



Appeal Decision

Site visit made on 25 February 2020 by Andreea Spataru BA (Hons) MA

Decision by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2020

Appeal Ref: APP/M2515/D/19/3243057

28A Cross O'Cliff Hill, Lincoln, LN5 8PR

- 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 & Mrs Downey against the decision of the City of Lincoln Council.
 - The application Ref 2019/0684/HOU, dated 25 August 2019, was refused by notice dated 5 December 2019.
 - The development proposed is the erection of a two storey side extension to dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the St Catherines Conservation Area.

Reasons for the Recommendation

4. The appeal site relates to a two-storey hipped roofed semi-detached dwelling, located within a predominantly residential area in the St Catherines Conservation Area (SCCA). The appeal dwelling is set-back from the road, set-in from the side boundary shared with neighbouring property 29 Cross O'Cliff Hill and has a garden to the rear.
 5. The proposal seeks the construction of a two-storey extension to the side and rear of the host dwelling. The extension would be set-back from the principal elevation, set-down from the main ridge and slightly set-in from the side boundary, to retain an existing path that provides access to the rear garden.
 6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account
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- including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
7. The character of this part of the SCCA, along Cross O'Cliff Hill, is largely defined by two/three storey detached and semi-detached dwellings which have a frontage on to the road. There is not a uniform building line, but the dwellings are generally well set-back from the road. Whilst the distance between buildings varies along the street, the dwellings sit comfortably within their plots and there is a clear separation between buildings. The open space between the houses is a feature that makes a significant positive contribution to the character and appearance of the SCCA, particularly when it contributes to the separation of properties of different scale, age and design.
 8. The pair of semi-detached properties of which the appeal dwelling forms part is well set-in from the side boundaries shared with neighbouring properties, which are of a larger scale and different architectural style. The gap between the appeal dwelling and No 29 is smaller than that between No 28 and the neighbouring property located to the north. The proposed two storey side/rear extension would significantly reduce the existing open space between the host dwelling and No 29. This would further imbalance the space between the pair of semi-detached dwellings and their adjoining neighbouring properties.
 9. I note that the extension would not have a sideways projection greater than that of the previous attached single storey garage and that the extent of the proposal was reduced during the application process. However, whilst the set-back frontage would aid views of the adjacent property detailing, I do not consider the proposal directly comparable with the previous garage as the extension would still add considerably more mass to the side of the dwelling, both at the ground and first-floor level, even in its revised form. Likewise, noting the photographic evidence of the appellant, the two-storey side extension is not directly comparable with the existing boundary treatments or gaps between buildings of nearby properties, which consist of timber fences and hedges, or generally of single storey structures. The mass of a two-storey extension in this location would have a considerably greater adverse impact on the character and appearance of the area. Accordingly, the proposal would fail to preserve an element of the SCCA that makes a positive contribution to its significance.
 10. Therefore, the scheme before me would be detrimental to the character and appearance of the Conservation Area. The Framework states that great weight should be given to the conservation of heritage assets, regardless of whether any potential harm amounts to substantial or less than substantial harm. Given the proposal would affect only part of the SCCA harm to the significance of the heritage asset would be less than substantial. In such cases, harm should be weighed against the public benefits of the proposal in accordance with paragraph 196 of the Framework.
 11. I note and acknowledge that the development would be beneficial for the appellants' daughter and her family and I sympathise with this situation. However, even if such a situation could be termed a public benefit it would not outweigh the harm to the Conservation Area that I have identified.
 12. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the St Catherines Conservation Area and as such

would not meet the statutory requirements of the Act. Furthermore, the proposal would be contrary to Policies LP25 and LP29 of the Central Lincolnshire Local Plan, which collectively state that, amongst other matters, development should protect and enhance historic assets.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Jon Hockley

INSPECTOR