



Appeal Decision

Site visit made on 8 August 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/R2520/W/22/3307976

Land off Laburnum Close, North Hykeham, LN6 8JQ

- 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 Natalie Cook of NC25 Ltd against the decision of North Kesteven District Council.
 - The application Ref 22/0927/OUT, dated 27 June 2022, was refused by notice dated 17 August 2022.
 - The proposed development is described as the "erection of a 1 bed bungalow on land off Laburnum Close."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters to be considered, apart from appearance. Plans submitted with the application, which show elevations, are for indicative purposes only. I have dealt with the appeal on this basis.
3. The Council has advised that since its decision to refuse planning permission, the Central Lincolnshire Local Plan (CLLP) was adopted by the Council on 13 April 2023. The CLLP has superseded the previous development plan. The Council have advised of the relevant new policies of the CLLP in relation to this appeal, and the appellant has had the opportunity to comment upon them. The appeal has been determined on this basis.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - the character and appearance of the surrounding area, with particular regard to its siting and scale;
 - the living conditions for the occupiers of No. 2 Laburnum Close, with particular regard to the size of the retained outdoor space; and
 - whether there would be satisfactory living conditions for the future occupiers of the proposed dwelling with particular regard to its outdoor space provision.

Reasons

Character and appearance

5. The appeal site has a rectangular shape, located between the rear garden of No. 2 Laburnum Close, which has its front elevation onto Harewood Crescent, and the side elevation of No. 4 Laburnum Close. There is a tall hedge along the appeal site's front boundary and further planting along some of its other boundaries. It is said that it was previously part of the rear garden of No. 2, but it currently appears as vacant land that is partly overgrown.
6. The immediate area is characterised by a mixture of detached and semi-detached dwellings set within reasonably sized plots, that are setback from the road allowing space between them and the road, and most have long rear gardens. Laburnum Close is a cul-de-sac, with a strongly defined building line along both sides of the road in this particular area.
7. Although the width of the appeal site is comparable to the width of plots in the surrounding area, its limited depth is wholly discordant to other properties nearby. Moreover, as a result of its limited depth, the proposed layout shows a dwelling positioned centrally on the plot, much further forward and closer to the road than the front elevations of other properties nearby on Laburnum Close, including the adjoining property, No. 4. Although its restricted plot depth may not be noticeable from the surrounding roads, this would not justify its poor design, its pronounced forward siting and its significant harm to the established character and appearance of the area.
8. I note that the proposal would be in a similar line to the extended side of No.2 and that it would be behind the existing beech hedge. However, with No. 2 fronting onto Harewood Crescent, its side elevation is not read as part of the building line along Laburnum Close, neither that, nor the existence of a hedge would justify such a forward siting for the proposed dwelling. I acknowledge the ratio of the proposed building's footprint to its plot size, but its unusually small footprint itself would be out of character with the area and would create a cramped form of development, in stark contrast to the siting and layout of surrounding properties.
9. The proposed plans show the scale of the proposed dwelling to be relatively small (said to be some 4.12m at its highest point). Although the proposal may not be imposing or dominant, its much smaller scale would be completely alien to the form and scale of the properties in the area, including single storey properties. Whilst the appellant has claimed that the proposal is akin to the scale of a domestic garage, the proposal is for a detached dwelling and would be designed and function as such and have a much different effect upon the character and appearance of the area than that of a garage. Its much lower ridge height and narrow gable would harmfully contrast against the larger scale and form of the nearby properties.
10. The site is said to be part of the wider North Hykeham Tree Preservation Order. The appeal site contains some boundary hedges, and the proposal would result in a largely tall leylandi hedge along the rear boundary of the appeal site being removed. However, that hedge does not make a positive contribution to the character and appearance of the area and in any event views of it would largely be hidden by the proposed dwelling itself. The existing beech hedges to its front and one of its side boundaries are to be retained but lowered in height. Had I been minded to allow the appeal, a suitably worded condition could have been imposed regarding the retained hedging and boundary treatments.

11. Given that properties nearby have much larger front garden areas, the presence of outdoor garden space to the front of the proposed dwelling would not necessarily be harmful to the character and appearance of the area.
12. In conclusion, the proposed dwelling would be harmful to the character and appearance of the surrounding area, contrary to the requirements of Policies S3 and S53 (sections 1,2, and 3) of the CLLP, which amongst other things, require new development not to harm the character and appearance of the area and to relate well to the local area in terms of its scale, form and layout. In addition, for similar reasons the proposal would conflict with Policy HNP1 of the Hykeham Neighbourhood Plan 2016-2036 made September 2018, which also states poorly designed proposals that are unsuitable for the site should be refused. I also find the proposal not to comply with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure new development is visually attractive and respects the local built character.

Living conditions existing occupiers

13. No. 2 Laburnum Close has a front garden, and a private side and rear garden enclosed by fences. Whilst the rear garden is smaller in size compared to the other nearby properties that have much longer rear gardens, it would still have an adequate level of outdoor space, including private space to its rear side. Consequently, the proposal would not unacceptably reduce the size of the available outdoor space for the occupiers of No. 2.
14. To conclude, the proposed development would ensure that the occupiers of no. 2 Laburnum Close would have satisfactory living conditions and an adequate level of amenity space would be retained. The proposal would comply with Policy S53 (8) of the CLLP which amongst other things, requires homes to have adequate space for users with good access to private spaces. I also find the proposal to comply with paragraph 130 of the Framework which amongst other matters, seeks a high standard of amenity for existing and future users.

Living conditions - future occupiers

15. The proposed layout plan shows a driveway to one side of the proposed dwelling, along with a small garden area on its opposite side between it and the boundary to No. 2. There would also be some garden space to both its front and rear sides.
16. The resulting outdoor space would be limited, and the central position of the dwelling would mean that it would not be particularly useable space. However, the proposed layout plan shows the dwelling would have one bedroom, and would likely be occupied by a single person or a couple. Furthermore, part of the outdoor space to the rear of the proposed dwelling would be private. In view of these points, there would be adequate outdoor space available for domestic purposes, including private outdoor space, to serve the future occupiers of the proposed dwelling.
17. In respect of whether adequate day lighting would be available for these outdoor spaces, the proposed new fences would be 1.8 metres high and the retained hedges would be 1.2 metres high. Given these heights, the orientation of the proposed dwelling, and the distances between the boundaries and the proposed dwelling, the proposed outdoor spaces would receive a satisfactory level of day lighting.

18. To conclude, the proposal would provide satisfactory living conditions and outdoor space provision for future occupiers of the proposed dwelling and it would comply with Policy S53 (8) of the CLLP which amongst other things, requires homes to have adequate space for users with good access to private spaces. I also find the proposal to comply with paragraph 130 of the Framework which amongst other things, seeks a high standard of amenity for future users.

Other Matters

19. Although the proposal would add to the number of dwellings within North Hykeham, the additional contribution of this one dwelling would be small and the Council has stated that it has an adequate supply of housing, consequently this argument does not outweigh the identified harm above.
20. The appellant has advised that the proposal has been reduced in size compared to that of an earlier withdrawn planning application. Be that as it may, it is a neutral factor in my decision.
21. I note the appellant's comments that the Council has not raised objections to the principle of the proposed development; that there is an existing access to the site and there are no highway safety objections raised; and that the site can be adequately drained. However, these factors would likely be requirements of the development plan for any similar such proposal. An absence of harm in respect of these matters is neutral neither weighing in favour of, or against the proposal.
22. It has also been suggested by the appellant that the proposed development would provide a well-designed property that would be an enhancement to the appearance of the current site and the use of brick and tile as external materials would ensure the proposal related well to the appearance of the surrounding area. Whether this would be so, I do not agree that these arguments would justify the identified conflict with the development plan and the Framework. Furthermore, appearance is a reserved matter that is not before me for consideration on this appeal.
23. The appellant has also suggested conditions which could be imposed should I be minded to allow the appeal to control some aspects of the proposal. These are noted, but they would not overcome the identified harm above to the character and appearance of the area.

Conclusion

24. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole and the Framework, and it would not therefore comprise sustainable development. There are no other considerations which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR