
Appeal Decision

Site visit made on 26 July 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/R2520/W/22/3294844

Land at 104 Moor Lane, North Hykeham, Lincoln LN6 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Tipler against the decision of North Kesteven District Council.
 - The application Ref 22/0007/OUT, dated 4 January 2022, was refused by notice dated 1 March 2022.
 - The development is described as 'Outline application for erection of a dwelling with access for consideration'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought for and the description of development on the application form refers to the erection of a dwelling. The appeal form refers to a two-storey dwelling, and it is clear from the information submitted by both parties that the application was considered on that basis. I have therefore considered the appeal also on that basis.
3. The application form indicates access is to be considered at this stage. However the submitted plan 101/21/01 includes a proposed site layout which is not marked as indicative or illustrative, although referenced as such in the appeal statement. Therefore, in line with the advice in the Planning Practice Guidance¹, I have treated these details as forming part of the appeal.

Main Issues

4. The main issues are:
 - the effect on the living conditions of neighbouring properties; and,
 - the effect on the character and appearance of the area.

Reasons

Living Conditions

5. The host property at 104 Moor Lane is a bungalow. Given the location and dimensions of the appeal site, it is inevitable that the proposed dwelling would be in close proximity to No 104 and its rear garden. At two storeys high, the

¹ Paragraph 005 Reference ID 21a-005-20190723

massing would be such that it would be visually dominant from the rear garden and windows in the rear elevation of the host property. This would have an oppressive impact on the residents of No 104 and the outlook from the rear windows and the garden would be unacceptably harmed as a result.

6. I acknowledge that appearance is a reserved matter. However it is more likely than not that any acceptable design would include windows on at least one of the elevations that would face into the rear garden of either No 104 or 106 Moor Road, particularly given the proximity of the side elevation of 1 Ravensmoor Close to the appeal site. The limited dimensions of the plot are such that the proposed dwelling would be near to the private garden space of No 104 and No 106. The proposed dwelling would result in a new relationship and degree of overlooking and the consequent loss of privacy would have an unacceptable impact on the living conditions of the occupiers of at least one of those properties.
7. In relation to this main issue, I conclude that the appeal proposal would be unduly harmful to the amenities of existing and future occupiers of Nos 104 and 106. The appeal proposal would therefore not be in accordance with Central Lincolnshire Local Plan adopted April 2017 (CLLP) Policy LP26.

Character and Appearance

8. The host property fronts onto Moor Lane, however the appeal proposal would be accessed from and viewed in the context of Ravensmoor Close. The adjacent properties on Ravensmoor Close have a strong, linear pattern with considerable open front gardens. This, along with the verge, gives the street a pleasant, open character.
9. The submitted plan shows the proposed dwelling sitting forward of that terrace. The proposed dwelling would be in a prominent and highly visible position in the street scene. While it would not sit as close to the public highway as the side elevation of No 104, there is a difference in how that is perceived, as the side elevation of a property that relates to Moor Lane, rather than a dwelling with its front elevation to Ravensmoor Close. The proposed dwelling would appear incongruous as a single dwelling in a prominent position which would not be well related to the existing layout of Ravensmoor Close.
10. In relation to this main issue, I conclude that the appeal proposal would harm the character and appearance of the area as it would not be well related to the site and surroundings particularly in relation to siting contrary to CLLP Policy LP26 and would be unsuitable for the site contrary to Hykeham Neighbourhood Plan (made September 2018) Policy HNP1.

Other Matters

11. I note the appellant's view that the concerns of the Council could be addressed at the reserved matters stage and that the dwelling could be less than two storeys on some elevations. This appeal must be considered on the basis of what has been applied for, which is for a two-storey dwelling (notwithstanding that it is in outline). The effect of a two-storey dwelling can be readily assessed as I have done above.
12. The appeal proposal would not conflict with a number of relevant policies within the development plan, and indeed some of the individual criteria within CLLP Policy LP26. I also acknowledge the lack of objection from statutory consultees.

However, this compliance would be due to a lack of harm, making these neutral factors in the determination of this appeal.

13. I acknowledge that the provision of an additional dwelling would be a benefit of the proposal, particularly as sited within an existing urban area with good access to services and facilities. However there is a realistic fallback position from the extant permission for a single storey dwelling and the Council can demonstrate a five year supply of housing land. I therefore attach limited weight to these benefits.

14. These other matters do not outweigh my conclusions on the main issues.

Conclusion

15. For the reasons given above, the appeal proposal would conflict with the development plan. There are no material considerations of sufficient weight to indicate that a decision should be taken otherwise. Therefore, the appeal is dismissed.

J Downs

INSPECTOR