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# Appeal Decision

Site visit made on 21 March 2023

**by K Allen MEng (Hons) MArch PGCert ARB**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 June 2023**

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**Appeal Ref: APP/N2535/W/22/3310241**

**51 Church Lane, Saxilby, Lincoln, Lincolnshire LN1 2PE**

- 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 Mrs Leanne World against the decision of West Lindsey District Council.
  - The application Ref 144612, dated 18 March 2022, was refused by notice dated 21 June 2022.
  - The development proposed is described as 'planning application to convert and extend workshop building (Unit 1) to 1no. dwelling and remove 2no. workshop buildings (Units 2 & 3).'
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## Decision

1. The appeal is allowed, and planning permission is granted for 'planning application to convert and extend workshop building (Unit 1) to 1no. dwelling and remove 2no. workshop buildings (Units 2 & 3)' at 51 Church Lane, Saxilby, Lincoln, Lincolnshire LN1 2PE in accordance with the terms of the application, Ref 144612, dated 18 March 2022, subject to the conditions set out in the attached schedule.

## Preliminary Matters

2. It has been brought to my attention that the Central Lincolnshire Local Plan (April 2023) (CLLP) was adopted by the Central Lincolnshire Joint Strategic Planning Committee on 13 April 2023 and replaces the previous Central Lincolnshire Local Plan (April 2017). It is incumbent upon me to consider the most relevant and up to date information in reaching a decision. Both main parties have had the opportunity to comment on the implications of this for the appeal and I have dealt with the appeal on this basis. I am satisfied that no interested party has been prejudiced by this approach.
3. During the determination of the application the proposal was amended. The Council has confirmed that the proposal was determined based on the amended drawings. As a consequence, the description of the development was amended and agreed by both parties. I have determined the appeal on the basis of the amended description as in the banner heading above and the amended drawings: 8155C-106 Rev B, 8155C-106 Rev A, 8155C-108 Rev B and 8155C-109 Rev A.

## Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

## Reasons

5. The appeal site consists of a large dormer bungalow with a substantial garden. There are three large outbuildings with a concrete yard set to the rear of the site. There are several dwellings in proximity to the north and west boundary with modest sized outdoor space facing the appeal site. The row of properties on St Botolphs Gate to the west are positioned at an angle in relation to the boundary with the separation distance to the appeal site increasing along the row. Conservatories project back from the properties towards the appeal site. Nos 4 and 6 St Botolphs Gate have an enclosed rear outlook, predominantly comprising the gable end of the existing large outbuilding with intervening planting, while No 8 St Botolphs Gate has a greater sense of openness, overlooking the concrete yard. No 10 St Botolphs Gate is physically and visually separated from the appeal site by a tall double garage.
6. The properties to the northwest are set some distance away and although the property to the north is closer, due to its orientation only the side gable, with a single door, directly addresses the appeal site. The property to the east is positioned alongside the host property with a sizable rear garden.
7. The existing garden would be subdivided, with the largest outbuilding redeveloped and the two smaller outbuildings demolished. The gable end of the large outbuilding would be removed and set further back from the western boundary with increased ridge height of approximately 2 meters and eaves height of approximately 1 meter. A linked two storey extension would be constructed to the north positioned further from the western boundary than the main structure and with a ridge height approximately 1 meter lower.
8. Although the proposal would be visible from the properties to the west and would have higher eaves and ridge heights compared to the existing outbuilding, the main mass would be set further back from the western boundary and would not affect the perceived mass of the main structure. While the proposed total length of the western elevation would be substantial and would extend across the full width of several adjacent boundaries, the height of the extension would be less than the main structure and would be viewed at an oblique angle, minimising the observed width.
9. In addition, the footprint would be staggered and due to the variation in height, it would be seen as three individual components rather than one solid mass. Further, the occupiers of No 4 St Botolphs Gate, with the shortest garden, would benefit from an improved outlook as a result of the demolition of the smaller outbuilding to the south, increasing the sense of openness towards the south. The view from Nos 6 and 8 St Botolphs Gate directly adjacent the extension would be altered. The extension would minimally reduce openness to the rear. However, as these elements are set back further from the boundary with a lower height and these properties benefit from longer gardens, the proposal would not be overbearing, nor would the minimal reduction in openness, harmfully affect the occupier's outlook.
10. Therefore, I conclude that the proposed development would not harm the living conditions of the occupiers of neighbouring properties with particular regard to outlook and would conform with Policy S53 of the Central Lincolnshire Local Plan (April 2023) where it requires that development does not result in harm to people's amenity. Similarly, there is no conflict with the National Planning

Policy Framework (the Framework), paragraph 130 which seeks to ensure a high standard of amenity for existing and future users.

### **Other Matters**

11. Interested parties have raised further concerns regarding living conditions, including shadowing, privacy, and noise. While the proposal would introduce new built form, it would be set back from the boundaries. Although the properties to the west have modest sized gardens, due to the position and distance of the proposal from the boundary, the proposal would only result in a minimal increase in overshadowing during the morning hours when compared to the existing overshadowing caused by the outbuildings. Consequently, the proposal would not result in a harmful loss of light or overshadowing. The garden to the north would have some loss of light as a result of the building and the proposed planting, however, this would be limited to a small portion of the large garden and would not be harmful to the living conditions of the occupiers.
12. All ground floor windows in the proposed development face either high level fencing or the garden space of the proposed dwelling. The first floor windows have been predominantly positioned on the east and south elevations where sufficient separation distances between properties can be achieved and any views would be indirect. One first floor window and a rooflight would face north, however the window would overlook the side elevation of the proposed extension and the rooflight would be positioned facing upwards. Consequently, the proposal would not result in harmful overlooking, nor the loss of privacy of the occupiers of surrounding properties.
13. The noise generated during the construction period would be short-term and the ongoing noise from the future occupier's vehicle movements and the use of a small workshop would be modest and similar to the existing condition on site.
14. Concerns have been raised regarding the proposals effect on the character and appearance of the area. While the proposal would have a different footprint to the existing outbuildings, the scale and density of the site would be similar to existing. The proposed garden space would be limited; however, it would be comparable to other gardens in the area and would be adequate for everyday living. Although different than the surrounding properties, the proposed materials would be in keeping with the agricultural history of the site.
15. Given the proximity of the existing outbuildings and hard surfacing to the surrounding mature boundary planting, I am satisfied that the proposal would be set back sufficiently to prevent harm to the planting.
16. While the suitability of the proposed access has been questioned, including the width of the driveway and size of the turning space, the highway authority does not share these concerns. Having visited site, I am satisfied that there is ample space for vehicle access and turning within the site and that the proposal would not harm highway safety.
17. The effect of the proposal on property values and views have also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property nor the right to a view.

## Conditions

18. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council and comments from the appellant, against the Framework and PPG. For clarity, precision and to ensure compliance with the PPG, I have amended the wording.
19. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans in order to provide certainty and to safeguard the appearance of the development [2]. To ensure the development is adequately drained, a scheme detailing external surfacing as well as foul and surface water drainage is required [3].
20. Planning Practice Guidance states that conditions removing freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. However, due to the proximity of neighbouring properties and the potential negative effects of extensions or alterations on the living conditions of the surrounding occupiers, such as overlooking caused by roof extensions or harm to outlook caused by side extensions to the south, in this instance it is necessary to remove some permitted development rights so that any future proposals can be comprehensively assessed against the development plan [4].
21. The Council has suggested a condition in relation to the materials used, however as the materials have been thoroughly detailed on the approved drawings an additional condition is not required. A condition was also requested in relation to a landscaping scheme; however, the hard surfacing and fencing has been detailed on the approved drawings and given the proposals position within a garden and the existing planting on site, it is not necessary to impose further landscaping conditions. The delegated report also mentions a tree survey and tree protection measures however such a condition has not been put forward. I am satisfied that given the position of the existing buildings in relation to the adjacent trees it is not necessary to impose such measures.

## Conclusion

22. For the reasons given above, I conclude that the proposal would accord with the development plan, as a whole, and the Framework, and therefore the appeal is allowed.

*K Allen*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 8155C-100 Location Plan
  - 8155C-101 Block Plan Existing
  - 8155C-102 Floor Plans Existing
  - 8155C-103 Elevations Existing Unit 1 (To be Converted)
  - 8155C-104 Elevations Existing Unit 2 (To be Demolished)
  - 8155C-105 Elevations Existing Unit 3 (To be Demolished)
  - 8155C-106 Rev B Proposed Site Layout
  - 8155C-106 Rev A Proposed Ground and First Floor Plans
  - 8155C-108 Rev B Proposed Elevations & Section
  - 8155C-109 Rev A Proposed Roof Plan
- 3) Prior to any above ground works, a scheme detailing the external surfacing as well as foul and surface drainage, including the results of soakaway/percolation tests, shall be submitted to, and approved in writing by the local planning authority. Prior to occupation, development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of Classes A, AA, B and C of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the building hereby permitted shall not be altered or extended and no new windows shall be inserted unless planning permission has first been granted by the Local Planning Authority.

**\*\*\*End of Conditions\*\*\***