The Planning Inspectorate

Appeal Decision

Site visit made on 9 May 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4 June 2019

Appeal Ref: APP/M2515/W/18/3208775
Castle Street, Lincoln LN1 3HU

- 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 Miss Joanna Hobday against the decision of Lincoln City Council.
- The application Ref 2018/0254/FUL, dated 5 February 2018, was refused by notice dated 20 March 2018.
- The development proposed is change of use from a plot of land used for parking cars, to a new-build of a detached-house with two bedrooms and two parking spaces.

Decision

1. The appeal is allowed and planning permission is granted for change of use from a plot of land used for parking cars, to a new-build of a detached-house with two bedrooms and two parking spaces at Castle Street, Lincoln LN1 3HU in accordance with the terms of the application, Ref 2018/0254/FUL, dated 5 February 2018, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are the effect of the proposed development on:

   a) the character and appearance of the area; and

   b) the living conditions of the occupiers of neighbouring dwellings.

Reasons

3. The appeal site comprises a relatively small plot of land adjacent to a pair of semi-detached properties at 50 and 52 Castle Street. The site is accessed from Castle Street and is located to the rear of a terrace of houses fronting Wilson Street. The site is currently undeveloped save for a partial hard-surface area and it is currently used for car parking. The proposal is for the erection of a detached two-storey dwelling with parking for two cars to the front and a small garden to the rear.

Character and Appearance

4. The site is within the Burton Road Character Area, which largely comprises late Victorian and Edwardian terraced houses and some post-war and more recent development. Terraces are largely densely-packed buildings on narrow streets but there are dispersed groups of detached and semi-detached dwellings in the area. Residential properties on Castle Street are mainly within a long terrace of two-storey houses on the northern side of the road.

5. On the southern side of the road there are the rear gardens of houses on Wilson Street as well as a number of modern buildings. These include the semi-detached pair at Nos. 50 and 52 but also a modern development at the western end of the road at 8 to 20 Castle Street (even numbers). The buildings on the southern side do not have any consistent build-line and there are significant architectural and scale differences between those at the eastern and western ends. Some of these dwellings have front doors opening onto the footway while others have car parking to the front.

6. The proposed building would be the sole detached dwelling on the street but the original terraced character is already fundamentally altered by the housing on the south side of the road at either end of the street. The dwelling would be built close to Nos 50 and 52 and would not cause any unacceptable harm to the modified character and appearance of the area.

7. Although the site is relatively narrow it appears to be wider that the plots for Nos 50 and 52 which sit comfortably in the area and therefore the proposed property would not appear cramped in the context of the existing street scene. The property would be relatively narrow from front to rear so would not replicate the roof pitch of the nearby terraced houses, but this element of the street scene has also been modified by other recent buildings. The garden would also be smaller than the original gardens of the terraced properties but would be of a size similar to some of the residual gardens for properties on Wilson Street that back onto Castle Street.

8. Therefore, the proposal would accord with Policy LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan) and the advice in the National Planning Policy Framework (the Framework), which seek to ensure that developments contribute positively to the local character and townscape.

Living Conditions

9. The rear elevation of the proposed dwelling would be constructed within three metres of the rear boundary, which comprises a roughly 1.4m high wall topped with a trellis that takes the overall height to approximately 1.8m. The main rear elevation of the property to the rear at 74 Wilson Street would be nine metres or so from the rear elevation of the proposed building. However, the rear of the building would only have windows at ground-floor level and rooflights in the rear roof pitch so there would be no overlooking.

10. No. 74 has been extended to the rear to within a few metres of the existing boundary wall but the sole window in the rear extension is an obscure-glazed window that appears to serve a bathroom. The extension occupies much of the rear garden at No. 74 and limits the available garden space. The utility of the remaining space would not be unacceptably harmed by the proximity of the proposed dwelling.

11. Therefore, the proposal would accord with Policy LP26 of the Local Plan and the advice in the Framework, which seek to ensure that developments do not unduly harm the amenities which occupiers of neighbouring dwellings may reasonably expect to enjoy.

Other Matters

12. Castle Street is a narrow road with no off-street parking save for a small provision attached to some of the more recent buildings on the southern side of

the road. At the time of my site visit there were few parking spaces available on the street and presumably parking pressures would increase in the evenings when residents were home from work. The proposal would provide off-street parking which would mean there would be no increase in on-street parking pressures from the proposal.

Conditions

13. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.

14. In the interests of proper planning I have imposed the standard condition in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans. To protect the living conditions of neighbouring occupiers during works I have imposed a condition limiting the hours of demolition and construction. To encourage sustainable transport, I have included a condition requiring installation of an electric vehicle charging point prior to first occupation.

15. The Council requested conditions to deal with possible land contamination but there is no compelling evidence of a particular problem or a history of the area giving rise to the likelihood of contamination. However, the effect of any unexpected contamination on the progress of the development can be adequately controlled by condition and I have therefore imposed one. I have not imposed a condition requiring approval of external facing materials as these are specified on the plans.

Conclusion

16. For the reasons given and taking account of all material considerations, I conclude that the appeal should succeed.

D Guiver
INSPECTOR

Schedule

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: JH/0110/2017; JH/0210/2017; and JH/0510/2017 B.

3) Delivery, demolition or construction works shall take place only between 0730 and 1800 hours on Mondays to Fridays and between 0730 and 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

4) Before first occupation of the dwelling hereby permitted the dedicated parking space for the dwelling shall be provided with an electric vehicle recharging point to provide a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicle recharging point shall thereafter be retained.

5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the site shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

End of Schedule