
Appeal Decision

Site visit made on 15 August 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/N2535/W/17/3175775

1 Kingsway, Nettleham, Lincoln LN2 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Pauline Mardle against the decision of West Lindsey District Council.
 - The application Ref 135552, dated 6 December 2016, was refused by notice dated 13 February 2017.
 - The development proposed is to build a small two bedroom retirement bungalow or dormer bungalow on the proposed site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from Section E of the appeal form and the Council's decision notice as I find it a more accurate and succinct description than that given on the original application form.
3. The application was submitted in outline with matters of access and landscaping to be determined. Matters of appearance, layout and scale were reserved for future determination. Plans have been provided which show potential options for the layout and appearance of the development. I have dealt with the appeal on the basis that the plans are indicative.
4. Additional plans were submitted with the appeal. Again, these plans show a potential layout and section for indicative purposes and do not, therefore, change the substance of the proposal. No party would be prejudiced by my consideration of those additional indicative plans and I have, therefore, taken them into account.
5. Following refusal of the original application, the Council formally adopted the Central Lincolnshire Local Plan (CLLP) on 24 April 2017. In its decision notice the Council made reference to the West Lindsey Local Plan (First Review) 2006. The Council have since confirmed that relevant policies in that plan have now been superseded by the newly adopted CLLP. I have therefore determined the proposal against the policies of the CLLP as the adopted development plan.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is within a predominately residential area characterised by detached single and two storey houses. This part of Kingsway has wide, grassed verges which are tree lined. Properties set back behind open front gardens with driveways and generally have large footprints set on generous plots. They also retain noticeable gaps between one another and, as such, appear spacious rather than unduly cramped. As a result, the area has an open, semi-rural character.
8. The appeal site is a narrow strip land to the side of the detached property of 1 Kingsway. It is currently laid to grass with a considerable slope dropping sharply from the highway. There is little development beyond the site with fields to the north and highway verge to the west. Though in the ownership of the appellant, it does not have the physical characteristics of residential curtilage and is fenced off from the garden of No 1 with planting on the boundary. The land contains no hard boundaries with sporadic planting on its edges. As such, its appearance is akin to an area of open space rather than residential garden and thus it makes a positive contribution to the open and spacious semi-rural character of the street scene.
9. It is proposed to construct a single dwelling on the site. The indicative plans show potential options for the siting and layout of the site and I have taken all options into account. I recognise the proposal would provide a level of amenity space which is similar in square meterage to other properties in the area.
10. However, the property would have a very narrow rear garden and would extend much closer to the footpath than other properties on this part of Kingsway. Moreover, in order to provide a side garden and driveway, the indicative plans and figures within Appendix 4 of the appellant's statement indicate that the property would have a considerably smaller footprint than other bungalows in the area. Indeed, based on those figures, the overall size of the plot would be considerably lower than those of 1, 3, 5 and 7 Kingsway.
11. The provision of a driveway and garden to the side of the property due to the shallow depth of the plot also means the dwelling would be located close to the side wall of No 1. The appellant indicates than a minimum gap of 2m would be retained which is equal or greater to the gaps between some properties on the road. Nevertheless this would considerably reduce the sense of openness the appeal site provides. Instead, the proposal would introduce a dwelling which appears unduly cramped upon its plot. As a result, the proposal would result in an incongruous and obtrusive addition to the street scene.
12. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. As a consequence, it would conflict with Policy LP17 of the CLLP which states that proposals should respond positively to any features within the landscape and townscape which positively contribute to the character of the area. It would also conflict with Policy LP26 of the CLLP which states that development must achieve high quality sustainable design that contributes positively to local character.
13. It would also conflict with Policy D-6 of the Nettleham Neighbourhood Plan 2015 which states that new development should recognise and reinforce distinctive local character, and the high quality design aims of the National Planning Policy Framework (the Framework).

Other Matters

14. I note the relatively sustainable location of the appeal site and the contribution it would make towards boosting the supply of housing in the area. However, the extent of that contribution would be relatively modest and would not therefore outweigh the harm in respect of the character and appearance of the area.
15. Whilst there would be some economic and social benefits from the proposal, the resultant harm to the character and appearance of the area would fail the environmental role of sustainability set out in the Framework. Thus, the proposal would not constitute sustainable development.
16. I note the appellant's view that there would be no harm in respect of highway safety or the living conditions of neighbouring residents. I also note that whilst part of the site is within Flood Zone 3, the development would be entirely within Flood Zone 1. However, any lack of harm in respect of those matters would not outweigh the harm to the character and appearance of the area.
17. I have been referred to several recent developments and schemes which have been granted planning permission in the area. The appellant indicates that the level of amenity space proposed would be comparable or greater than those schemes. However, I have been provided with limited detail of those schemes and cannot, therefore, be sure that they represent comparable circumstances to those before me here. In any event, I have considered this appeal on its own merits.
18. The appellant indicates that there are options to extend the property into the appeal site under permitted development rights which would equally reduce the sense of openness of the land. However, I have been provided with no details of such schemes nor would an extension to the existing property achieve a similar development to a single dwelling. As such, it seems to me there would be little reasonable prospect of such works being carried out and I therefore offer it little weight as a fallback position.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR