



Appeal Decision

Site visit made on 1 November 2022

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/R2520/W/22/3300603

3 Rigsmoor Close, North Hykeham, Lincoln, LN6 9PR

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs A Randall against the decision of North Kesteven District Council.
 - The application Ref 22/0147/OUT dated 26 January 2022, was refused by notice dated 29 March 2022.
 - The development proposed is a bungalow on land to the west of 3 Rigsmoor Close, North Hykeham, Lincoln LN6 9PR.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 3rd March 2023.

Decision

1. The appeal is allowed and outline planning permission is granted for a bungalow on land to the west of 3 Rigsmoor Close, North Hykeham, Lincoln LN6 9PR, in accordance with the terms of the application Ref 22/0147/OUT dated 26 January 2022, subject to the following conditions:
 1. Application for approval of reserved matters shall be made to the local planning authority no later than three years beginning with the date of this permission and the development begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.
 2. Details of the access, appearance, landscaping, layout and scale, (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration. The Council determined the application on this basis and I have considered the appeal on this basis too.
3. A plan was submitted showing the layout of the new bungalow (dated 26 January 2022 (Rev A), however as all matters are reserved at this outline stage, I have treated this as indicative only.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers at No 3 Rigsmoor Close, with particular regard to outlook.

Reasons

5. The site is situated on a small cul de sac of suburban bungalows of varying architectural styles and materials. The wider area is characterised by similar properties, set back from the road and in mature gardens with an open frontage.
6. No 3 is a brick built detached bungalow set on a wide plot built parallel to the head of the cul de sac. It has a large drive and open front garden which abuts its neighbour No 1, with a timber screen fence forming the party boundary. No 3 has a number of windows overlooking its front garden, and has a large garden and conservatory to the rear.
7. The plans submitted, show the nearest point of the host property would be just over 6 metres from the boundary of the proposed bungalow, with the majority of its front elevation set back further. With that kind of separation, the new bungalow could be designed to ensure there would be no unacceptable effects in respect of massing, privacy or outlook to the occupiers of the host property.
8. Moreover, although of a reasonable size, there is a low probability that the front garden of No 3 is used in the same way as its more private rear garden. Therefore, whilst the outlook from the retained front garden would change as a result of the proposal, it would be unlikely to result in harm to the enjoyment of it by the occupiers of No 3.
9. I therefore conclude that the proposal, subject to it being appropriately designed at the reserved matters stage would not have a harmful effect on the living conditions of neighbouring occupiers at No 3 Rigsmoor Close, with particular regard to outlook. It would comply with Policy LP26 of the Central Lincolnshire Local Plan (Adopted April 2017) and Policy HNP1 of the Hykeham Neighbourhood Plan (2016-36) which seek, amongst other things to achieve quality design that does not unduly harm the amenities which all existing and future occupants of neighbouring land and buildings expect to enjoy. It would also be consistent with the high standard of amenity objectives of the National Planning Policy Framework (Framework), set out in Paragraph 130 (f).

Other Matters

10. I note that the Parish Council and a third party objector are concerned about the loss of greenspace, however the appeal site is currently used as a private garden. It is similar in size to nearby development and the new dwelling could be designed to ensure that it was in keeping with the character and appearance of the area. The Council concur with this view and have not raised concern about the proposal being harmful to the character or appearance of the area.

Conditions

11. The Council has provided proposed conditions and I am satisfied that they are appropriate in regard to the advice provided in the Framework and the Planning

Practice Guidance. Condition 1 is imposed for certainty and Condition 2 to set out the matters for which reserved matters are sought.

Conclusion

12. For the reasons given above, and having regard to all other considerations, the proposal accords with the development plan taken as a whole and there are no other considerations, including the Framework which indicate a decision other than in accordance with the development plan. The appeal is allowed.

D Barlow

INSPECTOR