
Appeal Decision

Site visit made on 18 May 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2021

Appeal Ref: APP/D2510/W/21/3266279

Church View, Tinkle Street, Grimoldby LN11 8SW

- 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 N Bonnett against the decision of East Lindsey District Council.
 - The application Ref N/067/01054/20, dated 26 June 2020, was refused by notice dated 24 August 2020.
 - The development proposed is erection of a detached dwelling with integral double garage which is an amendment to that previously approved under application reference N/067/00470/18.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area including the setting of public footpath No 211.

Reasons

3. Tinkle Street is an attractive street with a wide variety of dwelling types and styles in good sized plots. The appeal site is an area of land which is one of two plots to the rear of detached houses facing Tinkle Street. Public footpath 211 is broadly to the north and the Old Rectory, a substantial non-designated heritage asset with extensive outbuildings and gardens, is to the south. Beyond the hedge on the rear boundary is an open agricultural field. Trees within the appeal site and the adjacent gardens are covered by a group Tree Preservation Order and provide a mature landscape setting for the buildings.
4. The bungalows to the Tinkle Street frontage at the north side of the appeal site are low buildings with good sized garden areas to the front and back. The bungalows extend back from the street by one plot depth so that the appeal site sits more prominently in the landscape being open to agricultural fields to its rear and side.
5. The proposed L shaped dwelling with integral double garage and annex above would have a single storey eaves height and half hipped roof structure. The roof structure is designed with dormer windows, roof lights and gable window, to provide first floor accommodation. While the dwelling would be lower in height than some of its neighbours, because of its footprint, overall massing,

- and siting close to the side boundary, it would appear cramped in its plot in comparison with the neighbouring development.
6. The boundary of the appeal site adjacent to the footpath is defined by trees that filter views through to the site. Nevertheless, due to its overly large footprint and massing, and because of the length of the proposed northern elevation with limited articulation, few window openings and large roof structure, the dwelling would be a dominant feature in the relatively open landscape. As a result, the proposed dwelling would be a conspicuous feature that would appear incongruous when viewed against the rural backdrop from the public footpath and from the rear of properties facing Tinkle Street.
 7. I have had regard to the approved scheme¹, however, due to the combination of the lesser footprint and height of the approved dwelling together with the single storey section on the southern side and the detached garage, I consider that the approved development would provide a development that would sit comfortably within the plot and is not comparable with the proposed development.
 8. I agree with the appellant that the proposal would have limited visibility from Tinkle Street because of the surrounding landscaping and the position of adjacent dwellings. I also accept that the maturity of the hedge to the northern boundary was considered suitable to screen the approved development. However, the detached garage and gable elevation adjacent to the footpath in the approved scheme would result in a dwelling that would appear less significant when viewed from the public footpath, largely due to the gap between the dwelling and the garage but also because of the variety in the scale and form of the elevations along the boundary.
 9. Overall, the proposed development would detract from the character and appearance of the area including the setting of public footpath No 211. In this respect the development would conflict with Policies SP10 and SP23 of the East Lindsey Local Plan Core Strategy adopted July 2018, which seek to ensure that development is well designed, and landscapes are protected, enhanced, used and managed to provide attractive living environments. It would also conflict with the National Planning Policy Framework (the Framework) where it seeks to ensure that development adds to the overall quality of the area, is visually attractive as a result of good architecture and layout, and is sympathetic to local character.

Other Matters

10. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Paragraph 193 of the Framework also requires that great weight be given to the conservation of heritage assets.
11. St Edith's Church is a grade 1 listed building and the cross and war memorial within the grounds of the church are grade II listed. I agree with the Council that due to the separation distances and the intervening buildings the proposed

¹ granted under local authority reference N/067/00470/18

dwelling would not harm the setting of these buildings; the setting of the listed buildings would be preserved.

12. I have also considered the effect of the development on the setting of the Old Rectory as a non-designated heritage asset. I have not been provided with any compelling evidence that suggests views of the Rectory should be safeguarded. In my judgement there would be no harm to the setting of the non-designated heritage asset due to the siting of plot 1 and the distance of the development from the boundary of the Old Rectory.
13. The appellant has brought to my attention that the site benefits from permitted development rights² and indicates that this is a fallback position. However, I have no information before me about a proposed scheme to utilise permitted development, which would not in any case be available until the dwelling was complete, and therefore a detailed comparison with the case before me cannot be made. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed the fallback would be pursued. As a consequence, I find the suggested fallback is neutral in the determination of the appeal.
14. I acknowledge that the appellant considers that the Council has been unreasonable in its approach to the negotiation of an amended scheme. However, this does not affect my consideration of the proposal before me.

Conclusion

15. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR

² provided by the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended