



Appeal Decision

Site visit made on 30 September 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2020

Appeal Ref: APP/D2510/W/20/3251974

9 Beaumonde, Holton-le-Clay DN36 5HH

- 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 Mr John Gilham against the decision of East Lindsey District Council.
 - The application Ref N/085/01816/19, dated 2 October 2019, was refused by notice dated 22 November 2019.
 - The development proposed is for the outline erection of a bungalow with means of access included.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with matters regarding appearance, landscaping, layout and scale reserved for later determination. Details of the means of access is included. The accompanying Design & Access Statement does include an indicative layout (Figure 9 at p. 11) and an indicative building appearance (Figure 11 at p.14). In addition, the proposed block plan (Drawing No 145-03) also shows the proposed position of the dwelling. However, these drawings and illustrations are merely indicative, and this Decision Letter proceeds from that position.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, with particular regard to views from the A16 bypass and beyond; and
 - The effect of the proposed development on the living conditions of its future occupants and those of the host dwelling at 9 Beaumonde.

Reasons

Living Conditions

4. The appeal site is located within an established residential area within Holton-le-Clay. It forms part of the back garden of 9 Beaumonde which sits in between the dwelling and the A16 bypass. Access to the appeal site would be from an existing entrance located to the side of No 9's driveway.

5. The proposed development comprises a cranked shaped bungalow which would run broadly north-south parallel with No 9 and the A16 and would be around 4.7 metres in height. The two dwellings would be about 6.5 metres from one another and would be separated by a solid wooden fence topped with a trellis located about 2 metres from the existing dwelling.
6. The side of the existing dwelling contains several windows that would face the fence and proposed bungalow just beyond. According to the indicative plans the southern part of the eastern elevation of the proposed dwelling would not contain any windows. This would, combined with what appears to be a tall fence running at right angles to the proposed bungalow (Figure 11 – Design and Access Statement), prevent any significant loss of privacy for those in the rooms towards the rear of No 9. However, notwithstanding the intervening wooden fence, there would still be some loss of outlook from these rear rooms caused by the view of the blank wall.
7. From the side windows of the room at the front of No 9 there would be views into facing windows of the proposed bungalow shown on the indicative plans. Whilst the intervening wooden fence and trellis would provide some screening, given the very limited distance between the windows there would inevitably be a substantial loss of privacy and a feeling of being overlooked by a neighbour. Moreover, although the proposed bungalow would be less than 5 metres in height it would still, when viewed from about 6.5 metres away, appear to be dominant and oppressive.
8. In an earlier appeal into a very similar scheme determined in 2015 the Inspector held that the outlook from the windows would be severely compromised¹. At some point over the last few years 2 patio doors along the western elevation of No 9 have been replaced with smaller windows although it is not clear whether this was before or after the 2015 appeal. Irrespective however, the new windows are still quite large and provide an important source of light and outlook for the occupants of the respective rooms. Consequently, my assessment of the effect of the new proposal on No 9 is the same as the previous Inspector.
9. Although this is an outline application, I must have regard to the indicative plans already mentioned. If the Appellant considers that the conflicts between the existing and the proposed dwellings could be resolved through reducing the scale of the new bungalow or re-positioning it then he should submit drawings indicating how this might be done. In stating this, I am mindful of the possible effect that 3 quite large trees close to the boundary with the bypass might have on the living conditions of future occupants of the proposed bungalow.
10. Finally, whilst there might be dwellings within the area that have side windows facing each other no details have been provided. Consequently, it is not possible to assess the relevance of any such claim in the determination of this appeal.
11. Therefore, by virtue of its proximity to the neighbouring dwelling the proposed development would fail to provide for the satisfactory living conditions of its future occupants and those at No 9. It would therefore fail to accord with Policy SP10(5) of the East Lindsey Local Plan Core Strategy 2018 (CS) and with the advice set out in Paragraph 127(f) of the National Planning Policy Framework

¹ See APP/D2510/W/15/3013681

which both seek to ensure that new development respects the living conditions of occupants.

Character and Appearance

12. The appeal site is separated from the A16 bypass by three quite large trees and a solid wooden fence. Approaching along the bypass the proposed bungalow would be located between a recently constructed 2-storey dwelling and another bungalow south of No 9. Traffic would generally be passing at considerable speed. Due to the fencing and the screening provided by the 3 trees and other vegetation, drivers passing in either direction would gain little more than a fleeting glimpse of the proposed dwelling.
13. Although the 3 trees are within the confines of the highway and are therefore beyond the control of the Appellant there is no reason to believe that they might be removed. Furthermore, even if they were cut back the single storey design would ensure that the proposed development would be relatively unobtrusive from the A16.
14. Beyond the A16 is an open expansive area of farmland containing the concrete runways of a former Royal Air Force airfield. These runways are set well inside the boundary of the field and appeared to be used for dog walking. Views of the appeal site from this area would be even more restricted than those from vehicles passing at speed along the A16.
15. For the above reasons, the development proposal would not harm the character and appearance of the area when seen from the A16 and beyond. Consequently, it would accord with Policies SP3 and SP10 of the East Lindsey Local Plan Core Strategy 2018 which seek to encourage new development in settlements such as Holton-le-Clay that is well designed in terms of massing and scale such that it reflects the character of the surrounding area.

Other Matters

16. The proposal would result in the removal of thick, tall vegetation from the proposed driveway. However, this is not an argument for allowing construction of a dwelling.

Planning Balance and Conclusion

17. The proposed development would harm neither the character nor the appearance of the area, in particular when viewed from the A16 bypass and beyond. It would, however, severely compromise the acceptable living conditions of the future occupants of the bungalow as well as those of the current and future occupants of No 9. This finding clearly outweighs the consideration about character and appearance and any other considerations.
18. Consequently, the appeal should be dismissed.

William Walton

INSPECTOR