



Appeal Decision

Site visit made on 6 June 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 28 June 2017

Appeal Ref: APP/R2520/W/16/3167189

205 Ambleside, Lincoln Road, North Hykeham, Lincoln LN6 8NX

- 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 Walter Bibby against the decision of North Kesteven District Council.
 - The application Ref 16/1132/FUL, dated 14 September 2016, was refused by notice dated 11 November 2016.
 - The development proposed is change of use from residential garden to siting of 5 additional caravans.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from residential garden to siting of 5 additional caravans at 205 Ambleside, Lincoln Road, North Hykeham, Lincoln LN6 8NX in accordance with the terms of the application Ref: 16/1132/FUL, dated 14 September 2016, and subject to the conditions set out in the schedule attached to this decision.

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 privacy, outlook and noise and disturbance.

Reasons

Character and appearance

3. The appeal site is to the rear of 197 and 199 Lincoln Road and comprises much of the previous rear gardens of those properties. The Ambleside Caravan Park, which is owned by the appellant, is adjacent to the site. The local area is characterised by a mix of one and two storey properties which form a frontage onto Lincoln Road. The properties on Lincoln Road adjacent to the appeal site have long rear gardens which lead to the Caravan Park. These properties are single storey and the rear garden boundaries are formed of mature hedges and fencing which provide a strong distinction between properties. The garden nature of the site and its surroundings provides a green and spacious feel to the area. Although the Caravan Park is more densely developed than the appeal site, its single storey scale of the built form and the well-maintained grounds within it contribute to the character and appearance of the area.

4. Policies C1 and C18 of the North Kesteven Local Plan 2007 (LP) and Policy LP26 in the Submitted Draft Central Lincolnshire Local Plan 2016 (draft LP) set out the specific design and amenity principles and criteria for which all development must adhere to ensure that the character and local distinctiveness of an area are respected and enhanced.
5. The Council argues that the expansion of the existing caravan park, which would introduce additional caravans, hard surfaced parking, a driveway and street lighting, would be in direct contrast to the green and spacious nature of the appeal site. In addition, the Council state that the proposal would urbanise and compromise the character of the area and harm its appearance. Notwithstanding this, I find that the scheme would expand an existing form of development which provides a prominent element of the existing character and appearance of the area. The scale, height and massing and the proposed caravans would be similar to those existing on the Caravan Park. Therefore, I find that the proposed scheme would respect and reinforce local distinctiveness and the identity, character and appearance of the locality.
6. Although the proposal would create five additional dwellings and the associated works to support them, the single storey nature of surrounding properties would be retained. Furthermore, from what I saw of the existing Caravan Park in terms of landscaping and the general grounds, I find that the proposal would continue to contribute to, and complement, the overall green nature of the area. It is inevitable that development would have some impact on the area. However, the proposal would only continue to provide a form of development which forms a prominent characteristic of the area.
7. Consequently, I conclude that the proposed development would have no significant adverse impact on the character or appearance of the surrounding area. It would therefore comply with Policies C1 and C18 of LP, Policy LP26 of draft LP and the relevant guidance within the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seek to ensure that development respects and is not significantly harmful to the character or appearance of its surroundings.

Living conditions

8. Policy C5 of the LP states that planning permission will be granted where proposals will not adversely affect the amenities enjoyed by other land users to an unacceptable degree. The Council argues that given the proximity of the proposed caravan units to the boundary with adjacent properties on Lincoln Road and the lack of elevational detail of the proposed caravans submitted, the proposed positioning of the new caravan units would have an unacceptable adverse effect on neighbouring occupiers with regard to a loss of privacy. From what I have seen and read, this would appear to particularly affect the occupiers of 197 and 199 Lincoln Road.
9. Whilst I appreciate that there are no elevational details of the proposed caravan units submitted, the appellant has stated that boundary treatments for the site would include hedges to be maintained to a height of 3 metres. I note that the roof ridge height of the proposed caravan units would be between 2.5 and 3 metres above ground level. Therefore, I find that the proposed hedges, which could be secured by condition, would suitably address concerns regarding privacy, particularly regarding the occupiers of the nearest properties on Lincoln Road.

10. Furthermore, the appellant states that separation distances between neighbouring caravan units on the proposed site and other surrounding properties would be similar to those of properties on the existing Caravan Park. Moreover, I am led to understand by the appellant that this would adhere to relevant guidelines for such properties. As a result, having had due regard to the above matters, I am satisfied that the concerns regarding a loss of privacy would be appropriately addressed through a suitably worded planning condition.
11. The Council has concerns that the proposal would have an oppressive and overbearing impact on the outlook of occupiers of neighbouring properties. Notwithstanding this, having regard to the proposed boundary treatments which would be introduced and the single storey nature of the proposed development, I find that it would not result in an overbearing or oppressive effect on neighbouring occupiers. Furthermore, given that the proposed hedges would retain the green character and appearance of the area and have a screening effect, I find that the scheme would not result in any material harm with regard to the outlook of neighbouring occupiers.
12. The Council state that the use of extensive parking and turning areas, driveways and the occupation of the proposed caravan units would introduce increased levels of noise and disturbance to the surrounding garden areas of 201 Lincoln Road and, to a lesser degree, 195 Lincoln Road. Furthermore, it is argued that vehicles moving around within what, in the Council's view, would be a cramped parking area would only compound noise levels in a part of the site directly adjacent to neighbouring properties.
13. I have had due regard to these concerns. I appreciate that the proposed parking area is small and may result in some the manoeuvring of vehicles adjacent to existing caravan units. However, I consider that the impacts of this would have no material adverse effect on noise levels and disturbance which would be experienced by nearby neighbouring occupiers. Furthermore, I note that the speed limit in the caravan park is 10 miles per hour and that the number of proposed units would be unlikely to generate any significant increase in traffic activity. Moreover, I note that the highway authority has no objection to the proposal. Having had regard to these matters, I find that noise and disturbance levels would be unlikely to rise significantly so as to have an adverse effect on the living conditions of neighbouring occupiers.
14. Consequently, I conclude that the proposed development would have no materially harmful effect on the living conditions of neighbouring occupiers in terms of privacy, outlook and noise and disturbance. Therefore, it would comply with Policy C5 of the LP, Policy LP26 of the draft LP and the relevant guidance within the Framework. Amongst other matters, these policies and guidance seek to ensure that development does not unduly harm the living conditions of nearby occupiers.

Planning Balance

15. The proposal would result in the loss of a sizeable area of garden land for 197 and 199 Lincoln Road and would place development in an area with a relatively green and spacious character and appearance. However, the site is not visible from Lincoln Road and the scale and nature of the proposed dwellings would complement the existing characteristics of the area. Therefore, I find that the wider impact of the proposed scheme would be limited. Furthermore, it would

create five new dwellings in an area where the Council cannot demonstrate a five year housing land supply. Moreover, I find that the alleged adverse impacts on the character and appearance of the area and the living conditions of neighbouring occupiers are able to be suitably addressed through planning conditions. As a result, having had due regard to all matters before me, I find that on balance the benefits of the proposal would outweigh the limited harm I have identified.

Other Matters

16. The Council has indicated that allowing the proposed development would set a precedent for similar development to take place in the locality. It is argued that the cumulative impact of this would have a detrimental effect on the character and appearance of the area and on the living conditions of neighbouring occupiers. However, I do not find this to be the case as each development proposal must be assessed and determined on its own merits with regard to specific site circumstances. Accordingly, I have assessed this appeal on that basis. As a result, for these reasons, I find that the proposal would not set a precedent and therefore this has very limited weight.

Conditions

17. I have had regard to the conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance.
18. In addition to the standard implementation condition (1), I have imposed a condition specifying the relevant plans as this provides certainty (2). Conditions regarding external materials (3), surface treatments of internal roadways, driveways and parking areas (4) and boundary treatments (5) are necessary and appropriate in the interests of character and appearance and the living conditions of neighbouring occupiers. Furthermore, a condition regarding the details and hours of operation of the approved street lighting (6) is necessary and reasonable in the interests of the living conditions of neighbouring occupiers.
19. It is necessary that the requirements of Conditions 3, 4 and 5 are agreed prior to development commencing to ensure an acceptable development in respect of the character and appearance of the local area and the living conditions of neighbouring occupiers.

Conclusion

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

Andrew McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan' and 'Block Plan', dated September 2016, as received by the local planning authority with the application Ref: 16/1132/FUL.
- 3) Notwithstanding Condition 2 above, no development shall take place until details of the external appearance, including all external materials and the overall height above ground of each of the caravans hereby permitted, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding Condition 2 above, no development shall take place until details of the surface treatments of the internal roadways, driveways and parking and manoeuvring areas shown on approved block plan dated September 2015 have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Notwithstanding Condition 2 above, no development shall take place until details of the boundary treatment have been submitted to and approved in writing by the local planning authority. Such details shall include the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details. The agreed boundary treatment shall be completed before first occupation of any of the caravans hereby approved.
- 6) None of the 'street lights' hereby permitted shall be erected until details of the level of illumination, angling and cowlings of the light sources and hours of operation have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in full, prior to the use of the lighting commencing and shall be retained as such thereafter.

END OF SCHEDULE