



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: 30th June 2022

Appeal Ref: APP/M2515/W/22/3290736
192 West Parade, Lincoln LN1 1LY

- 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 Graham Smith against the decision of City of Lincoln Council.
 - The application Ref 2021/0547/FUL, dated 1 July 2021, was refused by notice dated 9 September 2021.
 - The development proposed is the demolition of existing garage, erection of one self-contained residential unit and creation of new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether the proposed development would preserve or enhance the character and appearance of the West Parade and Brayford Conservation Area (WPBCA) and 2) the effect of the proposed development on the living conditions of occupants of 192 West Parade with specific regard to amenity space.

Reasons

Character and Appearance of WPBCA

3. The appeal site comprises an area of land to the rear of 192 West Parade which is an end of terrace, corner property. The appeal site currently contains a lean to garage that is adjoined to, and forms part of, 192 West Parade (no. 192). It also contains an area of private outdoor amenity space that serves the same property.
4. The appeal site is located within the West Parade and Brayford Conservation Area (WPBCA) which is characterised as covering a large area of central Lincoln, incorporating residential terraces, commercial properties and the distinctive Brayford Pool.
5. The proposed development would involve the demolition of the existing lean to garage. Although similar materials to the host dwelling have been used in the garage it does not have the same architectural quality as the host property and appears as a domestic outbuilding of inferior quality.
6. The proposed development would be a single storey building that would be situated in place of the existing garage and would extend further into the area

to the rear of no. 192. It would incorporate a hipped roof to match that of no. 192 and red brick and slate to match.

7. Due to its overall design, scale and siting, the proposed development would appear subservient to no. 192. Although it would form a self-contained dwelling, it would have the appearance of an outbuilding serving no. 192 in a manner not wholly dissimilar to the current arrangement, albeit of a different use and being a larger structure.
8. This section of the WPBCA contains a varying degree of residential properties and sizes, including some with outbuildings and extensions. The Council have referred to the perceived harm that would be caused to the WPBCA from the loss of a gap between buildings. The plans show that a reasonable separation would remain from the adjacent property at 1 Hampton Street so that both sections of the street are clearly discernible in their own right. I am also not convinced that such gaps are special features of the WPBCA which is characterised in this location as forming a dense residential area of varying property styles. I therefore do not find harm in this regard.
9. I therefore conclude that the proposed development would not harm, and would thereby preserve, the character and appearance of the WPBCA. It would comply with Policies LP25 and LP26 of the Central Lincolnshire Local Plan (2017) which require, amongst other things, that development proposals are of good design that should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.
10. The proposed development would also comply with the National Planning Policy Framework (2021) (the Framework) which requires great weight to be given to the conservation of heritage assets, taking account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Living conditions

11. The appeal site currently forms part of no. 192. The proposed development would subdivide the site leaving the building that forms no. 192 and its surrounding land, and the proposed dwelling and its amenity space and driveway.
12. No. 192 is a large end of terrace property. It is a House in Multiple Occupation (HMO). The proposed development would remove the vast majority of the private outdoor amenity space serving the property, with the remaining space to the front and the side being narrow, lacking privacy, and providing extremely limited use for recreation and socialising, or other outdoor activities such as drying clothes.
13. Given the size of no. 192, the resulting area of outdoor space would not be of a sufficient comparable size or usability for a house of this size and its occupants. I recognise that the amenity space that forms the bulk of the appeal site is overgrown, however there is nothing to suggest that it could not be improved and used as amenity space for the house in the future. Allowing the appeal would permanently sever the area from the house to the detriment of the living conditions of its occupants.
14. The appellant has commented that the site is not used as a garden for no. 192 and is simply an unkept area of urban land where rubbish is left by people

passing the site. It is suggested that the proposed development would be an improvement in this regard.

15. I would surmise that the land in question is not used as a garden largely due to its current condition. Therefore, the fact that it has not been managed would not be a reason to allow the appeal. The appellant recognises that the site could be improved (tidied up) but suggests that for much of the day the site is in shade. Given the orientation of the terrace, this is likely to be the case for many properties in the immediate area and I do not consider that this would provide the necessary justification to remove the bulk of the amenity space from the house.
16. The proposed development would therefore have an unacceptable impact on the living conditions of the occupants of no. 192 with regard to amenity space provision. It would be contrary to Policy LP26 of the Central Lincolnshire Local Plan (2017) which requires that the amenities which all existing and future occupants of neighbouring buildings and land may reasonably expect to enjoy must not be unduly harmed by or as a result of development.
17. It would also be contrary to the requirement of the Framework that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.

Other Matters

18. The appellant has referred to the proposal providing a much-needed dwelling in a sustainable location with good access to the central core of Lincoln and its services. 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.
19. The appellant has commented that the new dwelling would be for a young or elderly person from the community. There is no evidence before me to suggest that this is a benefit of significant weight. Nor is there any mechanism before me to secure such occupancy. I therefore give this matter limited weight.
20. The appellant appears to suggest that the site forms previously developed land. The Framework does however exclude land in built-up areas such as residential gardens from the definition of previously developed land.
21. I appreciate that council officers recommended approval of the application to the planning committee. However, it was within the committee's gift to make a decision on the application contrary to the officer recommendation, thus this consideration has had no bearing on my decision.

Planning Balance and Conclusion

22. Although I have found there would be no harm to the character and appearance of the WPBCA, the proposed development would cause significant harm to the living conditions of the occupants of no. 192. This harm attracts 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