



Appeal Decision

Site visit made on 13 September 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27/09/2022

Appeal Ref: APP/R2520/W/22/3292753

43 Moor Lane, North Hykeham, Lincoln LN6 9AE

- 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 Dave Thornton against the decision of North Kesteven District Council.
 - The application Ref 21/1386/FUL, dated 13 September 2021, was refused by notice dated 7 January 2022.
 - The development proposed is a full application for a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - whether suitable living conditions would be provided for the future occupiers of the proposed dwelling, with particular reference to light and outlook; and
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Living conditions

3. The proposed development includes a dwelling that would have a relatively narrow width owing to the proportions of the plot. The appeal site is next to 45 Moor Lane. There is a mixture of treatments on the shared boundary, which include some mature planting.
4. Owing to this layout, the proposed development includes some windows in proximity to the shared boundary with No. 45. This means that the outlook available to areas of the development served by these windows would be low. This is due to the enclosing effect that would arise from the proximity of the development to the boundary treatments.
5. This is a concern as the rooms that are within the development are either of a large size or have only one window on the side elevation. This means that the lack of outlook would be particularly significant and would prevent appropriate living conditions from being secured for the future occupiers of the development.

6. In addition, the proximity of the proposed development to the boundary treatment that is shared with No. 45 would reduce the level of light that would be available for the occupiers of the proposed development. This would be exacerbated as, owing to the orientation of the site, there would be less direct sunlight reaching the other windows of the proposed development.
7. There is some debate regarding the intended future boundary treatments of the proposed development. However, even if the existing boundary treatments were to be retained, there would still be a notable lack of outlook and light for the future occupiers of the proposed development.
8. In particular, if the planting were to be retained, it would have an enclosing effect upon the proposed dwelling. There is also a likelihood that the hedge would be kept at the same height as occupiers of the neighbouring property are likely to wish to maintain their existing privacy levels.
9. My attention has been drawn to the neighbouring backland development. I do not have the full information regarding the planning circumstances of this, which lessens the weight that I can attribute to it. Nonetheless, I note that these existing dwellings have different fenestration patterns to the appeal proposal.
10. Furthermore, the existing dwellings have different footprints. This means that certain elements of each dwelling are set further back from the respective plot's boundaries. Therefore, the boundary treatments do not have the same enclosing and overbearing effect as would occur on the appeal site. Therefore, owing to these differences, I find that the presence of developments elsewhere does not allow me to disregard my previous concerns.
11. I therefore conclude that the occupiers of the proposed development would not have sufficient levels of light and outlook necessary to provide appropriate living conditions for the future occupiers of the development. The proposal, in this regard, would conflict with Policy LP26 of the Central Lincolnshire Local Plan (2017) (the Local Plan). Amongst other matters, this requires that the amenities which all future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed.

Character and appearance

12. The appeal site contains an existing semi-detached dwelling located in a predominantly residential area. The existing dwelling features a relatively large garden and a semi-detached dwelling. Surrounding dwellings in the vicinity are constructed to differing proportions. Some of these dwellings feature gables that face the highway.
13. The proposed development would be located to the rear of the existing dwelling. However, it would also be located alongside other backland dwellings. Furthermore, on my site visit, I noted a similar, additional, development elsewhere in Moor Lane. This means that the proposed development would not be incongruous in this regard. In addition, there are also other buildings in the gardens of other neighbouring properties.
14. Whilst the proposed development would feature a gable that would face the front of the appeal site, the development would be viewed alongside dwellings constructed to differing designs. In particular, the neighbouring backland

- development features dwellings that have gables on the front elevation. In addition, some of the other dwellings nearby feature front gable elements.
15. Although such gables would be constructed to differing designs to the appeal proposal, they contribute to a generally varied character in the built form. Therefore, the proposed development would not be incongruous in this regard.
 16. Furthermore, whilst the proposed development would be relatively close to the boundaries of the appeal site, this would be viewed alongside other dwellings on the surrounding area. The prevailing character is for dwellings to be set back from the side boundaries by differing amounts. Furthermore, some of the neighbouring properties feature dormer windows. This varied context means that the proposed development would not be incongruous in this regard.
 17. Although this arrangement is, in part, derived from the appeal site being a plot that is narrower than many within the surrounding area. However, due to the varying character in the surrounding area, dwellings are typically constructed to differing designs and proportions. This means that the proposed dwelling would not erode the overall character of the surrounding area. Some of the neighbouring dwellings are also constructed in proximity to the boundaries of the respective sites. This means that the proposed development would not be incongruous in this regard.
 18. In addition, the proposed development would not be a prominent addition to the local area. In particular, the development would be offset from the existing backland development. This means that the proposal would not be readily viewable from the vehicular access point. Views from the front of the existing dwelling would also be relatively fleeting in nature.
 19. The proposed dwelling would be visible from some of the neighbouring dwellings. However, such views would be typically made at an oblique angle. This means that the proposed development would not be a prominent addition. Therefore, the proposed development would not be a strident addition to the vicinity.
 20. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard would comply with Policies LP2 and LP26 of the Local Plan; and Policy HNP1 of the Hykeham Neighbourhood Plan (2017). Amongst other matters, these seek to ensure that all development proposals must take into consideration the character and local distinctiveness of the area; that developments create strong and sustainable communities; and should not be poorly designed.

Other Matters

21. The proposed development could be constructed in an environmentally sustainable manner. In addition, the development would provide a suitably sized garden and is unlikely to have an adverse effect upon the living conditions of the occupiers of neighbouring properties. Whilst these are matters of note, they are only some of the matters that must be considered. Therefore, they do not outweigh my previous findings.

Conclusion

22. The proposed development would not provide suitable living conditions for the future occupiers of the development. This outweighs the fact that the development would not have an adverse effect upon the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR