

Appeal Decision

Site visit made on 20 February 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/M2515/W/16/3161260

69 High Street, Lincoln, Lincolnshire LN5 8AD

- 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 P Lynch (Baillfarm) against the decision of Lincoln City Council.
 - The application Ref 2016/0125/F, dated 19 February 2016, was refused by notice dated 29 April 2016.
 - The development proposed was initially described as 5 number 2 bedroom sheltered accommodation units for over 55's with parking facility.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal was initially described on the planning application form in the terms set out above. Although the appellant subsequently confirmed this description in the appeal form, neither party has made any further reference to occupancy restrictions or limitations in the manner suggested above in their subsequent submissions. This matter did not form one of the Council's reasons for refusal and I have dealt with it in the manner set out below.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the surrounding area;
 - The living conditions of future occupiers of the proposed dwellings, with particular regard to noise, outlook and outdoor amenity space; and
 - Highway safety.

Reasons

Character and Appearance

4. The area surrounding the appeal site is characterised by long terraced rows of modest two storey dwellings displaying a broadly uniform rhythm with a regular pattern of door and window openings along the lengths of their façades. Dixon Street, the southern side of Peel Street and streets to the south of Dixon Street all reflect this shared character and form in the immediate vicinity of the
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site, which is also carried over to the north of Peel Street, and to the east of High Street.

5. The appeal site is a narrow site located within an elongated backland plot between the terraces of Dixon Street and Peel Street, presently occupied by a series of four lock-up garages. Beyond the appeal site itself, the elongated site extends a considerable distance further east where smaller lock-up garages are set in echelon along the northern side of the site. Substantial brick walls that form the rear boundary walls of the adjoining residential yards, run along the northern side of the site and, beyond the access lane that leads further east, opposite the appeal site.
6. Residential units, in this location, would however jar with the prevailing pattern of development in, and the character of, the surrounding area. Whilst the simple, plain form of the existing garages blends relatively unobtrusively into the surrounding urban streetscape, residential use in the form proposed would fail to complement the architectural style and townscape character of the locality in terms of its scale, massing, design and external appearance.
7. Within this setting, the single storey, low-line semi-detached bungalows would sit conspicuously at odds with this prevailing built form. The development of residential units in this location would also introduce a primacy of use and function that would not be in keeping with that of the site as it currently exists.
8. In such terms, the proposal would be in conflict with Policy 34 of the City of Lincoln Local Plan (LP) and would not reflect one of the core planning principles¹ set out in the National Planning Policy Framework (the Framework) of always seeking high quality design and seeking to promote or reinforce local distinctiveness².
9. I accept that the site does not lie within a Conservation Area and does not benefit from readily available public viewpoints. The site is, however, a constituent part of the street scene at the rear of properties on Dixon Street, Peel Street and Witham Court and whilst not widely visible, the proposed development would nonetheless be clearly visible from surrounding properties. A lack of, or limited, public views is however no basis for allowing the appeal proposal given the harm that would arise to the character and appearance of the surrounding area.

Living Conditions

10. The main elevation of each of the units would face south, separated from the retained access lane to the garages and units further east by what the appellant's plans describe as a low level fence. Although it is claimed that the use of these garages is limited and, as a consequence, levels of passing traffic is correspondingly low, I have not been provided with any evidence to quantify these claims, or to demonstrate that there are other limits to, or restrictions on, the potential levels of use of the access lane.
11. More significant however, is the proximity of the access to these garage units where only a narrow strip of land would separate passing vehicles from the proposed bungalows. Passing vehicle numbers might be limited, but with the potential for uncontrolled variation of numbers of passing vehicles would be

¹ Paragraph 17

² Paragraph 60

keenly felt by occupiers of the proposed bungalows. Most immediately, given the limited width of the remaining access and particularly the substantial brick walls on the opposite side of the access, any noise and disturbance arising from vehicles passing would be amplified and reflected by these hard surfaces with little scope for attenuation or mitigation given the restricted nature of the site.

12. Although not single aspect, each of the dwelling units' main habitable rooms face south onto the existing vehicular access. Within the proposed bungalows, there would be limited scope to escape the impact of passing vehicles. So too, the small outdoor amenity areas which would also be located close to passing vehicles which would either be enclosed by substantial brick walls on three sides, or more open to the harmful effects of the passing vehicles along the access lane. Indeed, given the limited depth of the units, the subdivision of the areas between the units for outdoor amenity areas would result in small, over-looked areas bound on three sides by not insubstantial brick walls.
13. I acknowledge that the proposed development would make use of an awkwardly shaped site, and that not all future occupiers would need, or indeed wish, to have extensive gardens. It is also noted that neither party has sought to demonstrate or quantify the extent to which the proposed layout would create shady, or substantially over-shadowed areas. However, I find that the cramped nature of the site and the nature of its surroundings are such that the proposed development would fail to provide an acceptable environment in which to live. I am satisfied that for these reasons the outlook from within the buildings would be severely compromised and would not provide the high standard of visual amenity, privacy or outlook required by LP Policy 34. So too, the outlook and general environment that would be created and experienced within the outdoor amenity areas.
14. I conclude that the proposal therefore would be in conflict with LP policy 34. In failing to provide a good standard of amenity for future occupiers of the proposed bungalows, it would also be in conflict with one of the core planning principles set out in the National Planning Policy Framework (the Framework)³.

Highway Safety

15. Access to the site is taken from Dixon Street a short distance to the east of both the River Witham and a pedestrian controlled crossing. The junction into the site from Dixon Street is reasonably generously proportioned however, and the area between the end of the terrace to the east and Witham Court to the west is wide enough to allow vehicles to pass each other without impinging on the marked parking spaces for the latter.
16. It is not correct however to say that the proposal would not affect existing areas used for the turning of vehicles. Unit 1 would occupy a currently open area on the outside of the sharp turn into the narrower section of the site that provides a well-sighted passing place for vehicles intending to travel further eastwards towards the end of the row of garages. However, notwithstanding the Council's concerns in this respect, it seems to me that sufficient space would be retained on the outside of this corner to ensure forward visibility and for vehicles to pass. Moreover, whilst traffic flows to and from the remaining garages have not been quantified by either party, it has not been

³ Paragraph 17

demonstrated how, or if, the proposal would increase the potential for vehicles to reverse into the highway.

17. From my observations of the site and its surroundings, I am satisfied that sufficient distance would remain between the Dixon Street site entrance and this corner to avoid the likelihood of vehicles stopping mid-manoeuvre, or backing out on to Dixon Street. I have not been presented with any compelling evidence to demonstrate that either existing vehicle flows, or those that may arise from the proposed development, already cause or would be likely to cause any increase in risk to highway safety.
18. Thus, in respect of this issue, I conclude that it has not been adequately demonstrated that the proposal would pose a danger to the safety of existing road users. I note that the impact of the proposal on parking provision, and the accessibility of the site by means other than private vehicle has not been cited as a reason for refusal, whilst LP Policy 34 does not deal specifically with matters relating to general highway safety matters. I therefore find no conflict with the provisions of LP policy 34 in this respect.

Other Matters

19. Both parties agree that, in principle, matters relating to potential archaeological interest may be dealt with by way of planning condition, albeit that disagreement remains regarding the form and wording of such conditions. However, as I have found harm in respect of other main issues the use of conditions in respect of archaeological matters would not overcome this other harm and I have not considered this matter further.
20. Although the appeal proposal was originally described in terms of providing accommodation for occupiers over the age of 55, neither party has made any further reference to such residency requirements, nor has any method of securing such occupancy been provided. I have therefore given this matter limited weight in my consideration of the proposed development.

Conclusion

21. Although I have found no harm arising from the proposal in terms of highway safety, this is not sufficient to outweigh the harm to the character and appearance of the surrounding area and to living conditions of future occupiers of the proposed development that I have identified. Thus, for the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR