
Appeal Decision

Site visit made on 25 August 2020

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 28/08/2020

Appeal Ref: APP/D2510/W/20/3249267

Land at Fair Field, Scremby Road, Partney, Lincolnshire

- 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 G Avison against the decision of East Lindsey District Council.
 - The application Ref N/136/02087/19, dated 5 November 2019, was refused by notice dated 8 January 2020.
 - The development proposed is the erection of 2no. detached houses each with integral single garages.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. detached houses each with integral single garages at Fair Field, Scremby Road, Partney, Lincolnshire in accordance with the terms of the application, Ref N/136/02087/19, dated 5 November 2019, subject to the attached schedule of conditions.

Procedural Matters

2. The Council change the description of application Ref N/136/02087/19 to 'the erection of 2no. detached houses each with integral single garages' from that contained on the application form. This is a more accurate description of the development proposed which I note that the appellant has used in the appeal form. Therefore, I have used this in the determination of this appeal.
3. There is also some discrepancy in the address of the appeal site. The application form and plans refer to the site address as being 'Land adjacent to Skegness Road and Maddison Lane, Partney'. The Council's Decision Notice identifies the site address as being 'Land at Fair Field, Scremby Road, Partney'. This latter address has also been used by the appellant in the appeal form and statement. I have therefore also used the Council's description of the address, as contained on the Decision Notice, in the determination of this appeal.

Application for costs

4. An application for costs was made by Mr G Avison against East Lindsey District Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area.
- The effect of the proposal on designated heritage assets and in particular the setting of the Grade II* listed Church of St. Nicholas and the Scheduled Churchyard Cross.

Reasons

Character and appearance

6. The appeal site comprises part of a former grassed field on which planning permission has been granted for the erection of five dwellings. Three of these are under construction, with the external elements complete, and are accessed via a single access point off Skegness Road. The appeal relates to the remaining two plots which the permission provides for these to be sited with their front elevations facing Skegness Road from where access to serve each was to be taken.
7. Partney has a small core of residential development clustered around the Grade II* Listed Church with predominantly a ribbon form of development extending from this core. The appeal site is located on the northern side of Skegness Road and is bounded to the west by residential development with the Village Hall in close proximity. Detached bungalows are located on the opposite side of the road which display a variety of front boundary treatments. Beyond the recently created access to serve the three dwellings, this part of Skegness Road retains an unbroken verge up to the junction with Maddison Lane. In my view, this verge together with a part hedgerow behind, provides this part of Skegness Road with a degree of rural character.
8. Overall, the part of the village in the vicinity of the appeal site displays a fairly 'loose' character in terms of the cohesion of development with a variety of building styles, differences in separation distances and plot sizes. Although many dwellings in Partney have their principle elevation facing the road, there are a number of examples where the dwelling's principle elevation is not road facing. The 'Rectory' on Skegness Road near to the site is an example of a building which does not have its principle elevation facing the road. In addition, there are examples of cul-de-sac development on Hudson Close to the north west of the site and off Maddison Road to the north east. Consequently, I do not consider that this part of the village in the vicinity of the appeal site displays any significant strong defining character that would set a design precedent for future development to follow.
9. The proposal would involve the dwellings occupying a similar position within the plot but being rotated 180 degrees so that the rear elevation would face Skegness Road. The design of the dwellings would be unchanged from that previously approved. However, access would be via the existing single access point that serves the three dwellings under construction such that a cul-de-sac development of five dwellings would be created.
10. The proposal would retain the unbroken nature of the existing roadside verge. In addition, the proposed landscaping, the implementation of which could be

- required as part of a suitably worded planning condition, would enable the replacement of the intermittent hedge in the vicinity of the appeal site. Consequently, the rural character of this part of Skegness Road would be retained and enhanced. In my view, the enhancement of this rural character would make a more noticeable contribution to the appearance of this part of the village than the current approved scheme which would involve its change to a significantly more suburbanised and developed character by the provision of access points, associated hardstanding areas and frontage development.
11. The design of the rear elevations of the proposed dwellings with first floor accommodation in the roof space and articulated elements at ground level would be reflective of the narrow front gables that exist on some of the bungalows opposite. In my view, the proposed position, design and orientation of the dwellings would have a relatively neutral effect on the appearance of the street scene. This view was reinforced at my site visit when I observed that the rear elevations of the three properties under construction appear as being relatively subordinate to the character of Maddison Lane.
 12. I have taken into account the Council's concerns that the proposed development would have a visually weak appearance in the street scene. However, I do not consider this to be the case. Given my findings above, the proposal would have a neutral effect on the street scene which needs to be balanced against the visual benefits of the retention of the unbroken verge and hedge.
 13. As a consequence of the single storey nature of the bungalows opposite, their set back from the road and the variety of boundary treatments, I do not consider that development in the vicinity of the appeal site displays a character of 'strong frontage' development to any significant extent. This part of the village does not display any particularly significant defining characteristic and as such the bungalow development opposite, which does not appear as being 'strong frontage' development does not set a design precedent for the consideration of new residential proposals. In any event, the fact the proposal may have no functional relationship with the street is outweighed, in my view, by the benefits of retaining the rural character of this part of Skegness Road.
 14. The fact that the proposal would result in the creation of a small cul-de-sac would not result in a form of development that would be uncommon in the village. Consequently, I do not consider the proposal would result in the creation of a form of development that would be uncommonly insular or inconsistent with the character of the village.
 15. Taking the above factors into account and in particular my findings that the village in the vicinity of the appeal site does not display any significant defining characteristic, I conclude that the proposal would not have a significant adverse effect on the character and appearance of the surrounding area. Consequently, there would be no conflict with Policy SP10 of the East Lindsey Local Plan Core Strategy adopted in 2018 (the Local Plan). This policy, amongst other things, requires the layout, scale, massing and height of development to reflect the character of the surrounding area.

Heritage assets

16. The proposed dwellings would be sited in approximately the same position as those approved pursuant to the existing permission. Intervening development

comprising the village hall and several houses stand between the Church and the appeal site. There is relatively close-knit residential development on all sides of the Church, particularly on Sausthorpe Road, and positioned in closer proximity to it than the appeal site. This close-knit nature of frontage development decreases in travelling east along Skegness Road. In my view, the setting of the heritage assets is already characterised by existing development located to the west of the appeal site.

17. The appeal site is positioned sufficiently distant from the Church and Churchyard so as not to cause any harm to the setting of the heritage assets and the surrounding close-knit development that already exists. As I have found above that the proposal would not cause harm to the character and appearance of the area, and given that the additional dwellings would be further away from the church than existing houses, the proposal would have a neutral effect on the setting, which would therefore be preserved. The current rural character of this part of Skegness Road with unbroken verges and hedgerow would remain unchanged. Similarly, the contribution this setting makes to the significance of the Church and Churchyard Cross as designated heritage assets would be unharmed.
18. In my view, the suburbanisation of this part of the street that would be caused by the approved scheme would have a more noticeable impact on the setting of the heritage assets than the neutrality that would be provided by the appeal scheme. Consequently, the proposal would therefore accord with Policy SP11 of the Local Plan which, amongst other things, only supports development that preserves heritage assets and their setting. There would also be no conflict with the advice on the historic environment in the National Planning Policy Framework (the Framework), and it would comply with the statutory tests for heritage assets and their settings.

Other matters

19. The appellant has drawn my attention to the appeal decision relating to the original outline application for residential development on the site (Ref APP/D2510/A/14/2225402). Although not identified as being main matters, this appeal also considered some of the issues relating to the impact of development on the character and appearance of the area and the effect on heritage assets. Whilst there are some similarities to the issues in this case, each decision must be determined on its own merits. Consequently, I have only given limited weight to this decision and I have determined the appeal on the basis of the proposal before me and the site circumstances.
20. Interested parties and the Parish Council have drawn my attention to a planning obligation related to planning application reference N/136/01280/16. Whilst I appreciate the concerns that this obligation has not been enforced, unfortunately this is not a matter before me in this appeal which relates only to the application on which the Council refused planning permission. As such, I am unable to take this matter into account in the determination of this appeal.

Conditions

21. The Council has proposed a number of planning conditions which I have considered against the advice given in paragraph 55 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the

Government's Planning Practice Guidance. Where necessary I have altered them in the interests of necessity, precision, conciseness or enforceability.

22. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
23. In order to protect the character and appearance of the area I have also imposed a condition concerning landscaping. In the interests of ensuring the efficient use of water and to comply with the requirements of Policy SP10 (8) of the Local Plan, a condition is necessary that limits water consumption.

Conclusion

24. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No. J1440a-PL-01 Revision P01 - Site Location and Existing Block Plan
 - Drawing No. J1440a-PL-02 Revision P02 - Proposed Site Plan
 - Drawing No. J1440a-PL-03 Revision P02 - Proposed Landscaping Plan
 - Drawing No. J1440a-PL-04 Revision P02 - Visibility Splays
 - Drawing No. J1440a-PL-20 Revision P02 - Proposed Floor Plans
 - Drawing No. J1440a-PL-21 Revision P02 - Plot 1: Elevations 1 of 2 and Indicative Section
 - Drawing No. J1440a-PL-22 Revision P02 - Plot 1: Elevations 2 of 2
 - Drawing No. J1440a-PL-60 Revision P01 - Plot 2 Proposed Floor Plans
 - Drawing No. J1440a-PL-61 Revision P01 - Plot 2: Elevations 1 of 2 and Indicative Section
 - Drawing No. J1440a-PL-62 Revision P01 - Plot 2: Elevations 2 of 2
- 3) Prior to the occupation of the first dwelling hereby permitted a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting, and positions of all trees together with details of post planting maintenance and management of any shared landscaping areas shall have been submitted to, and received the written approval of, the Local Planning Authority. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety before the end of the first planting season following the date on which the first dwelling is occupied or in line with a timetable agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 4) The development hereby permitted shall be constructed to Building Regulation Part G(2)(b) standards limiting water consumption to 110 litres per person per day.