

Appeal Decision

Site visit made on 7 February 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 2 March 2017

Appeal Ref: APP/D2510/W/16/3162173

Adjacent to Westlands, Station Road, North Thoresby DN36 5QS

- 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 and Mrs W Toyne against the decision of East Lindsey District Council.
 - The application Ref: N/133/00757/16, dated 1 April 2016, was refused by notice dated 1 June 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - (a) the character and appearance of the surrounding area; and,
 - (b) the living conditions of the occupiers of the neighbouring properties.

Reasons

Character and Appearance

3. The character of this part of Station Road is defined by ribbon development, predominantly on the south side of the road with less intensive ribbon development opposite. The ribbon development is mainly of detached dwellings of varied sizes and styles. I also saw some development set away from the road frontage on the opposite side of the street, but this does not reflect the character of development on the southern side of the road. Generally plots are relatively spacious and this allows for a relatively verdant appearance. Occasionally plots are closer together sharing similar characteristics and orientation. Nearer to the centre of the settlement development is more dense and in-depth.
 4. Westlands is an attractive established dwelling, dating from 1935/6, in large and mature gardens. The main entrance elevation to the house is at the side facing the appeal site, with garages and the side of the house facing towards Station Road. The appeal site currently forms the side garden of Westlands. It is a flat grassed area of good plot depth but relatively narrow width when compared to neighbouring plots. As a consequence, in order to fit a dwelling on the site it would come close to the boundaries at either side. The result
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would be an uncharacteristically cramped appearance in relation to Westlands. That appearance would be harmful to the wider character of the streetscene.

5. I therefore find that the proposed development would fail to accord with policies A5 and H12 of the East Lindsey Local Plan Alteration 1999 (the Local Plan), which taken together, seek development that does not detract from the character of the area, including in terms of layout. Those policies, whilst dated, accord with the National Planning Policy Framework (the Framework) insofar as it makes it clear that, as a core principle, planning should always seek to secure high quality design and advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living Conditions

6. As noted above Westlands faces towards its side garden. As such, the main entrance doors and main front windows all face towards the proposed dwelling. Given the close proximity, size and massing the proposed dwelling would result in an oppressive and overbearing impact when viewed from within the existing property.
7. I appreciate that planning permission has been granted to provide a front door for Westlands facing Station Road. However, that does not overcome the fact that main windows serving the main living rooms all face the appeal site.
8. I have noted the neighbour's concerns regarding the effect of the proposed development on living conditions for the occupiers of the property at the opposite side, Thoresbrook. However, that property is separated from the site by a wide driveway width and as such adequate separation would remain at that side. Thus, the impact upon living conditions for the occupiers of that property would not be materially harmed.
9. Nonetheless, the proposed development would have an unacceptable impact on living conditions for the occupiers of Westlands. This would be contrary to policies A4 and H12 of the Local Plan which seek to protect the residential amenity of occupiers of nearby properties. That concern reflects the clear advice of the Framework that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

10. I viewed the recent development of a single dwelling on Station Road which is referred to by the appellants who show it on a plan with an accompanying photograph (no specific address is given). I appreciate that the dwelling nearing completion here is relatively close to the properties at either side. However, that is closer to the core of the settlement where the character of the area is of more dense development than at the appeal site.
11. The appellants also refer to a draft proposal for 33 dwellings to the north of Westlands and a Draft Core Strategy allocation for approximately 170 dwellings in North Thoresby. However, the draft status of these proposals is such that, on the evidence before me, I cannot afford them significant weight. In any event, it seems neither matter would directly change the circumstances relating to this particular section of streetscene character or the proposal.

12. I understand that the house and large garden are becoming increasingly difficult for the appellants, in part due to health issues, but this is not a matter which justifies the harmful effects of the proposed development which I have identified. I also understand that the appellants feel that their dwelling has been devalued and made less attractive by virtue of the redevelopment at Thoresbrook which is of a contemporary design and materials and which also has a garden with ancillary structures wrapping around the rear of the appellants' property. Whether or not that is the case, property value is not a matter for the planning system in this respect and the design of the neighbouring property has already been granted planning permission. Neither of these matters alters the harm that I have identified in terms of the appeal proposal.

Conclusions

13. I have found harm to the character and appearance of the streetscene and the living conditions of the occupiers of Westlands. This results in conflict with Local and National Planning Policy. Given the environmental harm the proposal would not represent sustainable development and therefore the appeal fails.

Zoë HR Hill

Inspector