
Appeal Decision

Site visit made on 24 October 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 6 November 2017

Appeal Ref: APP/N2535/W/17/3179513

The Old Angel Inn, 2 Wragby Road, Bardney, Lincoln LN3 5XE

- 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 Mr S Andrew against the decision of West Lindsey District Council.
 - The application Ref 135574, dated 12 December 2016, was refused by notice dated 16 May 2017.
 - The development proposed is described as residential development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline. The Council's Decision Notice refers to matters of access and layout as not being reserved for future determination. However, the planning application form refers to all matters apart from only access being reserved for future determination. The Council's 'validation letter' dated 6 March 2017 also refers to only access as not being reserved. In addition, the Design and Access Statement, dated November 2016, and the submitted plan (Ref 138/16/01/A) refer to the proposed layout as being illustrative.
3. Taking into account the evidence provided, and in the absence of any other information to the contrary, I have determined the appeal on the basis of the application submitted to the Council with all matters apart from access reserved for future determination. I have had regard to the plan showing an illustrative site layout in the determination of this appeal.

Main Issue

4. The main issue is the effect on the living conditions of the future occupants of the proposed development with particular regard to noise, odour and disturbance.

Reasons

5. The appeal site comprises the south eastern corner of a gravelled surfaced car park located to the rear of 'The Old Angel Inn' with a garden area located to the east. The car park serves the public house and also enables access to a private garage, which the Council indicate is used by No 5 Silver Street, which

- is located to the south of the site. The public house has a kitchen and store extension that is located close to the northern boundary of the proposed site and contains a kitchen extraction flue on the western elevation.
6. The illustrative layout shows that the proposal site would accommodate a pair of semi-detached dwellings with their primary aspect facing west-east. Owing to the modest size of the site, the plan shows the proposed dwellings being located in close proximity to the property boundary with the garden to the east. As such, the dwellings would have very little front and rear private garden areas although a very modest garden area is shown to the side of each of the proposed properties. Two dedicated car parking spaces are proposed to serve each dwelling which would be located along the southern boundary of the existing car park.
 7. The front elevation of the proposed dwellings would face towards the entrance to the car park. Given the modest size of the proposed private amenity area, the vehicular movements of customers using the public house and entering, leaving and parking in the car park would do so in close proximity to the front elevation of the proposed dwellings. In addition, vehicular access and egress to the garage serving No 5 Silver Street would also result in vehicle manoeuvres occurring in close proximity to the front and side elevation of the proposed southern semi-detached dwelling.
 8. Such vehicular movements, even associated with a modest number of cars, occurring in close proximity to the front elevation of the proposed dwellings would result in noise and disturbance that would unacceptably harm the living conditions of the future occupants. Noise would be further compounded by the loose gravel surface of the car park. The future occupants would also be likely to suffer more general disturbance as a consequence of car headlights shining into the front windows as a result of vehicles turning into the public house car park off the highway. These factors further add to my concerns regarding the effect of the proposal on the living conditions of the future occupants.
 9. Whilst I note the appellant's view that the car park could be marked out to ensure that cars park away from the properties, given the relatively small size of the car park and the proximity of the appeal site to it, even if vehicles were to park closer to the rear of the public house this would not overcome my concerns of the manoeuvring of vehicles occurring in close proximity to the front façade of the proposed dwellings.
 10. The public house opens late into the evening. In addition to any noise being generated from any amplified music in the public house, customers arriving and leaving the premises would be likely to generate a range of different noises including talking outside in the car park, the opening and closing of car doors, the starting up and revving of car engines, the sound of music from car stereos and pedestrian movements occurring in very close proximity to the proposed front façade of the dwellings.
 11. Such noise and general disturbance would be a relatively frequent occurrence which would be exacerbated by groups of customers. Furthermore, this would be more noticeable in the evenings, when the ambient background noise will be likely to be less, and at a time when the future occupants should reasonably expect a quite living environment.

12. The Council also suggest that the future occupants would be exposed to the adverse impact of odour. However, I have no evidence to indicate what the source of such odour may be and how this would impact on the living conditions of the future occupants of the proposed development. The flue from the kitchen of the public house appears to be quite modern and would be sited a sufficient distance from the proposed dwellings so as not to cause any unacceptable odours. In the absence of any other evidence, I consider that it has not been demonstrated that the living conditions of the future occupants of the proposed dwellings would be unacceptably harmed by odour.
13. The Council has also referred to the constrained nature of the proposed plot sizes resulting in a small area of private amenity space. I have no evidence of any space standards adopted by the Council that relate to the minimum area for private amenity space that is required to be provided in new residential development. However, the proposed small area shown on the illustrative plan would constrain the ability to mitigate the development from the effects of noise and disturbance associated with the use of the car park. In addition, the outlook from the rear of the properties would be directly over the garden to the east. This would cause a mutual loss of privacy for both future occupants of the dwellings and the users of the adjacent gardens. These factors also add to my concerns regarding the suitability of the proposed site to be used for residential purposes.
14. Taking the above factors into account, the proposed development would result in unacceptable harm to the living conditions of the future occupants of the dwellings as a consequence of noise and disturbance. As such, the proposal would be contrary to Policy LP26 of the Central Lincolnshire Local Plan (2017). This policy, amongst other things, indicates that new development should ensure that the amenity of future occupants of buildings must not be unduly harmed by, or as a result of, adverse noise. In addition, the amenity of occupiers of new development should be compatible with the ongoing normal use and activities of neighbouring sites.

Other matters

15. I have taken into account the modest contribution that the proposed development would make to housing supply within the District and the opportunity that would be provided for existing residents within the village to relocate to more modest properties. Whilst these factors carry some limited weight in support of the appeal proposal they do outweigh my findings that the development would result in unacceptable harm to the living conditions of future occupants of the dwellings.

Conclusion

16. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR