



Appeal Decision

Site visit made on 25 February 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2022

Appeal Ref: APP/M2515/D/21/3289064

38A Long Leys Road, LINCOLN, LN1 1DP

- 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 Lee Pettefer against the decision of the City of Lincoln Council.
 - The application Ref 2021/0096/HOU, dated 3 February 2021, was refused by notice dated 29 September 2021.
 - The development proposed is the erection of a detached car port with accommodation over.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed building on:
 - The character and appearance of the area around Long Leys Road, and
 - The living conditions of the occupiers of neighbouring dwellings by way of privacy and outlook.

Reasons

3. No 38A is a large detached house on a sloping site. It is situated at the end of a long driveway from Long Leys Road that serves the appeal property, the neighbouring No 38, and a garage court. No 38A appears to be a split level property over 2/3 storeys, which has a large integral garage. Due to the topography of the area, it is set around 2/3 metres below the level of the neighbouring No 38 to the east, and some 2/3 metres above the level of Nos 41 and 42 to the west. To the north, at the rear of the appeal property, lies Whitton Park.
4. The proposed development would involve the construction of a detached two-storey building at the front of the site, against the boundary with No 38. Due to the triangular shape of the appeal site, the building would be narrower at the front than the rear. The ground floor would be taken up with a car-port, which would provide access to the existing driveway behind, while the first floor would contain a studio.
5. The Council contends that the proposed building would be out of context with its surroundings, by virtue of its positioning, height and massing, contrary to the established character and topography of the site and the wider area of

Long Leys Road. It would appear as an incongruous addition to the existing property and would be detrimental to the visual amenity of the existing properties. In addition, by virtue of its height, massing and positioning, it would have a harmful impact on the residential amenity of the neighbouring properties, resulting in an overbearing structure and a loss of privacy through the inclusion of first floor windows facing No. 42 Long Leys Road.

6. The appellant notes that the proposal will allow his vehicle to be securely and safely housed, and that the door to the car port will be of a roller-shutter type.
7. Policy LP26 of the Central Lincolnshire Local Plan (LP) indicates that all development proposals must take into consideration the character and local distinctiveness of the area, and enhance or reinforce it as appropriate. It should also respect the existing topography and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, and form. Finally, the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development, such amenities including overlooking, overshadowing and loss of light.

Character and appearance

8. It would appear that the appeal plot was created out of a division of the plot for No 38 Long Leys Road. As a result it is of a largely triangular shape, with the house occupying the wider northern portion of the site at the rear, and the access/front gates at the narrow, southern end. In the context of its surroundings it is a relatively small plot, with a correspondingly small amenity area to the rear.
9. The proposed building would result in an even greater proportion of what is already an uncharacteristically small site being occupied by buildings. Moreover, the building would be sited at the very front of the plot, and would effectively block all views of the main house at the rear. On this basis, it would appear incongruous in the context of its surroundings, and would not be well related to the main house or the rest of the site.

Living conditions

10. Following discussions with the Council, it would appear that the height of the building has been reduced from that of an earlier proposal, such that the proposal would now result in a structure around 5.3 metres high. However, the proposed building would be sited close to the boundary with No 42, which is itself set some 2/3 metres below that of No 38A, so making it a somewhat dominating feature. I acknowledge that there are currently trees along the boundary between the two properties, which would, to some extent, mitigate the visual impact of the proposed building, but there can, of course, be no guarantees that the trees would remain in place and, in any case, it would appear that the building would likely require significant pruning or cutting back of the trees, both during construction and after. This could significantly damage their health and appearance.
11. In addition to the above, there would be windows in the south west elevation of the first-floor of the building, overlooking No 42, and this would be likely to result in some loss of privacy to the occupiers of that property. This would be significantly harmful in winter months, when the trees would lose much of their

screening value. Furthermore, the proximity of the proposed windows to the boundary, and to the trees along that boundary, could also potentially lead to pressures from future occupiers of the appeal property to secure the removal of the trees or a severe reduction in their size. This would increase the adverse effect on the outlook and privacy of the occupants of No 42.

Other Matter

12. The dwelling at No 38A currently has an integral garage which appears to be a large single garage or a small double. There is, therefore, already safe and secure parking at the property, and I do not consider that that the proposed building would be the only possible way to enhance this situation.

Conclusion

13. In the light of the above, I find that the proposed development would be harmful to the character and appearance of the area around Long Leys Road, and that it would be harmful also to living conditions of the occupiers of No 42 Long Leys Road by way of privacy and outlook. On this basis, it would conflict with policy LP26 of the LP.

J D Westbrook

INSPECTOR