
Appeal Decision

Site visit made on 7 February 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/N2535/W/16/3164131

Crossing Cottage, West Bank, Saxilby, Lincoln LN1 2LU

- 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 Dave Allen against the decision of West Lindsey District Council.
 - The application Ref 134872, dated 17 August 2016, was refused by notice dated 10 October 2016.
 - The development proposed is change of use and alterations to existing outbuilding to form new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of neighbouring occupiers with regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is located on the north bank of the Fosdyke Navigation on the southern edge of Saxilby. It is adjacent to a level crossing and is situated within the garden area of Crossing Cottage. The character and appearance of area consists of a mix of large one and two storey detached properties built in brickwork with tiled, pitched roofs. These properties are positioned comfortably on spacious plots with good sized front gardens and, as a result, are set back from the public highway known as West Bank. The Fosdyke Navigation flows to the south of the public highway and the appeal site. This results in an open southerly aspect for the properties located along West Bank. Therefore, the immediate area surrounding the appeal site has a substantially spacious character and appearance.
 4. The appellant states that the streetscene is of little merit. However, I find the area to have a spacious character and appearance which has a strong spatial quality that is enhanced by the presence of the Fosdyke Navigation and riverbank close to the appeal site. The proposed building would be of brick construction which would be evident at ground floor level. However, this would
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not be visible in the wider area as a result of the boundary fencing to the site. At first floor level, the proposal would have timber cladding on all four sides. This would be visible in the wider area and would be in stark contrast to the prevailing materials used in the surrounding buildings.

5. Having viewed the existing building at the appeal site, I note that it is visible in longer views from the east, at the junction between West Bank and Bridge Street, and particularly so from the west along West Bank. From the evidence before me, the proposal would project further forward than the existing structure towards the front boundary of the site. As a result, it would have a greater visual impact on the streetscene and increase its prominence in longer views from the wider area.
6. The proposal would be of a style and appearance which differs significantly from the traditional architectural style of the surrounding buildings. As such, it would appear as an incongruous addition to the streetscene. Whilst the proposed building would be of brick construction, it would mostly appear as a timber structure due to the cladding at first floor level. Furthermore its mono-pitched roof would be out of keeping with the traditional pitched and tiled roofs of the surrounding buildings.
7. I note that the proposal would use materials to match the existing building and that the appellant argues that the scheme would not differ in size by a huge amount. However, I find that it would significantly increase in size. Moreover, the overall style, appearance and increase in size and mass of the appeal property would have a detrimental effect on the quality, character and appearance of the streetscene and surrounding area. In addition, its prominent and visible position forward of the prevailing building line of nearby properties along West Bank would only exacerbate the adverse visual impact on the area.
8. The appellant refers to a recent development across the watercourse and opposite the appeal site which, it is argued, uses modern materials to create an enhanced link between the host building and the river. I have had due regard to that proposal. Whilst the materials may be more modern, the scheme opposite the appeal site is of a more traditional style and design which is in keeping with the adjoining buildings and the wider character and appearance of the area. Notwithstanding this, I must assess the appeal scheme on its own merits and in its own circumstances.
9. I appreciate that the appellant is seeking to provide more suitable accommodation in order to meet their future needs. However, from the evidence before me, I find that the benefits put forward in support of the proposed scheme would not outweigh the significant harm I have identified.
10. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. Therefore, it would be contrary to Policies STRAT1 and RES1 of the West Lindsay Local Plan First Review 2006 (the Local Plan). Amongst other matters, these policies seek to ensure that development has a satisfactory regard to the nature, character and appearance of the local environment in terms of siting, layout, scale, massing, materials, design and detailing.

Living conditions: outlook and privacy

11. The substantial increase in size and mass of the appeal building would have a particularly detrimental effect at first floor level as this is the element of the scheme which would be most visible to neighbouring occupiers and in the surrounding area. The west elevation of the appeal property, which faces the front garden of 1A West Bank (1A), would extend towards the front boundary of the appeal site. This would approximately double the length of that elevation which would be visible at first floor level. Furthermore, given that this increase would be along the shared boundary with 1A, I find that the proposal would have an overbearing and materially adverse impact on the outlook of the occupiers of 1A from the front window of the property.
12. The Council has stated that the proposed dwelling would have a detrimental effect on the privacy of the occupiers of the host property Crossing Cottage due to the windows serving the proposed bedroom directly overlooking the garden of Crossing Cottage. Whilst this may be the case, I note that the proposed windows serving the bedroom would be at a high level. Therefore, it would be unlikely to result in any significant direct overlooking of the garden area of Crossing Cottage. As such, I am satisfied that the proposal would have no materially adverse effect in terms of overlooking or loss of privacy.
13. The proposed development would have no material impact on the privacy of neighbouring occupiers at Crossing Cottage. It would also make a modest contribution towards housing supply in the area. Notwithstanding this, I find that the scheme would have a significant adverse effect on the outlook of neighbouring occupiers at 1A with regard to outlook due to its scale, position and height. Having considered the evidence before me, I find that the benefits of the scheme would not outweigh the harm I have found in relation to the outlook of neighbouring occupiers.
14. Furthermore, I note that there are no objections to the scheme from neighbouring occupiers. Whilst this may be so, a lack of objection does not necessarily result in an automatic grant of planning permission. Moreover, as I have stated, I must assess this case on its merits rather than on any lack of local objection.
15. Consequently, I conclude that the proposed development would have a materially harmful effect on the outlook of neighbouring occupiers at 1A West Bank. Therefore, it would be contrary to Policies STRAT1 and RES1 of the Local Plan. Amongst other matters, these policies seek to ensure that development has a satisfactory regard to and no significant adverse effect on neighbouring uses and neighbouring occupiers.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR