
Appeal Decision

Site visit made on 18 July 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/R2520/W/17/3172535

**Plot 72A, formerly 27 Steamer Point Road, Nocton, Lincoln,
Lincolnshire LN4 2DA**

- 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 Peter Sowerby of Peter Sowerby Homes against the decision of North Kesteven District Council.
 - The application Ref 16/1413/FUL, dated 27 October 2016, was refused by notice dated 20 January 2017.
 - The development proposed is described as “replacement 3 bedroom detached house on the former location of No 27 Steamer Point Road – previously demolished to make way for the new road.”
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. Since the appeal was submitted, saved Policies C1, C5 and C18 of the North Kesteven Local Plan as referred to in the Council’s reason for refusal have been superseded by the Central Lincolnshire Local Plan (CLLP) which was adopted on 24 April 2017. The Council’s appeal statement confirms that Policies LP1, LP2, LP4 and LP26 are now applicable. I have been provided with a copy of these policies and interested parties have had the opportunity of commenting on them.
3. I have also been provided with a copy of the Nocton and Potterhanworth Neighbourhood Plan (NPNP) which was approved by referendum on 8 June 2017. The Council has confirmed that it was scheduled to be formally ‘made’ by a resolution of Full Council on the 13 July 2017.
4. I am required to determine this appeal on the basis of the development plan and national policy which are in place at the time of my decision. Accordingly I have determined the appeal on the basis of the CLLP, the NPNP and the National Planning Policy Framework (the Framework).
5. I am aware from the Council’s statement that this appeal is the resubmission of a previously refused proposal.¹ However, I am required to determine each case on its own merits and upon the evidence before me.

¹ 16/0795/FUL

Main Issues

6. The main issues are the effect of the proposal on:

- the character and appearance of the surrounding area; and
- the living conditions of the occupiers of No 26 Steamer Point Road, with regard to outlook.

Reasons

Character and Appearance

7. The appeal site is part of an area of former MoD housing. This rectangular shaped site is located immediately to the east of No 26 Steamer Point Road and to the west of a road, currently under construction. This new road links the former MoD housing with a new housing area known as "Nocton Park" to the north. From my site visit I saw that the appeal site is currently being used for the storage of building materials.
8. An attractive feature of Steamer Point Road and this former MoD housing area is the sense of open space that has been retained from the original planned low density layout. The wide grass verges, open plan front garden areas and space between the dwellings creates a pleasant residential environment. The site allows views of "Nocton Park" to be seen from the area of former MoD housing.
9. The former MoD housing area is almost exclusively semi-detached dwellings, with the exception of a terraced row and two blocks of flats on Khormaksar Drive. The design of the semi-detached dwellings is fairly uniform, although minor alterations have been made over time, the original design is still very evident. They are sited in a regular pattern providing sufficient space between pairs of dwellings which contributes to their attractive character. The dwellings are built of red brick with pitched roofs, with a canopy porch above the front doors. There is either off street parking to the side of dwellings, or within designated parking bays.
10. The area of former MoD housing is very distinct and separate in character from "Nocton Park." The majority of the dwellings in "Nocton Park" are surrounded by brick walls, fences and other means of enclosure. The layout is less formal, with a mix of dwelling types and designs using a range of materials including multi-brick finishes and some with stone cladding.
11. The appeal site is visually prominent; this prominence is reinforced by the line of the new road. When approaching the site from the surrounding roads of Nocton Park Road, Steamer Point Road and Wegberg Road, there is an intrinsic value gained from its openness. I find that it makes a positive contribution towards the locally distinctive and spacious character of the former MoD housing area.
12. The appeal proposal is a detached dwelling facing Steamer Point Road, sited broadly in line with its nearest neighbour No 26. The plans also indicate a double car port with pitched roof would be erected at the rear of the site facing the access road into "Nocton Park," although there is no proposed vehicle crossover.

13. The siting of a dwelling on this site would interrupt the views through to "Nocton Park." The existing views are important in establishing the visual relationship between the 2 distinct character areas of housing.
14. A detached dwelling would be an incongruous addition to the end of the row of semi-detached dwellings. It would be sited close to the immediate neighbour of No 26. This siting would be an uncharacteristic feature of this area of former MoD housing. The proposed dwelling would lead to an erosion of the sense of open space and create a cramped layout within the street scene at odds with the attractive qualities of the area.
15. I find that a dwelling on this site would significantly harm the character and appearance of the surrounding area, therefore failing to comply with Policy LP26 of the CLLP and Policy 1 of the NPNP, both of which, amongst other things, seek to ensure new development respects the local character of the surrounding area.
16. I note the appellant's stated intention was "always to have brought forward this parcel of land." However, the Council has provided me with a copy of the original approved layout plan² for the new "Nocton Park" housing area. It clearly illustrates that within the original layout the appeal site was to remain undeveloped with incidental landscaping. The merit of this space being left open remains valid today.
17. The appellant suggests that the proposed dwelling would provide "an opportunity to hide the dominance of the gable end of No 26." I noted on my site visit that the gable end of No 26 was blank except for a small glazed opening window at the first floor level. This is in common with other dwellings on Steamer Point Road. Furthermore the eastern elevation of the proposed dwelling would have a small obscure glazed window as the only feature in an otherwise blank elevation. As such I give this suggested improvement limited weight.
18. I find that the frontage design detailing (such as the front door canopy), materials and fenestration would largely mirror that of No 26 and therefore be generally consistent with the appearance of the surrounding former MoD dwellings. This does not however outweigh the significant harm I have found in relation to the character and appearance of the surrounding area.

Living conditions of No 26 Steamer Point Road

19. From the submitted plans it is difficult to confirm the precise distance between No 26 and the proposed dwelling. From the statements submitted the separation is quoted as being 3.5 metres. I saw on my site visit that the existing driveway immediately adjacent to the eastern elevation of No 26 incorporates an enclosed car port with another outbuilding structure behind; these structures are bounded to the appeal site by a timber fence.
20. The proposed dwelling would be sited broadly in line with No 26. The rear elevation would project approximately 0.5 metres further back than No 26. This is not a significant enough distance to cause harm to the living conditions of the occupiers of No 26 with regard to outlook. In this regard the appeal proposal satisfies the amenity considerations of Policy LP26 of the CLLP.

² Application Reference 02/0693/RES Drawing No. 03/20/3 - Site Plan Zones 1 & 2, dated Feb 03

Other matters

21. I understand that the appellant has secured an agreement with a buyer for the proposed dwelling. Be that as it may, it is not a matter which is material to my decision.
22. The appellant contends that this proposed dwelling would generate additional capital which would fund wider infrastructure, contribute to the management company who is responsible for the open spaces within "Nocton Park" and cover the change in costs for highway and drainage specifications. Whilst I acknowledge that additional money would be generated to contribute towards these general development costs. I have not been provided with any cogent evidence to demonstrate that the viability of the "Nocton Park" development relies upon this appeal proposal. Consequently this is not a matter which would outweigh the harm that I have identified.
23. I have been referred to an approval for a dwelling which is stated to be at the other end of the row. No details have been provided to clarify the actual location of this other dwelling. Consequently I am unable to determine whether it would be sufficiently comparable the appeal proposal. In any case, I have considered this appeal on its own merits.
24. The appellant states that the appeal proposal is a replacement dwelling for No 27 and its adjoining neighbour which were demolished in June 2006 in preparation for a new road access. Whilst I do not have any plans to indicate the precise siting of the former No 27 and its neighbour, the introduction of the new access road does to a degree constrain the width of the appeal site meaning the proposed dwelling would be closer to the eastern elevation of No 26. It is not disputed that the site was previously occupied by No 27, it has not been there for some time and any new dwelling must be considered in the context of the existing and planned layout for the overall area.
25. My attention has been drawn to other Inspector's decisions in the locality which have questioned the validity of the housing supply figures. I note that all of these cited decisions pre date the adoption of the CLLP in April 2017. I have no evidence before me to suggest that the housing policies contained within the recently adopted CLLP should be considered out of date. Accordingly, this does not trigger the engagement of paragraph 14 of the National Planning Policy Framework (the Framework).
26. Reference has been made to the need for housing as set out in the recent Housing White Paper. The need in principle is not disputed and the Government remains committed to the delivery of housing. The Housing White Paper is not however national planning policy and as a consultation document can only be afforded limited weight in decision making.
27. The appellant has suggested that as housing delivery in Nocton has been in excess of its planned growth, this would preclude future infill development. I do not find that the principle of additional housing in Nocton would conflict with Policies LP2 and LP4 of the CLLP. However this does not outweigh the significant harm in relation to the character and appearance of the surrounding area.

Conclusion

28. For the reasons set out above and taking all matters into consideration, I conclude that there would be significant harm to the character and appearance of the surrounding area by the introduction of the proposed dwelling. Although no harm is found in relation to the living conditions of the occupiers of No 26 with regard to outlook, this does not outweigh the harm I have identified. Consequently, the appeal is dismissed.

Rachael A Bust

INSPECTOR