



Appeal Decision

Site visit made on 7 March 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/M2515/W/22/3309166

Lincolnshire Rewinds, Long Leys Road, Lincoln LN1 1DX

- 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 R Lynch, Bailfarm Ltd against the decision of City of Lincoln Council.
 - The application Ref 2022/0556/FUL, dated 12 July 2022, was refused by notice dated 27 September 2022.
 - The development proposed is erection of detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon the character and appearance of the area; and whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is surrounded by existing residential development. The long and narrow two storey terraces at Oakleigh Terrace are situated to the north of the appeal site. These plots have shallow frontages to Long Leys Road and substantially long rear gardens. To the west and south of the appeal site are the large and spacious plots of Garden Court with their large detached two storey forms. To the east of the appeal site is the Lincolnshire Rewinds building, recently converted to three properties, with hard surfaced courtyards and parking to the rear.
4. The proposed plot would be of a relatively squarer shape than its neighbours. I accept that the prevailing development pattern of the area is not uniform; and that backland development is not uncommon to the area. Nevertheless, the proposed single storey bungalow, due to its plot size, would be in sharp contrast to the surrounding plot patterns and property forms. Consequently, the proposed development would appear incongruous to the surrounding pattern of development, which generally comprises larger and more spacious plots and longer and narrower plots.
5. I therefore conclude that the proposed development would harm the character and appearance of the area.

6. The proposed development conflicts with Policy LP26 of the Central Lincolnshire Local Plan (CLLP). This policy seeks, among other things, to ensure that development achieves a high quality of sustainable design that contributes positively to local character; relates well to its surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. It also conflicts with paragraphs 124 and 130 of the National Planning Policy Framework (the Framework), which seek to ensure that planning decisions take into account the desirability of maintaining an area's prevailing character and setting; and that developments are sympathetic to local character.

Living conditions

7. The rear elevation of the proposed bungalow would include patio doors to the main living area, and a window to a bedroom. These windows would directly face the side boundary of the rear garden to No.1 Oakleigh Terrace (No.1). The proposed plans detail an existing high level retaining wall for part of this boundary. However, at my visit, I saw that the boundary comprised tall fencing panels. In any event, due to the narrowness of the proposed amenity space between the rear elevation and this side boundary, together with the size and siting of the proposed windows and patio doors, and the height of the side boundary fence, the proposal would result in an uninviting and severely limited outlook for future occupiers. This effect would not be satisfactorily mitigated by planting.
8. The principal elevation of the proposed bungalow would directly face the fenced boundary along the access road of Garden Court, with the long flank of the proposed garage building and a car parking space in between. This elevation would include windows to the kitchen and a bedroom. These factors would combine with the size and position of the proposed windows to the principal elevation and the height of the existing fence along Garden Court to result in an uninviting and limited outlook.
9. The proposed amenity space would wrap around the rear and westerly elevations of the proposed bungalow. Due to its shape and narrowness towards the side boundaries of the plot, the proposed amenity space would create a strong sense of enclosure for future occupiers.
10. Due the proximity of the proposal to neighbouring properties, the Council argues that the proposal would result in limited privacy for future occupiers. However, I have not been provided with clear and compelling evidence as to how privacy would be limited.
11. I nonetheless conclude that the proposed development would not provide acceptable living conditions for future occupiers, with particular regard to outlook.
12. The proposed development conflicts with Policy LP26 of the CLLP, which seeks, among other things, to ensure reasonable levels of amenity for future occupiers. It also conflicts with paragraphs 124 and 130 of the Framework, which seek to ensure that planning decisions take into account the importance of securing well-designed, attractive and healthy places; and that developments create places that are safe, inclusive and accessible and promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

13. I acknowledge that the proposal would deliver housing on a brownfield site in an appropriate location for development, and as such it would be supported by policies within the Framework. However, such support is not unfettered, as paragraphs 124 and 130 demonstrate.
14. While the proposal could enhance the present visual appearance of the site; and assist in the prevention of any anti-social behaviour, there is no evidence before me that the proposal is the only way of achieving such objectives.
15. The conduct of the Council is not a matter that affects my findings on the planning merits of the scheme. The absence of neighbour objections during the determination phase of the planning application is a neutral factor in my decision.

Conclusion

16. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR