
Appeal Decision

Site visit made on 10 October 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 07 November 2016

Appeal Ref: APP/R2520/W/16/3154615

Land at The Paddocks, Moor Lane, Potterhanworth, Lincoln LN4 2DZ

- 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 D Browne against the decision of North Kesteven District Council.
 - The application Ref 15/1519/FUL, dated 22 December 2015, was refused by notice dated 8 March 2016.
 - The development proposed is described on the application form as a 'Proposed dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area;
 - (ii) the living conditions of future occupants, with particular regard to outdoor amenity space; and
 - (iii) the living conditions of both neighbouring and future occupants, with particular regard to on-site parking and turning facilities.

Reasons

Character and appearance

3. The appeal site is located within the settlement of Potterhanworth and is situated on a parcel of land which historically formed part of the garden of the adjacent Manor House. I note that the site has been fenced off from The Manor House and understand that the site is now in separate ownership.
 4. The site is accessed off The Paddocks which is a private road. The Paddocks and the surrounding streets comprise of a mature suburban area. The area is characterised by dwellings that are typically detached and semi-detached two storey houses and bungalows. Dwellings are set back from the road with relatively generous front and enclosed rear gardens.
 5. The Council have confirmed, within their submitted evidence, that the development of the site is considered acceptable in principle and are therefore
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not contending the principle of development. Furthermore, I acknowledge that the location of the site would offer sustainable living, given the availability and proximity of services and facilities. Also, the introduction of a single storey dwelling into the street scene would not be at odds with the range of existing dwellings.

6. I accept that the proposed converted agricultural barn design is not unusual in a rural location and may be seen as an associated outbuilding to The Manor House. Furthermore, given the single storey design and relatively modest scale I concur with the appellant insofar as the proposal is unlikely have a harmful effect on neighbouring occupiers in terms of privacy.
7. Nevertheless, the substantially smaller plot size is atypical to the area and it would result in a form of development that would appear cramped and compressed in an area of otherwise well-proportioned dwellings sitting in more generous grounds. Consequently, the proposal would be clearly at odds with the established character and appearance of the surrounding area.
8. Despite my findings with regards to a sustainable location and proposed design, I find that the proposal would be contrary to Policies C1 and C18 of the North Kesteven Local Plan 2007 (the LP). When taken together these policies, amongst other things, seek to ensure that new development does not adversely affect the character and appearance of the locality.

Living conditions – outdoor amenity space

9. The proposed dwelling is to be located to the rear of the site, with the outdoor amenity space sited at the front of the plot, adjacent to the private access road. No amenity space standards have been provided by the Council. However, given the very modest size of the plot I consider that insufficient space exists for the provision of a suitable outdoor amenity space for basic activities such as sitting outside, drying clothes or children's informal play. I therefore concur with the view of the Council insofar as I find that the proposed level of outdoor amenity space is inadequate for the size of dwelling.
10. Moreover, as the space would front directly onto the road, it would be overlooked by the occupiers of neighbouring dwellings and therefore would not provide the usual level of privacy normally associated with residential development such as more secluded back gardens. In addition, much of the front space is shown as a driveway and parking area which would diminish the usefulness of the front garden in outdoor amenity terms.
11. In these circumstances, the proposal fails to reflect the existing scale of outdoor amenity space within the locality. Moreover, it also would fail to provide a level of private outdoor space for future occupiers that could reasonably be expected in the context of a 2 bedroom dwelling. I therefore find that the proposal would cause significant harm to the living conditions of future occupiers contrary to the paragraph 58 of the National Planning Policy Framework (the Framework) which requires new development to function well and one of the Framework's core principles which is that proposals should seek a good standard of amenity for future occupants of buildings.

Living conditions – onsite parking and turning facilities

12. I acknowledge that Lincolnshire County Council Highway Authority have been consulted on the proposal. No objection has been received in terms of highway

safety and traffic capacity, on the understanding that the appellant is able to demonstrate that they would be able to achieve a 4.5 metre access for the first 10 metres of the private drive.

13. Whilst I accept that it may be possible to park 2-3 cars at the front of the dwelling, given the modest scale of the proposal I do not consider that the site would offer adequate turning space. As such, it would mean that vehicles may be required to reverse onto the private drive to access the highway.
14. Whilst this arrangement may already occur in respect of the existing dwellings, the proposal would likely mean that up to an additional three vehicles would be reversing onto the private drive from the dwelling. I therefore do not consider that the proposed car parking arrangements would be practical for day to day living. The space provided to the front of the appeal site would be tight, manoeuvring would be difficult and there would be potential for conflict with vehicles reversing from this dwelling and the existing dwellings.
15. Given the need to reverse down the new access, due to the absence of appropriate on-site turning facilities, I consider that it would be very likely that residents and any visitors would choose to park more regularly on the private drive. This would have an unacceptable impact upon the passage flow of traffic on the private drive and onto the highway. In turn, I consider that this would be detrimental to the existing level of residential amenity experienced by the surrounding dwellings on The Paddocks and any future occupiers of the appeal site.
16. For the above reasons, I conclude that the proposal would not accord with the protection of residential amenity aim of Policy C5 of the LP and the Framework's core principle referred to above. Furthermore, the proposal would also be contrary to bullet point 4 of paragraph 17 of the Framework, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

17. I realise that my decision will come as a disappointment to the appellant as it follows several previously refused planning applications¹ and an earlier appeal² that was also dismissed. However, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR

¹ Council references N/49/0864/90, 04/0389/OUT and 07/0290/OUT

² Appeal reference APP/R2520/A/07/2048690