
Appeal Decision

Site visit made on 11 January 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2022

Appeal Ref: APP/N2535/D/21/3281597

Church View, Middle Street, North Kelsey, Lincolnshire LN7 6EH

- 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 Mrs Elaine Rowe against the decision of West Lindsey District Council.
 - The application Ref: 142891, dated 8 April 2021, was refused by notice dated 7 June 2021.
 - The development proposed is a first floor extension on part footprint of ground floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the building and the area.

Reasons

3. The appeal property comprises a semi-detached 2 storey dwelling that has been extended to the side and rear. The property is found in a prominent location where a number of the roads in the village come together. This prominence extends to both the front and side elevations.
4. The pair of semi-detached properties are unusual in that the attached neighbour takes up roughly two thirds of the original front elevation of the building. This includes the centrally positioned front door, as well as 2 of the 3 first floor windows. The appeal property has one window at both ground and first floor levels on the front elevation, with its door access on the side of the rear extension. Overall, the original front elevation has a largely symmetrical 3 bay appearance because of the positioning of the openings and the overall form. This gives the visual impression that the building is one property, notwithstanding that it is not and that there are minor architectural differences.
5. The proposal would be sited over the single storey side extension. It would be flush to the front elevation. Both the eaves and roof pitch heights would be the same as the existing house. Two further windows would be inserted into the proposed front elevation. This would considerably change its appearance because the symmetry of the building as a whole would be significantly diminished. In effect, the overall form would be skewed and so the building would appear imbalanced.

6. The visibility of the proposal in the streetscene would further amplify the incoherent appearance that would result, in particular from the front of the property where the presence of the extension would be marked. It would not give the impression of sympathetically improving the aesthetics of the front elevation. The negative impacts of the proposed design would therefore be apparent in the area. The contribution to local distinctiveness and identity would be noticeably lessened.
7. The existing side extension does not unduly imbalance the properties because it is of a considerably lower height than the original house. It reads as a secondary element, including with the lack of openings on the front elevation which in any event is partially screened by planting. As such, it does not appear overtly incongruous. This would not be the case with the proposal because it would seek to reflect the considerably greater proportions of the original house.
8. Where I observed a number of properties in the area that have been extended, even where they may not be considered wholly sympathetic, they were not in such prominent locations as the appeal property. Accordingly, they do not change my view. Whilst I am also aware there is a dispute between the main parties over the date of the sub-division of the building into semis, I have considered the building on its current contribution to local character and the effect of the proposal on this character.
9. I conclude that the proposal would have an unacceptable effect on the character and appearance of the building and the area. Therefore, it would not comply with Policies LP17 and LP26 of the Central Lincolnshire Local Plan (2017) where they state that proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, and that proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place, amongst other considerations.
10. It would also not comply with the National Planning Policy Framework where it sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. In this regard, it would not accord with the National Design Guide where it concerns identity and distinctiveness.

Other Matters

11. The proposal would provide additional accommodation and related personal circumstances have been raised, including with regard to Article 8 of the Human Rights Act 1998 (the Act). This bestows the right to private and family life and for the home. The effect on the character and appearance of the building and the area is however a matter of legitimate wider interest and this is reflected by both development plan and national planning policy. Taking into account all of the considerations, I am satisfied that this objective can only be adequately safeguarded if the proposal does not proceed. Not granting planning permission would therefore be a proportionate response. Whilst the proposal would be of benefit to the appellant, this would not outweigh the harm that would be caused to the character and appearance of the building and the area.

12. Article 6 of the Act concerns the right to a fair trial. The planning system operates in a manner to ensure a fair hearing. The evidence of the main parties in relation to the matter of dispute is clear and I have considered it in my decision. Consequently, I am satisfied that the appeal has proceeded in accordance with the duties that are set out under Article 6. Matters in relation to how the Council dealt with the planning application are not for my consideration.
13. The grade II listed All Hallows Church lies to the south-east of the site in a slightly elevated position. The 3 stage square tower is its most notable feature. The proposal would be separated from this building by the churchyard and the associated trees, the intervening roadway and verges, and the neighbouring semi-detached property. The decorative main elevation of the grade II listed Church Farm House directly faces the church and away from the site. It would also be separated from the proposal by the roadway and verges, as well as by its side garden and vegetation. The proposal would not cause a discernible effect on the significance of the setting of either of these listed buildings, and so it would preserve their settings.
14. There is no neighbour objection, but nevertheless I have to consider the proposal on its own merits with regard to the relevant planning considerations, and which decisively count against the proposal due to the character and appearance concerns. The absence of a neighbour objection, as with the lack of unacceptable effects on the settings of the listed buildings, attracts neutral weight.

Conclusion

15. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR