The Planning Inspectorate

Appeal Decision

Site visit made on 27 May 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/M2515/W/21/3289766
97 Doddington Road, Lincoln LN6 7HD

- 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 Bailfarm Ltd against the decision of City of Lincoln Council.
- The application Ref 2021/0521/FUL, dated 23 June 2021, was refused by notice dated 30 July 2021.
- The development proposed is a single storey 2-bedroom dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) the effect of the proposed development on the character of the area, 2) the effect of the proposed development on the living conditions of occupants of surrounding residential properties with regard to outlook and amenity space, and 3) whether or not the proposed development would provide acceptable living conditions for future occupants, with specific regard to amenity space.

Reasons

Character of the area

3. The appeal site is located to the rear of 97 Doddington Road. It currently forms part of the rear garden area of the afore mentioned property, which is a two-storey semi-detached residential property. The wider area is predominantly made up of residential properties that are of various styles.

4. From examining the evidence, and from my own observations on my site visit, one of the notable characteristics of the majority of properties in the area is their generous garden sizes. This characteristic is a positive feature of the area.

5. The proposed single storey dwelling would be located to the rear of what is currently the rear garden for 97 Doddington Road. The proposed development whereby the existing rear garden is subdivided to create an additional dwelling, would however be clearly at odds with the established characteristic of the surrounding area I have identified above.

6. The proposed development forming a two-bedroom, single storey property with no clearly defined front garden and a substantially smaller, by comparison, rear garden would conflict with, and contribute to the erosion of, this established arrangement. Such an abrupt deviation from the established character of the area would cause moderate harm.

7. The proposed development would therefore be contrary to Policy LP26 of the Central Lincolnshire Local Plan (2017) which requires, amongst other things, that all development proposals must take into consideration the character of the area and enhance or reinforce it as appropriate.

8. It would also conflict with the requirement of the National Planning Policy Framework (2021) (the Framework) that planning decisions should ensure that developments are sympathetic to local character.

Living conditions – occupants of surrounding residential properties

9. The proposed dwelling would share a boundary with four existing residential properties. It would be positioned on the boundary with the adjacent property at 99 Doddington Road and almost on the boundary with 95 Doddington Road. It would also be very close to the boundary with 2A Swallowbeck Avenue.

10. Although the dwelling would be single storey, due to its overall size and scale, it would create a dominant and overbearing structure when considering the tight confines of the site and the surrounding residential properties. There is a low-level boundary treatment with the neighbouring property, above which the proposed dwelling would be highly visible.

11. The proposed dwelling would also significantly reduce the size of the amenity space for 97 Doddington Road. It is however proposed to remove the existing off-shoot. This would retain an, albeit a significantly reduced, reasonable amount of amenity space for the property.

12. The appellant refers to what they consider the similar impact a large, detached garage would have on surrounding residents. This is not however the development before me, and no such similar impacts have been outlined in any detail. I therefore give this argument limited weight in the appeal, which I have, in any event determined on its own merits.

13. Therefore, although I conclude that the proposed development would not result in an unacceptable impact on living conditions in terms of amenity space for existing occupants, I do find that harm would be caused, particularly to the occupants of 99 Doddington Road, in regard to outlook. The proposed development would therefore be contrary to Policy LP26 of the Central Lincolnshire Local Plan (2017) which requires, amongst other things, that the amenities of existing occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Living conditions – occupants of the proposed dwelling

14. The proposed dwelling, sited to the rear of the existing rear garden would incorporate a small strip of garden amenity space to the rear. The remainder of the site area would be given over to vehicular parking and manoeuvring.

15. The proposed amenity space would be sandwiched between the proposed dwelling and the rear boundary. Due to its overall size and shape it would provide a poor quality and oppressive outdoor environment for future occupiers.

16. The appellant refers to the lack of any specific space requirements for amenity space in either the pertinent local plan policy or the Nationally Described Space

Standards (2015). Be that as it may, local and national policy have a requirement for good design and high standard of amenity, which the proposal fails to provide regardless of a minimum requirement or otherwise.

17. The appellant also refers to the area of amenity space including the area given over for the parking of vehicles. I have taken the provision of amenity space to mean areas of the site that are dedicated for recreation or social purposes such as sitting out, play or other outdoor requirements such as drying clothes. In this regard, I have not considered the areas dedicated to vehicle parking and manoeuvring as amenity space.

18. The appellant has suggested that not all residents want, or need, large gardens. Whilst this may be the case in certain circumstances, I do not consider it justifies unacceptable development. I also do not agree with the appellants suggestion that such a scenario would be a case of 'buyer/renter beware'. Good design and amenity provision are fundamental aspects of the planning system.

19. The proposed development would therefore provide unacceptable living conditions for future occupants. It would be contrary to the design and amenity aims of Policy LP26 of the Central Lincolnshire Local Plan (2017) and the requirement of the Framework that planning decisions should ensure that developments provide a high standard of amenity for future users.

Other Matters

20. The appellant has referred to their record in delivering a number of similar types of housing scheme in the area. I have not however been provided with any details of the examples which are referred to, and have, in any event determined the appeal on its own individual planning merits.

21. The appellant has referred to the proposal providing a much-needed dwelling in a sustainable location with good access to services and public transport. The Government's objective as set out in the Framework is to support sustainable housing growth. Although the proposed development would result in only a slight increase in the Council's overall housing number, this is nevertheless a factor of significant weight in favour of the proposed development.

Planning Balance and Conclusion

22. Although I have found moderate harm would be caused to the character of the area, and to the living conditions of occupants of surrounding residential properties. When combined with the unacceptable living conditions that would be provided for future occupants, collectively, these matters attract significant weight that outweighs the benefits associated with the proposed development.

23. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

24. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR