



Appeal Decision

Site visit made on 18 January 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/N2535/W/21/3279916

The Croft, 22 Dunholme Road, Scothern, Lincoln LN2 2UD

- 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 Stephen Green against the decision of West Lindsey District Council.
 - The application Ref 142777, dated 26 April 2021, was refused by notice dated 11 June 2021.
 - The development proposed is convert & extend garage to form 1 No. dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted to convert & extend garage to form 1 No. dwelling at The Croft, 22 Dunholme Road, Scothern, Lincoln LN2 2UD in accordance with the terms of the application Ref 142777 dated 26 April 2021 and the plans with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are :-
 - Whether the location of the appeal site is suitable in terms of local and national planning policy; and
 - The effect of the development on the character and appearance of the area.

Reasons

Policy Suitability

3. The appeal site is a large two storey detached dwelling with a two-storey double garage located in the side garden of the property. To the southeast are dwellings of a similar size and massing, whilst to the west are more modern dwellings, detached in nature but of smaller sizes.
4. The policy position at a local level is set out in policies LP2, LP3 and LP4 of the Central Lincolnshire Local Plan (2017) (The LP). Policy LP2 sets out the settlement hierarchy and Scothern is allocated as a Medium Villages, which is hierarchy 5 of 8, and this states that they can only accommodate a limited amount of development.
5. Policy LP3 sets out level and distribution of growth for the plan area and Scothern is included in section (d) (Elsewhere) and this section is allocated 12% of the overall numbers of new dwellings.

6. Policy LP4 allocates the growth percentage of villages, and Scothern is allocated 10% over the plan period, which is the standard level attached to villages in parts 5 and 6 of the hierarchy.
7. The Council have based their initial reason for refusal on the interpretation of these policies, specifically that Scothern has exceeded the growth percentage figure set out in policy, and no clear community support has been demonstrated as an exception to the policy. The support of the Parish Council has been given, but according to the policy, this is a secondary consideration after the community support is garnered.
8. Whilst this may be the case, I am also taking into consideration the specific site circumstances in this instance. The location of the garage would have the appearance of a regular plot externally, is effectively previously developed land, and has the support of the Parish Council. Whilst it is in conflict with the wording of the policies, it is, in my view a minor conflict given the specific site circumstances.

Character and appearance

9. The garage, as extended in order to form the dwelling, would be seen in the context of the host dwelling rather than the properties at 1-5 Heath Road. Both the new and host dwelling would be angled from the highway, rather than parallel, as in the siting of 1-5. With that context comes the fact that then new property lends itself to follow the design features of the host dwelling, with a front gable and external finishes aping the design features of the host dwelling. The overall character and appearance of the dwelling is acceptable within its context and both properties would have acceptable parking provision and private amenity space and not detract from the area.
10. As a result, I do not find conflict with Policies LP17 and LP26 of the LP, Policy D1 of the Scothern Neighbourhood Development Plan or the guidance set out the National Planning Policy Framework, which, amongst other matters, expect development not to extend the linear features of the settlement, use appropriate high-quality materials, be compatible with neighbouring land uses and reinforce and recognise local character.

Planning Balance

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.
12. The good design of the property, the appropriate use of previously developed land, the acceptable location of the plot and the support of the Parish Council, as well as the benefits of the construction of the new dwelling and the social benefits it would bring are significant benefits in favour of the development.
13. In my view the benefits of the proposed development outweigh the minor conflict with the development plan. I conclude therefore that these are material considerations which mean that in this case the proposed development can be determined other than in accordance with the development plan. I therefore conclude that the proposed development is suitable for the site. My assessment represents the findings with regard to the specific site and is not a blanket rejection of the local policy position.

Conditions

14. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. All of the suggested conditions meet the tests set out in the Framework.
15. Conditions 1 and 2 are to provide certainty and in the interest of proper planning. Conditions 3 and 4 are to ensure the visual amenities of the area are protected whilst Conditions 5 and 6 are to ensure safe and satisfactory drainage.

Conclusion

16. For the reasons given above, I conclude that the appeal should succeed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: SJG-03-2021-01, SJG-03-2021-02 and SJG/03/2021/03 dated March 2021. The works shall be carried out in accordance with the details shown on the approved plans and any other approved documents forming part of the application.
- 3) The dwelling hereby permitted shall not be occupied until the two new first floor windows on the eastern elevation (Drawing: SJG-03-2021-01, SJG-03-2021-02 dated March 2021) have been fitted with obscure glazing and retained as such thereafter.
- 4) The materials used in the development shall match those stated on the application form and drawing No. SJG-03-2021-01 and SJG-03-2021-02 dated March 2021.
- 5) No development other than to foundations level shall take place until a scheme for the disposal of foul and surface water (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.
- 6) Any new hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

END OF SCHEDULE