with policies STRAT1, STRAT7 and RES1 which, amongst other things, seek to ensure development is not significantly detrimental to local character. I also see no conflict with policy STRAT3 which appears simply to set out the settlement hierarchy.
12. While not mentioned in the reason for refusal, policy DP1 of the WNP has been referred to in the Council's evidence and I see no conflict with the requirement of this policy for development to respect local character. Finally, there would be no conflict with the Framework in relation to sustaining the significance of a heritage asset.

Living Conditions

13. The Council have raised some concern over increased levels of noise resulting from the extended access which would run between No 21 and 23. There would be an increase in vehicular movements to the side of No 23 and this is likely to have some impact on the living conditions of the occupants. The

¹ West Lindsey Local Plan First Review (2006)

movements associated with the new house however are unlikely to be excessive and the gap between the side of No 23 and the boundary is reasonably wide. As such, the impact is unlikely to reach an unacceptable level. The separation and boundary treatment between the access and No 21 would also ensure there would be no unacceptable impact on the living conditions at this dwelling.

14. The dwelling would come to within 1m of the common boundary with No 31 and would clearly alter the existing outlook from that dwelling. However, there would still be a reasonable gap between the buildings and No 31 would angle away from the new building. This would help to reduce the direct effect on outlook as the windows in the nearest part of No 31 would not be directly facing the development. Although the boundary treatment is quite high, the ground floor windows of No 31 will allow some visibility across the garden. Although the outlook from these would be restricted to an extent, I do not consider that the development would be sufficiently large or close to the dwelling to create an unacceptable feeling of enclosure or oppression, either within the house or garden of No 31.
15. While not referred to as a concern in the original officer report, the Council's appeal statement makes reference to increased potential for overlooking, mainly in relation to No 31. This is unlikely to be an issue in relation to overlooking *from* the new dwelling as there would be no windows in the roof facing this direction and ground floor windows would not provide views over the high boundary. The upper floor window of No 31 would provide only an oblique view of the ground floor bedroom window, which itself would be restricted at times by existing landscaping. There would be no significant opportunities for overlooking into the private amenity space of the new dwelling from No 31.
16. In terms of the relationship with No 23, there would be only one ground floor window facing the existing dwelling and this would be some distance away. The other opening in the facing elevation would be a small roof light to what is shown as loft space on the submitted plans. This would be at a height that would allow people to look out onto the retained amenity space of No23. However, this would serve a non-habitable room and so is unlikely to be used on a regular basis. There would also still be some distance between the roof light and the garden and rear windows of No 23. Some degree of overlooking is to be expected in a residential area and, in these circumstances, I do not consider that the development would unacceptably impact on privacy.
17. In conclusion on this issue, I find that the development would not have an unacceptable impact on the living conditions of No 23 or No 31. Accordingly, there would be no conflict with WLLP policies STRAT1, STRAT7, RES1 or RES3 which, amongst other things, seek to ensure development does not have a significant adverse impact on the living conditions of existing or neighbouring residents. As above, I see no conflict with policy STRAT3 in this regard as this policy sets out the settlement hierarchy. Nor do I see any conflict with policy NBE1, which addresses issues relating to the character and appearance of the CA.

Other Matters

18. I have considered the concern raised that to grant planning permission here would set a precedent for other similar developments. However, no directly

similar or comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its own individual merits and a generalised concern of this nature does not justify withholding permission in this case.

19. The appellant's Flood Risk Assessment (FRA) states that the dwelling would be within a Flood Zone 1 area and this is confirmed in the Council's officer report. No evidence has been provided which indicates that drainage is a particular issue on this part of Sudbeck Lane or that the development would either be at risk from flooding or exacerbate an existing problem. Equally, I have nothing before me which confirms there are significant issues with the capacity of the local sewers or any risk of contamination to the brook. The Council has also raised no particular concern with this issue and accepted that it could be adequately addressed by condition. I have seen nothing to suggest I should disagree with their conclusions.

Conditions

20. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.
21. Conditions requiring the agreement of materials for external surfaces, roof materials and landscaping are necessary in the interests of the character and appearance of the area and the living conditions of nearby residents. I have amended the suggested conditions on materials to remove reference to specific requirements of the mortar as this will be part of what will be agreed. I have also combined the conditions on external materials and roofing materials as two separate conditions are not necessary. I have used the Planning Inspectorate's model condition which is more precise than the suggested conditions. As the site is within a CA, it is necessary to address these issues prior to the commencement of the development.
22. Also in the interests of the character and appearance of the area, I have included a condition requiring the identified tree protection measures to be carried out prior to development starting. I have also imposed a condition requiring the turning head and parking areas to be in place prior to the first occupation of the dwelling in the interests of highway safety. Here I have amended the suggested condition to include reference to the approved plan for clarity and precision.
23. To ensure there are no changes in the use of the building which could give rise to unacceptable impacts on neighbours living conditions, I have imposed a condition limiting habitable rooms to the ground floor. A condition relating to the agreement of foul and surface water drainage prior to commencement of the scheme are also necessary to ensure adequate drainage of the site and in the interests of the living conditions of future occupants.
24. The Council have indicated that there have been finds of archaeological importance in the vicinity of the site and have suggested conditions to carry out an investigation prior to development. The appellant has noted that other nearby permissions have been granted without such a condition. However, I do not have all of the relevant information for these applications and thus the

specifics of the site may be different. Therefore, it would be appropriate to impose a condition requiring a site investigation to ensure that any potential archaeology is properly investigated and recorded. I have amended the condition to increase its clarity in terms of carrying out the development and have rationalised the Council's suggested conditions on this matter. I have not included the individual conditions on commencement of the archaeological investigation, monitoring, reporting and depositing of any finds as these issues would be agreed within the method of investigation and are thus unnecessary.

25. While the Parish Council have not objected to the development on highways grounds they have requested a condition requiring construction traffic to not be allowed to park on the road. However, there is nothing to suggest that such a condition is necessary in the interests of highway or pedestrian safety. As such, I do not consider that it would be reasonable to impose such a condition.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) With the exception of the detailed matters referred to by conditions 3 and 4 of this consent, the development hereby approved shall be carried out in accordance with the following approved drawings:
PA4D 020915 Proposed Roof and Floor Plan
PA5C 020915 Proposed Elevations
SP3A 280815 Site Location Plan
SP2B 280815 Site Plan
- 3) No development shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including brickwork, stonework, mortar and roofing materials) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) No development shall take place until full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling, hedgerows to be retained or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter implemented in full before first occupation of the dwelling.
- 5) No development shall take place until full details of the proposed foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter implemented in full before first occupation of the dwelling.
- 6) The development hereby permitted shall not be occupied until the driveway and turning head shall have been constructed in accordance with details shown on approved plan SP3A 280815 and retained in that use thereafter.
- 7) No development shall take place until the tree root protection fencing as shown on approved plan SP3A 280815 has been installed. The fencing shall remain in place for the duration of the development.
- 8) The dwelling hereby approved shall not include habitable accommodation at first floor level.
- 9) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;

- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.