



Appeal Decision

Site visit made on 16 December 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/M2515/W/19/3236029

Building adjacent to 1 Altham Terrace, Lincoln LN5 8DN

- 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 Jeda Property Ltd against the decision of Lincoln City Council.
 - The application Ref 2019/0374/FUL, dated 7 May 2019, was refused by notice dated 3 July 2019.
 - The development proposed is conversion and use of the ground floor lock up garage and storage area to create an additional one-bedroom self-contained flat with associated off-street car parking.
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Decision

1. The appeal is allowed, and planning permission is granted for conversion and use of the ground floor lock up garage and storage area to create an additional one-bedroom self-contained flat with associated off-street car parking at the Building adjacent to 1 Altham Terrace, Lincoln LN5 8DN in accordance with the terms of application reference 2019/0374/FUL, 7 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 19/509/1 - Existing and Proposed Floor Plans and Elevations, 19/509/2 - Existing Block Plan and Site Location Plan, and Supplementary Planning Statement reference 2783 - (Globe Consultants, May 2019).
 - 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.

Procedural Matters

2. The parties have raised the issue of the current residential use of the upper flat. However, this matter is not before me and the appeal pertains to the ground floor only.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of future occupiers with respect to outlook.

Reasons

Character and appearance

4. The appeal property is a two storey detached building with the ground floor comprising double garage/storage space with a self-contained flat above. To the east is the three storey property of 7 St Catherines (No 7) which has a two-storey rear offshoot extending towards the appeal property. To the side of the appeal building is a small enclosed courtyard which sits behind a gate which separates it from Altham Terrace. The property sits at an angle and set back from Altham Terrace broadly parallel to the adjacent No 7. The front of the property has an open aspect looking out over a waterway and beyond towards the residential properties on the opposite bankside. Other residential properties on Altham Terrace are a mixture of two and three storey terraced dwellings.
5. When viewed from further along Altham Terrace the appeal property is seen within the context of the two storey rear offshoot at No 7. The properties are separated from each other by both the courtyard and the neighbouring rear yards giving a relatively open character. Similarly, when viewed from the front the property is seen within the context of lower buildings to its rear, particularly due to its set-back from the highway. The west elevation sits adjacent to a narrow passageway which separates it from the neighbouring three storey properties on Altham Terrace. Due to the angle of the property, which is off-set from the end gable of this terrace, in addition to its set-back, the appeal property does not read as part of the terrace but as part of the lower-rise buildings to its south and east. For this reason, and although the building was originally constructed as an outbuilding for No 7, its size and position do not currently appear incongruous.
6. The current front elevation consists of an upper window above two white garage doors. The proposal would replace the garage doors with two windows which would give the building a more residential character. However, the current garage doors are a prominent feature within the streetscape which is not particularly characteristic of the surrounding area. Replacement of these with windows would, despite the change in character, make the building less conspicuous. When viewed from the adjacent High Street, the windows would be read within the context of those on the neighbouring rear off-shoot, which broadly sits in line with the appeal property.
7. For the above reasons the proposal would not harm the character or appearance of the area. It would therefore not conflict with Policy LP26 of the Central Lincolnshire Local Plan 2017 (Local Plan) which seeks that proposals consider the local character and distinctiveness.

Living conditions

8. The Council have stated that the proposal would result in poor quality accommodation due to the overbearing impact of the surrounding buildings. The property would have two front-facing windows which would have open views across the waterway. To the east, the window would look out onto the adjacent yard. As observed during my site visit, despite the presence of No 7 to the east, the yard does not have an overly enclosed character. This is due to the separation given by the rear yard of No 7 and the courtyard itself. There would be no windows on the west elevation which sits beside the side passageway and three storey neighbouring building. Due to the relative

positions of other buildings which are not unacceptably overbearing, there would be reasonable outlook for the dwelling.

9. For the above reasons the proposal would not harm the living conditions of future occupants with regard to the overbearing impact of adjacent buildings and subsequent outlook. The proposal would therefore not conflict with Policy LP26 and LP37 of the Local Plan. These policies, together and amongst other matters seek that proposals protect the amenity of future occupiers.

Conditions

10. The conditions set out in this decision are based on those suggested by the Council. These conditions have been considered against the tests of the Framework and advice provided by the Planning Practice Guidance¹ (PPG) on conditions. Those included are found to be reasonable and necessary.
11. In addition to the standard condition regarding the time period for implementation, there is a need for a condition specifying the plans to which the permission relates, in the interests of certainty and clarity. Similarly, condition 3 refers to the requirement for materials to match the existing which is in the interests of protecting the character and appearance of the area.

Conclusion

12. For the reasons stated above the appeal is allowed.

E Symmons

INSPECTOR

¹ Use of Planning Conditions. Published 6 March 2014, last updated 23 July 2019.