



Appeal Decision

Site visit made on 3 October 2023 by Andreea Spataru BA (Hons) MA MRTPI

Decision by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/R2520/W/23/3321403

Land to the rear of 6 Main Avenue, Bracebridge Heath, Lincoln, Lincolnshire LN4 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 Mr & Mrs Smith against the decision of North Kesteven District Council.
 - The application Ref 22/1777/FUL, dated 21 December 2022, was refused by notice dated 24 March 2023.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

3. The location details of the appeal site and the description of development, as set out above, have been taken from the Council's decision notice and the appeal form, as they provide a more precise location and description of development than those outlined within the application form.
 4. There is a discrepancy between the boundary of the appeal site as shown on the location plan and that shown on the site layout plan (drawings nos 133/22/01 & 133/22/02B). I have noticed, during my site visit, that a fence has been erected around the appeal site, as shown on the site layout. Given the evidence before me, I have considered the boundary of the appeal site as outlined within the site layout plan.
 5. Since the issuing of the Council's decision notice, the Central Lincolnshire Local Plan (April 2023) (LP) has been adopted. Policies LP2 and LP26 of the Central Lincolnshire Local Plan (adopted April 2017) are now superseded. The Council indicates that the corresponding policies of the superseded Policies LP2 and LP26 are Policies S4 and S53 of the LP.
 6. The aims of Policy S53 insofar as they apply to this proposed development are similar to those of Policy LP26. However, Policy S4 introduces a selection test (part 2 of S4) in addition to those outlined within LP2. Whilst the outline
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planning permission granted for a single storey dwelling on the appeal site¹ is a relevant material consideration, I consider that part 2 of S4 applies to the appeal site.

7. LP Policy S4's additional test requires, amongst other things, that developments preserve or enhance the settlement's character and appearance. This additional requirement reflects the aims of LP S53. Therefore, the appeal has been considered against the adopted local plan policies, including the relevant Policy 2 outlined within the Bracebridge Heath Neighbourhood Development Plan (2020 – 2040) (BHNDP).

Main Issues

8. The main issues are the effect of the proposal on the character and appearance of the area, on the living conditions of the occupiers of neighbouring properties, and whether the proposal would provide satisfactory living conditions for future occupiers having particular regard to outlook and light.

Reasons for the Recommendation

Character and appearance

9. The appeal site relates to a parcel of land located to the rear of three residential properties that front Main Avenue, and next to a bungalow that faces The Close. The two-storey hipped-roofed semi-detached dwellings located on the southern side of Main Avenue, within proximity of the appeal site, have a similar scale and appearance. The bungalow, No 6 the Close, sits near the bungalows that face The Crescent. The mix of two-storey dwellings and bungalows, separated by their gardens which provide a sense of openness, contributes positively to the character and appearance of the area.
10. The proposal seeks to erect a 1 ½ storey dwelling, which would face The Close, and would occupy most of the width of the plot. The dwelling would have a barn-hipped roof and a single storey attached garage with a pitched roof to the front.
11. The proposal, due to a combination of its scale, appearance, and siting, would disrupt the established pattern of development, and the dwelling itself would appear as an incongruous, cramped addition. I find that the 1 ½ storey dwelling is not directly comparable with a single storey dwelling, due to its height, massing and form. Accordingly, the proposal would reduce the visual openness, and would be detrimental to the character and appearance of the area.
12. I note the appellants' intention, through the introduction of a 1 ½ storey dwelling in this location, is to provide a transition between the two-storey dwellings and the bungalows. However, due to the backland nature of the development, the proposed dwelling would be viewed in the context of the bungalows, with which it is not in keeping.
13. My attention has been drawn to several buildings within the area. Whilst I do not have full details of these developments, I acknowledge that there is some variety within the larger area, including chalet style bungalows with accommodation within the roof. Notwithstanding this, the immediate area

¹ LPA ref: 22/0554/OUT

provides a stronger context for the appeal development, and the proposal fails, due to the reasons set out above, to blend in within its surroundings.

14. Accordingly, I conclude that the proposal would be detrimental to the character and appearance of the area. Therefore, the development would be contrary to LP Policies S4 & S53 and BHNDP Policy 2, which collectively require that new development is appropriate for its context and its future use, particularly in terms of development type, size, siting, height, scale, massing and form.

Living conditions

15. The appeal dwelling would only be slightly set in from the boundary shared with No 6 The Close, and more than half of its depth would project forward of the front elevation of neighbouring dwelling. No 6 The Close has three windows on the front elevation, with one being particularly close to the shared boundary with the appeal site. These windows appear to serve habitable rooms. Due to a combination of its siting, height, and massing, the development would appear substantial and dominant, particularly when viewed from the front windows of No 6 The Close. Accordingly, the proposal would make for an oppressive outlook, with consequent harm to the living conditions of the occupiers of No 6 The Close.
16. The depth of the 1 ½ storey dwelling would project along the full rear boundary of No 8 Main Avenue. The single storey garage extends the projection of the dwelling across the rear boundary of No 6 Main Avenue. Given the siting of the dwelling to south of Nos 6, 8 and 10 Main Avenue, its height and massing, the development would overshadow part of the neighbouring gardens. However, given the depth of these gardens, the levels of overshadowing would not increase to such a degree that would be detrimental to the living conditions to the occupiers of Nos 6, 8 and 10 Main Avenue.
17. There would be three openings in the southern side elevation of the proposed dwelling, all of them at the ground floor level. One high level window would be serving a habitable room, whilst the other two would serve non-habitable rooms. I note particular concerns have been raised regarding the window serving the hallway. Given the ground floor location of these windows, a planning condition could ensure that appropriate screening is in place between the appeal dwelling and No 6 The Close to avoid increased levels of overlooking.
18. Given the close proximity of the appeal dwelling to the northern boundary of the site, the amount of light entering the kitchen window would be limited. The outlook from this window would also be restricted. However, the kitchen is linked with the dining area, which has French doors leading into the garden. Given the large opening that would serve the dining area and the garden outlook, as well as the close relationship between the kitchen and dining area, I consider that the living conditions of the future occupiers of the appeal development would not be affected to a detrimental degree.
19. Notwithstanding that, for the reasons set out above, the proposal would adversely affect the living conditions of the occupiers of No 6 The Close in terms of outlook. Therefore, the proposal would conflict with LP Policy S53, which requires, amongst other matters, that developments do not have an adverse effect upon people's amenity.

Other matter

20. I acknowledge the appellants' intention to build the dwelling to a high standard, as well as their willingness to incorporate an appropriate landscaping scheme, although I am unconvinced these measures would successfully mitigate against the issues I have identified. The appeal development would provide a family home, which would be particularly beneficial to the appellants. However, such private benefit carries limited weight in my considerations and does not outweigh the significant harm that the scheme would cause.

Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR