



Appeal Decision

Site visit made on 5 September 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/R2520/W/22/3310758

**5 Windermere Avenue, North Hykeham, Lincoln, Lincolnshire
LN6 8EQ**

- 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 S Allen against the decision of North Kesteven District Council.
 - The application Ref 22/1117/OUT, dated 6 September 2022, was refused by notice dated 27 September 2022.
 - The development proposed is described as: 'proposed building plot for a single storey dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form seeking approval for access with scale, layout, appearance and landscaping reserved for future consideration. I have dealt with the appeal on this basis and I have treated the submitted plans as being illustrative only, insofar as they relate to matters of scale, layout, appearance and landscaping.
3. Since the Council issued its decision, the new Central Lincolnshire Local Plan (2023) (the LP) has been adopted. I have based my decision on the most up to date policies.

Main Issues

4. The main issues are whether the appeal site would be an appropriate location for the proposed development with particular regard to the effect on the character and appearance of the area; and whether the proposed development would provide adequate living conditions for future occupiers, with particular regard to outdoor space and outlook.

Reasons

Location

5. Windermere Avenue is a wide residential street comprising of predominantly detached bungalows in generous plots. The bungalows typically have wide frontages with open, typically lawned, front gardens with limited boundary treatments. Pavements are wide and include grassed verges. Street trees are prevalent. Overall, these elements give Windermere Avenue an open, spacious and verdant character.

6. Unlike the surrounding residential properties, 5 Windermere Avenue is two storeys and positioned close to the pavement edge. This property is understood to have most recently been used as a clinic and the appeal site comprises its parking area and lies immediately adjacent. Being a hardsurfaced area with little planting, the appeal site is not reflective of the verdant character of the area. Alongside the side elevation of No 5, the site abuts the gardens of neighbouring bungalows.
7. The appeal site is located within the settlement of North Hykeham, identified as being within the Lincoln Urban Area by Policy S1 of the LP. This policy, alongside Policy S2, outlines the settlement strategy and seeks to focus new housing development in the Lincoln Urban Area. Policy S3 sets out that within the 'developed footprint' of the Lincoln Urban Area, proposals for new development at 'appropriate locations' not specifically identified in the LP will be supported in principle. This is subject to a number of criteria, including, being subordinate in size and scale to the community they adjoin without harming the settlement form, character or appearance of the area.
8. It is not in dispute that the site lies within the developed footprint of the Lincoln Urban Area. Based on the definition in the Glossary of the LP, an appropriate location is a location which does not conflict, when taken as a whole, with national policy or LP Policies. In addition, to qualify as an appropriate location, the site, if developed, would amongst other things, retain the core shape and form of the settlement and not significantly harm a settlement's character and appearance.
9. The appeal site is small in comparison to typical residential plots along Windermere Avenue. It is also constrained by the close proximity of the side elevation of No 5 and the need to include off street parking accessible from the road for both the appeal site and No 5. As such, any dwelling would likely be significantly smaller than is typical here, whilst in all likelihood occupying a significantly greater portion of the plot. This is likely to give the impression of a dwelling being 'squeezed in' to the site. As such, notwithstanding the outline nature of the proposal, a new single storey dwelling on the appeal site is likely to appear as a discordant, cramped and ad hoc form of development that would be at odds with the spacious character of Windermere Avenue.
10. Two parking spaces would be retained for use in association with No 5. The two proposed parking spaces to serve the proposal would be accessed directly from the highway with no turning area. As such almost all of the frontage of the proposed dwelling would comprise of the two parking spaces. Noting the outline nature of the appeal, this would nonetheless likely result in a narrow frontage, dominated by car parking and hardsurfacing, at odds with the verdant and spacious character.
11. The existing car park is open in character and provides a visual gap between No 5 and the adjacent bungalow. Therefore, whilst I accept that the existing commercial car park is not wholly reflective of the character and appearance of the area, being predominantly hardsurfaced, this is not justification for further harm through the erection of a dwelling that would be at odds with the character and appearance of the area.
12. For these above reasons, the proposal would result in significant harm to the character and appearance of the area. The proposal would therefore not represent an appropriate location with regard to Policy S3 of the LP. The

proposal would also conflict with Policy S53 of the LP and Policy HNP1 of the Hykeham Neighbourhood Plan (2018) (the HNP) which together seek to ensure new development comprises high quality design that integrates well with the character and appearance of the area.

Living Conditions

13. Given the small plot size, and the need to provide off street parking, the site could only accommodate a small dwelling. Nonetheless, providing a proposal was carefully designed, I am satisfied on the basis of what is before me, that a garden commensurate to the scale of such a dwelling with space for domestic activities such as sitting out, drying clothes and planting could be provided. This is supported by the indicative plans which show a small garden area to the rear of the building.
14. Moreover, taking into account the existing boundary treatments and subject to appropriate treatment of boundaries including with No 5, I am satisfied that such space could be made private, providing it were located to the rear of the proposed dwelling. Given the single storey nature of the surrounding buildings, a garden that would not be subject to high levels of shading, with a reasonable level of outlook, could be achieved.
15. Notwithstanding the outline nature of the application, based on the evidence before me, I am satisfied that sufficient outdoor space could also be provided for external storage of bins and recycling in accordance with criterion 8 of the Hykeham Neighbourhood Plan Design Criteria at Appendix 1 of the HNP.
16. That a parking area for No 5 would be sited alongside that of the appeal proposal would not, to my mind, significantly impact on outlook from the dwelling. A dwelling orientated in the manner of that shown on the indicative plans could be provided with windows to the front and rear. Internal accommodation could be designed with habitable rooms located in the parts of the dwelling with the most favourable outlook.
17. For the above reasons, I am therefore satisfied that the proposed development would provide adequate living conditions for future occupiers with particular regard to outdoor amenity space and outlook. In this regard the proposal would not conflict with Policy S53 of the LP insofar as it relates to providing homes with adequate amenity for future users and good access to private, shared or public spaces.
18. I have already concluded that the appeal site would not be an appropriate location for new housing development with regard to Policy S3 of the LP. As such, not finding conflict with Policy S53 does not alter my above conclusions in relation to the above main issue.

Conclusion

19. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR