
Appeal Decision

Site visit made on 23 October 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 8th November 2017

Appeal Ref: APP/D2510/W/17/3179639
48 Church Lane, Sutton on Sea LN12 2JB

- 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 J Hackney against the decision of East Lindsey District Council.
 - The application Ref N/110/00620/17, dated 30 March 2017, was refused by notice dated 31 May 2017.
 - The development proposed is change of use of vacant land to form an extension to the domestic curtilage of 48 Church Lane, Sutton on Sea.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is situated within a predominately residential area and comprises of a piece of grass adjacent to a detached bungalow which sits at the junction of Church Lane and Church Park.
4. Church Lane is characterised by one and two storey dwellings which are set back behind modest front gardens enclosed by low boundary walls. In contrast, whilst I noted the occasional fence or hedge, the majority of front gardens along Church Park are unenclosed. Numbers 48 and 50 Church Lane are both set in from Church Park and have a strip of grass between the pavement and their flank elevations. Two mature trees also sit either side of the junction. This together with the unenclosed gardens contributes to the open and verdant character of Church Park. The appeal site thus makes an important contribution to the character and appearance of the area.
5. Permission is sought to change the use of the grass to domestic curtilage in connection with the appeal property. The existing property has a fence and a hedge along its boundary with Church Park. The appellant purchased the land in question some time ago and I noted on my site visit that an approximately 1m high fence has been erected to enclose the land under permitted development rights.

6. I acknowledge that the fence erected under permitted development rights has resulted in greater enclosure of the land than would have previously existed; however, due to the open nature of the appeal site behind the hedge, the sense of openness remains and views from the junction along Church Park are still visible above the fence. I note that the mature tree at the corner of the junction would remain.
7. Due to the position of the land between the house and the highway more permanent structures could not be erected within the appeal site without the benefit of planning permission. Nonetheless, this would not prevent the usual range of domestic paraphernalia associated with gardens such as washing lines, children's play items such as climbing frames, trampolines and garden furniture that could be erected within the area without requiring planning permission. Some of these items such as a trampoline or climbing frame could be tall and highly visible above the 1m fence. Any such domestic paraphernalia could, therefore, result in a loss of openness which is a characteristic feature of Church Park. It would also potentially restrict views along Church Park and create visual clutter on this prominent corner.
8. The hedge which has been planted along the side of the fence would take some time to mature and whilst it may soften the appearance of the fence to a degree it would actually contribute to the loss of openness. Whilst I do not question the appellant's dedication to high levels of planting, maintenance and gardening skills, these matters would not outweigh the harm which I have identified.
9. I note the appellant's concerns regarding the Council's handling of the application; however, I have dealt with the appeal on the basis of the planning merits of the case alone. I am also aware of a representation regarding concerns over the maintenance of the proposed hedge; however, none of the matters raised would lead me to a different conclusion.
10. For the reasons stated, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would, therefore, be contrary to Saved Policies A4 and A5 of the East Lindsey Local Plan (Alteration 1999) which together seek to support development which improves the quality of the environment and protect the amenity of where people live or work and ensure that development does not harm the distinctive character of the area or result in the loss of amenity space or space between buildings.
11. The proposal would also conflict with paragraphs 17 and 58 of the National Planning Policy Framework which, amongst other things, seek to secure high quality design which establishes a strong sense of place and respond to local character.

Conclusion

12. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector