



Appeal Decision

Site visit made on 14 October 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/10/2022

Appeal Ref: APP/N2535/W/22/3294997

Northdean, 35 Northolme, Gainsborough DN21 2JB

- 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 Shiju Thomas against the decision of West Lindsey District Council.
 - The application Ref 143802, dated 27 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is the erection of a 4 bedroom dwelling within the grounds of the existing property.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would be a suitable location for housing, having regard in particular to the character and appearance of the area;
 - ii) the effects of the proposal on the living conditions of neighbouring and future occupants, and;
 - iii) whether the proposal would adequately provide for parking and highway safety.

Reasons

Location, Character and Appearance

3. The appeal site is located within the built-up area of Gainsborough, a main town under the Central Lincolnshire Local Plan (April 2017) (the CLLP). Policy LP2 sets out the spatial strategy for the area and supports development on non-allocated sites in appropriate locations within Gainsborough's developed footprint. 'Appropriate location' in terms of the policy means a location which does not conflict, when taken as a whole, with national policy or policies in the CLLP. The site must also retain the core shape and form of the settlement and not significantly harm its character and appearance. As the site is within the developed footprint, a main consideration for compliance with Policy LP2 is the effect of the proposal on the character and appearance of the area.
4. Northolme is a residential street characterised on its north-eastern side by a strong, linear pattern of large, detached dwellings with a consistent building line set back from the road, and which sit on elevated, verdant plots. Although individual in design, the dwellings are of a similar scale and traditional form,

and there is a consistent rhythm to the built form which adds to the overall coherency of the street scene. A sense of spaciousness is provided by the gaps between dwellings which afford glimpses of the greenery to the rear of the properties. These factors contribute positively to the character of the area.

5. The proposed dwelling would be located within the rear garden of the site, forming a backland type of development. The existing hard surfaced courtyard to the rear, which affords vehicular access to an existing garage, would become a shared space and parking area for both dwellings. There are no other examples of such a tandem arrangement along this side of Northolme. The proposed dwelling would be offset to one side of the site, meaning it would be in direct view up the existing driveway where it would appear extremely close to the existing dwelling in a cramped arrangement. It would also be set much further back than other dwellings. As a result, it would not appear as a consistent part of the street scene, but would interrupt the pattern of development in a conspicuous and jarring manner. The proposed use of the rear courtyard for parking and manoeuvring of multiple vehicles would also detract significantly from the overall quality and utility of this space.
6. The appellant refers to development a short distance to the north at Northolme View where a cul-de-sac development has been created to the rear of dwellings on Northolme. However, these dwellings form an entirely separate street and are set much further back from the dwellings fronting Northolme, which have retained their gardens, the mature landscaping of which provides physical and visual separation between the built form. As such, the dwellings on Northolme View are not read as part of the Northolme street scene. Moreover, I saw no intervisibility between these dwellings and the location of the proposed dwelling. Therefore, contrary to the view of the appellant, there is no discernible building line or visible pattern of development to the rear that the proposed dwelling would read as part of.
7. The Council did not adjudge there to be significant harm in terms of detailed design, although I agree with the Council that the standard, modern design of the front elevation does not reflect the more decorative front elevations of the existing dwellings, in particular their bay windows. However, I concur with the Council that it is primarily the presence of the dwelling itself in this location, rather than its specific design, that is harmful.
8. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policy LP26 of the CLLP, which requires development to achieve high quality, sustainable design that contributes positively to local character and townscape, and which relates well to the site and surroundings. Consequently, the proposal would not represent an appropriate location for housing under Policy LP2. There would also be conflict with the similar aims of Policies NPP6 and NPP7 of the Gainsborough Neighbourhood Plan (June 2021) (the GNP) to achieve high quality design.

Living Conditions

9. The Council raises concerns in respect of overlooking and overbearing impact, due to the proximity of the proposed dwelling to the existing. The front elevation of the proposed dwelling would stand between 10 and 12.9 metres from the rear elevation of No 35, which has several windows, including a large ground floor bay window. The distance between the dwellings would allow for clear intervisibility between them. The present privacy of the rear windows of

- No 35 would be severely diminished, whilst future occupants of the proposed dwelling would be similarly overlooked and suffer from poor levels of privacy. The proposal to create a shared courtyard would also enable occupants of one property to stand in front of the neighbours' windows and look directly in.
10. Moreover, the proximity of the proposed dwelling means that the existing outlook for occupants of No 35 towards a spacious rear courtyard and verdant rear garden backdrop would be substantially replaced by the imposing massing of the proposed dwelling, and the presence of vehicles parking in the courtyard. The proposal would enclose the rear of the existing property to a significant degree, creating a harmful overbearing effect that would diminish the outlook for existing occupants. In a similar vein, occupants of the proposed dwelling would suffer from an enclosed outlook to the front.
 11. The Council also refers to the garden for the existing dwelling, which would be accessed by steps running alongside the side wall of the proposed dwelling, in which there is a bedroom window. However, I am not persuaded that use of this access would necessarily cause disruption to anyone using the bedroom, given use of the garden late into the evening when people are likely to be asleep would be a rare occurrence.
 12. The appellant indicates that both dwellings would be occupied by the same extended family. However, no mechanism has been put to me that would formally link the occupation of the two dwellings. In the absence of this, there would be nothing to prevent the proposed dwelling being sold to a separate owner. As such, the fact that the site would be used as one residential complex in the same ownership does not mitigate the harm identified.
 13. In addition, the Council points to the potential for noise and vibration for future occupants from passing trains on the railway line immediately to the rear of the appeal site. The appellant has sought for survey work in this matter to be conditioned, citing its expense. However, noise and vibration is a matter to be considered under Policy LP26 of the CLLP, and given the proximity of the dwelling to an operational railway, it is not unreasonable that the potential effects of this are known prior to granting planning permission, particularly as, in the absence of any evidence, it is unclear what form of mitigation may be required, and whether this would have a knock-on effect in terms of the position of the dwelling, its layout, materials or overall appearance. Therefore, I am not satisfied that this matter can reasonably be addressed by condition, and without satisfactory evidence I cannot rule out potentially significant harm to future occupants from noise and vibration.
 14. For the reasons set out, therefore I conclude that the proposal would cause significant harm to the living conditions of existing residents, and would fail to provide a suitable standard of accommodation for future occupants. Therefore, the proposal would conflict with Policy LP26 of the CLLP, which requires that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Parking and Highway Safety

15. The Council sets out that the proposed four bedroom dwelling would require three parking spaces, as would the existing. These spaces would not include the proposed garage. It is contended that the proposed parking arrangements

would not provide sufficient room to manoeuvre to allow a vehicle to enter and exit in a forward gear. The supporting text to Policy LP13 states that the CLLP does not propose to set specific parking standards, but rather to allow for each proposal to be considered on a case by case basis. As such, it is unclear as to the basis for the Council's calculation that a total of six spaces would be required, or why these spaces could not include those within a garage.

16. I note the appellant's indication that there would only be two vehicles used by the existing and future occupants of the dwellings. However, as already indicated, my assessment must consider the potential for the dwellings to be separately occupied. Given both dwellings would be of a size capable of family occupation, it is reasonable to consider that they would give rise to demand for at least two vehicles each.
17. The plans show two spaces within the rear courtyard and one to the front of the site. However, the layout of the rear courtyard, and the need to provide a route to the garages, means that the proposed parking spaces would be located in awkward positions. Space 1 would be set tight against the corner of the existing dwelling, which would require precise manoeuvring to reach. Moreover, it would result in a vehicle being parked immediately next to two windows and the back door, restricting outlook.
18. Space 2 would be located towards the top of the drive, where it would leave a very narrow gap between the space and the corner of the existing dwelling for other vehicles to negotiate when entering or exiting the courtyard. Parking a car further back, closer to the front of the proposed dwelling, would in turn impede the indicative turning path for cars leaving the garages. Indeed, the required turning paths are drawn so tightly to the buildings and parking spaces that any car not parked precisely in a proposed space would result in an impediment for other drivers exiting. These factors together illustrate the limitations of the courtyard space in accommodating several vehicles. As a result, there is a risk that vehicles may end up being parked on the street. However, I saw that there was on-street parking available on Northolme, and sufficient space and visibility generally that the addition of one or two vehicles parking on-street would not give rise to demonstrable risk to highway safety.
19. Elsewhere, there would be a further space at the front of the site within a proposed hard surfaced area next to the drive, that would also act as a passing place. The front entrance would be widened as part of this arrangement. It is not certain from the plans that the width of the entrance would be sufficient to allow two cars to pass, but such occurrences are likely to be very infrequent and unlikely to cause significant harm to the flow of traffic on Northolme, which at the time of my visit was low. In addition, there is good visibility in either direction from what is an existing access already used by vehicles. As such, there would not be a significant risk to highway safety in this respect.
20. For these reasons, I conclude that the proposal would not cause significant harm in terms of parking and highway safety, and no conflict would arise with Policy LP13, which supports development proposals which contribute towards an efficient and safe transport network and provides safe access for all.

Other Matters

21. The appellant has set out personal circumstances underpinning the proposal, namely a desire to live close to family members. Whilst I can understand this

intention, this would represent a personal benefit which would attract only modest weight in favour of the proposal.

22. The Council did not identify harm in respect of other matters, including archaeology, landscaping, contamination and drainage, subject to conditions. On the evidence before me, I have no firm reasons to conclude otherwise in these matters. However, the absence of harm means these are neutral considerations in the planning balance.

Planning Balance

23. The proposal would add an additional dwelling to the housing stock in line with the government's desire to boost the supply of housing. The urban location would also enable occupants to access local services by means other than the private car. However, the small scale of the proposal means these would be no more than limited benefits weighing in its favour.
24. There would also be economic benefits associated with the construction of the dwelling and use of local services by future occupants, though again, such benefits would be limited, and in part temporary.
25. Set against these benefits, the proposal would cause significant harm due to the conflict with the settlement strategy, the adverse effect on the character and appearance of the area and harm to the living conditions of neighbours and future occupants. This results in conflict with the development plan, taken as a whole, to which I afford significant weight. The other material considerations in this case, taken together, do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

26. Therefore, for the reasons given, the appeal should be dismissed.

K Savage

INSPECTOR