



Appeal Decision

Site visit made on 25 February 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/R2520/W/19/3242685

93 Lincoln Road, Branston, Lincoln LN4 1PD

- 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 J. Shelton and P. Scott against the decision of North Kesteven District Council.
 - The application Ref 19/1339/OUT, dated 20 September 2019, was refused by notice dated 21 November 2019.
 - The development proposed is the erection of one dwelling to the rear of the existing dwelling located at 93 Lincoln Road, Branston. All matters reserved aside from those relating to access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is submitted in outline form with all matters reserved for later consideration except for access. Therefore, whilst plans have been submitted suggesting how a dwelling could be accommodated on the site, this detail is provided for indicative purposes only.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 91 Lincoln Road with particular reference to noise and disturbance.

Reasons

Character and appearance

4. The appeal dwelling is located on a substantially sized plot and has a large rear garden area. This is characteristic of those other properties adjacent to the site which front onto and are accessed directly from Lincoln Road. The rear garden areas of these dwellings include mature landscaping but are generally free of any significant built development beyond typical domestic outbuildings. This gives these properties a spacious and open character, with the presence of the woodland and parkland beyond the rear boundary further adding to the low density feel of this section of Lincoln Road.
5. The proposed development would introduce a new dwelling in a position that would be uncharacteristic of the surrounding area, creating a backland development that would not benefit from a road frontage and one which would diminish the spacious rear garden area of the existing dwelling. This would jar

with the prevailing pattern of settlement in the location and result in significant harm to its character and appearance. Whilst there are examples of existing housing developments in close proximity to the site that appear to have been undertaken in the rear garden areas of other dwellings on Lincoln Road, these have been developed in a much more comprehensive manner, resulting in cul-de-sac access roads which allow each of the dwellings to enjoy a road frontage. They are, therefore, not comparable to the appeal development and the harm that it would cause.

6. There would be a limited visual impact on Lincoln Road due to the presence of the existing dwellings which front onto this road. However, the proposed development would be clearly visible from the dwellings which adjoin the site and their garden areas, and it would also be apparent from the public footpath which runs along the rear boundary. Although the absence of visual harm to Lincoln Road is noted, it does not outweigh the significant harm to the character and appearance of the area that I have found.
7. The appellant has made reference to developments that have been undertaken at other properties on Lincoln Road, however I have not been provided with specific details of the circumstances of these. My attention has also been drawn to other appeal decisions, but these relate to sites that are some distance from Branston. Whilst I have had regard to the information provided about the other developments, they do not alter my findings on the impact that would arise from the appeal development. In any event, I am required to consider the appeal proposal primarily upon its own individual merits and I have proceeded to make my determination on that basis.
8. Although it may be possible to erect buildings in the rear garden area of the existing dwelling using permitted development rights, any building that were to be erected would be incidental to the existing dwelling and not a standalone dwelling. Therefore, its impact upon the character and appearance of the area would not be the same as that which would result from the appeal proposal.
9. For these reasons, I conclude that the positioning of the proposed development would result in significant harm to the character and appearance of the area. The proposal would therefore conflict with the aims of Policy LP26 of the Central Lincolnshire Local Plan 2017 (LP), where it seeks to ensure that all development contributes positively to the character and appearance of the area surrounding it. The proposal would also not meet with the objectives of The National Planning Policy Framework (The Framework) and the National Design Guide, where they too seek to protect character and appearance.

Living conditions

10. The access driveway to the proposed dwelling would pass alongside the dwelling at No 91. In addition, it would be necessary to demolish the existing garage which serves No 93, with the indicative plans suggesting that this would be relocated to the rear of the existing dwelling. As a result, there would be the potential for vehicles associated with both the existing and the proposed dwellings to pass by the adjacent dwelling.
11. The front elevation of No 91 faces towards Lincoln Road, which is a busy main road. Furthermore, there are already movements associated to the frontage of No 93, as there is a parking area established, together with the existing garage. The side elevation of No 91 does not have any openings and there is a

mature boundary hedge which runs alongside it and which continues along the common boundary between the rear gardens of the two dwellings. These factors would therefore mitigate against any impact that would arise from the movement of vehicles adjacent to the front and side elevation of No 91.

12. The rear elevation of No 91 contains primary windows and the proposed access would also run alongside much of the rear garden area of this adjacent dwelling. However, the movements associated with one new dwelling, together with those to any new garage that was erected to serve the existing dwelling, would not be so significant in number or have a relationship to the rear elevation and garden area of No 91 such that they would result in harm to the living conditions of its occupiers from noise and disturbance.
13. For these reasons, I conclude that the proposed development would not result in harm to the living conditions of the occupiers of No 91 as a result of noise and disturbance. Accordingly, there would be no conflict with the aims of Policy LP26 of the LP where it seeks to safeguard living conditions. There would also be no conflict with the objectives of The Framework with respect to living conditions.

Other Matters

14. The proposed development would provide one new dwelling in a location which would offer a choice of modes of travel and access to services. However, it would make only a very limited contribution to boosting the supply of housing. Furthermore, the economic, environmental and social benefits that the appellant has highlighted would also be limited due to the small scale of the proposal. These considerations do not therefore outweigh the significant harm to the character and appearance of the area that I have identified.
15. The appellant has referred to the size of the garden and to the maintenance liabilities that arise as a result, however this does not justify a harmful development. Reference is also made to local plan policies which support housing growth in Branston, but the principle of such developments taking place within the settlement has not been raised as a specific concern by the Council, and it does not form a reason why the planning application was refused.
16. There is dispute between the parties about the planning application process and the extent of discussions and advice that was afforded before and during it, and the consistency of Council decisions relating to the appeal site. These are not however matters that can have a bearing upon the outcome of this appeal. Any future planning applications made for similar development on other sites in the area would need to be considered upon their own merits.

Conclusion

17. Although I find no harm to living conditions, I do find significant harm to the character and appearance of the area and subsequent conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR