
Appeal Decisions

Site visit made on 22 May 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 2 June 2017

Appeal A Ref: APP/N2535/W/17/3169001

94 Lincoln Road, Dunholme, Lincoln LN2 3QY

- 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 & Mrs K Laing against the decision of West Lindsey District Council.
 - The application Ref 134655, dated 2 July 2016, was refused by notice dated 25 August 2016.
 - The development proposed is new dwelling adjacent to 94 Lincoln Road, Dunholme, LN2 3QY.
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Appeal Ref B: APP/N2535/W/17/3169002

94 Lincoln Road, Dunholme, Lincoln LN2 3QY

- 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 & Mrs Keiran Laing against the decision of West Lindsey District Council.
 - The application Ref 135127, dated 17 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is new dwelling adjacent to 94, Lincoln Road, Dunholme, Lincoln LN2 3QY.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for a new dwelling adjacent to 94 Lincoln Road, at 94 Lincoln Road, Dunholme, Lincoln LN2 3QY, in accordance with the terms of the application Ref 134655, dated 2 July 2016, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Since the determination of both applications, the Council confirm in their Statement of Case that the Central Lincolnshire Local Plan (LP) and Dunholme Neighbourhood Plan (NP) have been adopted. No comments have been submitted by the appellant in response and the appeals have been determined taking into account the LP and NP.
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Main Issues

4. The Council refused planning permission for Appeals A and B based on matters relating to the character and appearance of the surrounding area. Appeal B includes an additional reason for refusal relating to the living conditions of neighbours at 94 Lincoln Road. Accordingly, the main issues are:
 - The effect of the proposals on the character and appearance of the surrounding area; and,
 - The effect of the proposal on the living conditions of neighbours residing at 94 Lincoln Road, with particular reference to light, outlook and privacy.

Reasons

Character and Appearance

5. The appeal site forms part of the side and rear garden area of 94 Lincoln Road. No 94 forms a semi-detached dwelling with No 92 and is located in an area predominantly residential in use. Nos 92-94 sit amongst a line of six semi-detached properties similar in appearance that have frontages onto Lincoln Road. Dwellings in the wider area are mostly detached, varied in design and are sited closer together than the semi-detached group of properties. Surrounding properties are characterised by similar separation distances from their front elevation and Lincoln Road. This attribute gives the area a relatively ordered appearance. Outline planning permission has been granted for residential development at the field to the rear of the site.
6. A large side extension at No 92 has reduced the gap between Nos 90 and 92 and imbalanced the host semi-detached pair. Consequently the level of symmetry between the adjacent semi-detached properties has been reduced. In this respect, the appeal proposal A would not appear incongruous amongst the adjacent semi-detached properties. Furthermore, the backdrop of development to the rear of the site would reduce the gap as perceived between the semi-detached properties.
7. Moreover, having viewed the site from vantage points along Lincoln Road, appeal proposal A would be seen amongst detached properties in the wider area. Properties in the wider area are sited closer to one another than is the case with the semi-detached pairs. In this context, appeal proposal A would be an inconspicuous entity in the street scene, utilising a sympathetic scale, design and external construction materials. Therefore I conclude that Appeal A would not have a harmful effect on the character and appearance of the surrounding area.
8. Turning to Appeal B, I share the Council's concern regarding the extent of the front elevation setback from Lincoln Road. A common characteristic of properties in the surrounding area is a relatively consistent set back from Lincoln Road, evident from Nos 102 to 88. Appeal B proposes a dwelling with a front elevation close to the rear elevation of No 94. The extent of this setback would appear inconsistent in its immediate context and would unduly harm the ordered appearance of the surrounding area. The sympathetic scale and materials chosen would not mitigate the incongruous layout proposed. Consequently I conclude that Appeal B would have a harmful effect on the character and appearance of the surrounding area.

9. The policies of most relevance to this matter are saved West Lindsey Local Plan (WLLP) policies STRAT 1, 6, and RES 1, LP policies LP17 and LP 26, and NP policies 3 and 4. Appeal A would meet the requirement of these policies and Appeal B would not. Combined these policies require development to achieve a high quality sustainable design, layout and external appearance that contributes positively to the surrounding street scene and the local character of Dunholme village.

Living Conditions

10. The Council's concern in this respect relates to Appeal B only. Two first floor windows are at the rear elevation of No 94; one serving a bedroom, and the other (the closest to the proposed dwelling) serving a bathroom/a non-habitable room. Taking into account the first floor height, the siting of the bedroom window, and the remaining open aspect to the north, neighbours would retain a sufficient outlook and receive adequate levels of light at the bedroom.
11. The ground floor rear elevation window at No 94 serves a non-habitable room which is already enclosed by a single storey outbuilding, wooden panel fence and garden shed. Consequently the proposal would not harm the outlook or the level of light for neighbours looking out of this window. However, the two storey height and depth of the proposed dwelling would be in close proximity to the rear garden at No 94. Consequently, views from a large proportion of the adjacent garden area would be dominated by a two storey side elevation. This particularly oppressive outlook would unacceptably harm the living conditions of neighbours when spending time in the garden area.
12. The openness to the rear of No 92 would ensure sufficient levels of light reach the garden at No 94. However, this factor would not reduce the visual dominance of the proposal when viewed from the garden at No 94. As a greater separation distance is involved, neighbours at No 92 would retain adequate levels of light and outlook, and thus no harm to their living conditions in these respects. In addition, as the proposed side elevation does not contain any first floor habitable room windows, neighbouring privacy would also be preserved. However the harmful impact to the outlook of neighbours at No 94 described above would remain.
13. Therefore the proposal (Appeal B) would have a harmful effect on the living conditions of neighbours residing at 94 Lincoln Road, with particular reference to outlook. Consequently the proposal would be contrary to the requirements of WLLP policies STRAT 1, 6, and RES 1 and NP policy 3 which are of most relevance to this matter. Combined these policies seek to ensure development does not result in an unacceptable impact on the amenities of neighbouring uses.

Other Matters

14. Whilst raised as a consideration in the Council's Officer Report, I have not been provided with any up to date information or evidence regarding the Council's ability to demonstrate a five year supply of housing land.
15. However, even if I were to conclude that there is a shortfall in 5 year supply and that the relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission for Appeal B

identified above would significantly and demonstrably outweigh its modest benefits, which include its contribution to housing supply and access to public transport and facilities within the village.

16. Concern is raised by neighbours at No 92 regarding the effect of Appeal A on their living conditions, with reference to privacy and light. However, as appeal proposal A would be mostly tucked away to the side of No 94 with a sufficient separation distance from No 92, no harm would occur in these respects.

Conditions

17. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of them in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.
18. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition relating to materials is necessary to protect the character and appearance of the area.
19. To limit disturbance to occupiers of surrounding dwellings, the Council's suggested condition relating to construction times is included. A condition relating to hardstanding details is necessary to ensure that the site is adequately drained.
20. As foul and surface water matters are dealt with by other regulatory regimes, this condition is not necessary.

Conclusion

21. For the reasons given above, and having taken all matters raised into account, I conclude that appeal B should be dismissed, and that appeal A should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

Appeal A: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 763-A3-001, 763-A3-002B, 763-A3-003A, 763-A3-004, 763-A3-005, 763-A3-006, 763-A3-007A, 763-A3-008A, 763-A3-009A, 763-A3-010A, 763-A3-011.
- 3) The materials used in the development shall match those stated on the application form and drawings: 763-A3-007A, 763-A3-008A, 763-A3-009A, 763-A3-010A dated June 2016.
- 4) Demolition or construction works shall take place only between 08.00 – 18.00 hours on Mondays to Fridays and 09.00 – 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) Any new hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.
- 6) Before the dwelling is occupied, the access and turning space shall be completed in accordance with Drawing No. 763-A3-011 and retained for that use thereafter.

- End of Schedule -