

# Appeal Decision

Site visit made on 14 June 2022

**by J Downs BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 July 2022**

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**Appeal Ref: APP/N2535/W/22/3292805**

**28 Nettleton Road, Caistor, Market Rasen LN7 6NB**

- 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 Lawrence Warne against the decision of West Lindsey District Council.
  - The application Ref 143805, dated 5 October 2021, was refused by notice dated 6 December 2021.
  - The development is described as "Proposed residential dwelling with integral garage and new vehicle access".
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - the effect of the appeal proposal on the living conditions of existing occupants of 28 Nettleton Road and future occupants of the appeal proposal; and
  - the effect of the appeal proposal on the character and appearance of the area.

## Reasons

### *Living Conditions*

3. The appeal proposal would be sited in close proximity to No 28 with a narrow strip of garden separating them. No 28 has several windows that would look directly towards the appeal proposal. Although the appeal proposal would be set at a lower level and have a hipped roof which would slope away from No 28, there would be an enclosing effect on those windows in the rear elevation of No 28. This would have an oppressive impact for the residents of No 28, and the outlook from those windows would be unacceptably harmed due to this proximity.
4. Future occupants of the appeal proposal would also suffer from an unacceptable level of outlook which would be exacerbated by the appeal proposal being set at a lower level than the existing dwelling, making it appear an imposing structure. While I acknowledge two of those rooms would be bedrooms where a lesser level of outlook may be acceptable, and that the living space has a number of openings on different elevations, the lack of a pleasant outlook would be detrimental to the living conditions of those future occupants.

5. Both properties would have an acceptable overall amount of private garden space. However, the usability of the garden of the appeal proposal would be adversely affected by its topography which includes some steep changes in level towards Cromwell Rise. This would result in the appeal proposal having an unacceptable amount of usable private garden space.
6. I conclude in relation to this main issue that the appeal proposal would have a detrimental effect on the living conditions of occupants of 28 Nettleton Road and unsatisfactory living conditions for future occupants of the proposed dwelling. In these respects, it would not be appropriate infill and would not provide a reasonable standard of amenity for existing and future occupants. This would not comply with Policies LP2 and LP26 of the Central Lincolnshire Local Plan April 2017 (CLLP).

*Character and appearance of the area*

7. The appeal site occupies a prominent position due to the open space immediately adjacent and the layout of the surrounding public highway. The surrounding area has a variety of dwelling types, but with a common feature of being set back from the public highway.
8. The proximity of the appeal proposal to the existing dwelling would be somewhat atypical in the context of this area, where the dwellings are generally set apart within spacious plots. It would be set back from the public highway and have a contemporary appearance from the use of large, glazed elements on the front elevation to Cromwell View and the proposed use of render and timber cladding. This would be reinforced by the multi-level nature of the proposal. However, there is no one prevailing dwelling type in the surrounding area, there is no clear regular layout, plot size or pattern of development. While the proposal would be different to the dwellings of the surrounding area, in my view there would not be any harm arising from this.
9. The size and scale of the appeal proposal would be perceived differently from different viewpoints due to the design. It would be at its greatest when viewed from Cromwell View at the junction with Chichester Drive, where both storeys would be clearly visible. However, given this location at the junction and the adjacent property on Cromwell Rise having a two-storey appearance, it would not appear out-of-scale with the surrounding properties. Viewed from Navigation Lane/Cromwell View, the scale would be lesser due to the dwelling being set into the slope, and the appeal proposal could be assimilated into the surrounding area by an appropriate condition requiring landscaping along the boundary.
10. In relation to this main issue the proposal would have an acceptable effect upon the character and appearance of the area. This would be of sufficiently high quality design that would contribute positively to local character, integrating with the existing environment. As such, the appeal proposal would comply with CLLP Policy LP26 and Policy 3 of the Caistor Neighbourhood Plan 2013-2031. The site is close to the Caister Conservation Area. Given my conclusions on this main issue, I do not consider that it would cause harm and would therefore preserve the character and appearance of the CA.

## **Other Matters**

11. I note several references in the appellants case that the dwelling is for use by a family member. These are personal circumstances and the permanent dwelling would remain for the longer term after those circumstances may have changed. The appellant has put forward a possible fallback position of siting a caravan in the rear garden. Their statement makes clear this is not a preferable option. It is not clear from the presented evidence that this would be a lawful fallback position to the appeal proposal. Even if this were a realistic alternative to the proposal, it may be a more temporary solution to accommodating these needs rather than a permanent dwelling that would cause the harm I have explained above. I attach limited weight to these matters.
12. The appellant also states that the appeal proposal could provide appropriate accommodation for older people or could provide a more affordable option for people wishing to live in the area. I have no mechanism before me to limit occupation of the dwelling to meet these or any other specific local need. Notwithstanding, an additional dwelling, even if it is not limited to who could occupy it, would be of some benefit to the supply of housing, particularly as the site is in an accessible location in a Market Town within the Settlement Hierarchy identified in CLLP Policy LP2. I give a moderate amount of weight to this as a benefit of the proposal.
13. While I consider that the appeal proposal would have an acceptable effect in relation to the second main issue, this and other benefits of the scheme would not outweigh my conclusion on the first main issue. Even though there is some support for the appeal proposal within the development plan, it is not acceptable when considering the plan when read as a whole.

## **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

*J Downs*

INSPECTOR