The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/N2535/D/22/3312297
25 Torksey Avenue, Saxilby, Lincoln, LN1 2HY

- 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 Andrew Giddens against the decision of West Lindsey District Council.
- The application Ref 144563, dated 11 March 2022, was refused by notice dated 29 September 2022.
- The development proposed is one and a half storey side extensions, new roof with accommodation within roofspace and new external finishes.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant states that two case officers were assigned to the case and that this caused delays in determination as well as uncertainty to the appellant. These are matters between the appellant and the Council.

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area; its effect on the living conditions of neighbouring occupiers, with regards to outlook; and whether the proposal would be acceptable with regards to flood risk.

Reasons

Character and appearance

4. The appeal property is a detached bungalow with a hipped roof. It is set back from the road within a garden which surrounds all four sides of the dwelling.

5. The appeal property is located in a residential area. Torksey Avenue is characterised by the presence of detached bungalows set back from the road within comfortable garden plots.

6. During my site visit I observed that, whilst many dwellings have been altered and/or extended, such changes generally appear in keeping with the host dwelling and neighbours.

7. Along Torksey Avenue, the presence of a wide grass verge, pavements and street trees combines with front gardens, hedgerows, the low height of dwellings and the absence of tall boundary features to the front, to create a green, open and spacious character.

8. Further to the above, I noted during my site visit that the regular set back of dwellings from the road, the common use of materials and the similar scale, height and hipped appearance of the roofs of bungalows results in a strong sense of uniformity and a satisfying rhythm of development along Torksey Avenue.

9. The proposed development would greatly extend the size and height of the existing dwelling a way that would greatly alter its appearance. A modest bungalow on a comfortable garden plot would be transformed into a large and bulky dwelling with a gable roof.

10. I find that this would result in an incongruous form of development, out of character with the appearance of other dwellings along Torksey Avenue.

11. Further to the above, the proposed changes would not appear subservient to the host property, but would overwhelm it and this would result in an unduly dominant form of development that would draw attention to itself and in so doing, would severely disrupt the area's identified uniform qualities.

12. Taking all of the above into account, I find that the development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Local Plan[1] Policies LP17 and LP26; and to Policy 2 of the Saxilby with Ingleby Neighbourhood Plan (2017), which together amongst other things, seek to protect local character.

Living conditions

13. The appeal property is located such that the rear elevation of Number 47 Sykes Lane faces directly towards the side of the appeal property. During my site visit, I observed that No 47 has a rear facing conservatory and a small rear garden.

14. The proposed development would be set very close to No 47's conservatory, rear facing windows and rear garden. I find that the height, scale and close proximity of the proposal would be such that it would appear to "loom" above the rear of No 47 in an oppressive manner.

15. I find that this would be to the extent that the proposal would unduly dominate the outlook from that property.

16. Given this, I find that the development would harm the living conditions of neighbouring occupiers, with regards to outlook, contrary to the National Planning Policy Framework and to Local Plan Policy LP26, which together amongst other things, seek to protect residential amenity.

Flood risk

17. Flood risk maps show that the appeal property is located within Flood Zone 2. In the absence of any substantive evidence, it is not possible for me to surmise

[1] Reference: Central Lincolnshire Local Plan (2017).

that the proposed development would be flood resistant and would not increase flood risk elsewhere.

18. Given this, I am unable to conclude that the development would not give rise to an unacceptable flood risk and the proposal is therefore contrary to the National Planning Policy Framework and to Local Plan Policy LP14, which together amongst other things, seek to provide for flood protection and resilience.

Other Matters

19. In support of the proposal, the appellant states that the appeal property is not within Flood Zone 2. However, the plan provided by the appellant in this regard does not appear to show the correct location of the appeal property. In contrast, the Environment Agency flood risk map provided by the Council shows that the appeal property is located within Flood Zone 2.

20. In its officer's report and decision notice, the Council considered that the proposal would harm the living conditions of the occupiers of Number 23 Torksey Avenue. However, during my site visit, I noted the presence of tall rear boundary features between Nos 23 and 25 Torksey Avenue. Whilst I consider that some harm would arise as a result of the scale of the development proposed appearing dominant when seen from the rear of No 23, this would be mitigated to some degree by the presence of boundary features and the harm arising would not be so significant as to warrant dismissal of the appeal on this basis alone.

21. However, I have found that significant harm would arise in respect of other matters and hence the decision below.

22. In support of the proposal, the appellant refers to an approval elsewhere along Torksey Avenue. However, this relates to a corner plot and the circumstances associated with this other proposal are different to those associated with the proposal the subject of this appeal. Notwithstanding this, I have found that the proposal would result in harm and this is not a matter mitigated to any significant degree by an approval for a different form of development elsewhere.

Conclusion

23. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR