



Appeal Decision

Site visit made on 23 January 2024

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/M2515/W/23/3329692

112B Burton Road, Lincoln, Lincolnshire LN1 3LN

- 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 P. Flint against the decision of City of Lincoln Council.
 - The application Ref 2023/0251/FUL, dated 10 April 2023, was refused by notice dated 6 June 2023.
 - The development proposed is the demolition of existing garage and erection of two-storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the proposed development upon the character and appearance of the area;
 - the effect of the proposed development upon the living conditions of the existing occupiers of 112b Burton Road, with particular reference to outlook; and
 - whether appropriate living conditions would be provided for the future occupiers of the development, with specific regards to the provision of internal and external space.

Reasons

Character and appearance

3. Although the appeal site's address is given as 112b Burton Road, the proposed development would front onto Waldeck Street. A notable feature of Waldeck Street is the presence of regularly proportioned terraced houses that feature replicated details such as chimneys and a broadly consistent pattern to window placement and size. This gives the street a relatively uniform and distinctive character.
4. The rear of the appeal site features a small garage constructed to limited proportions and of a simple design. This means that it is not an obtrusive feature and nor does it interrupt the harmony of the street scene in Waldeck Street.

5. The proposed new dwelling would be an infill development, however, there would be several notable differences between it and the existing buildings in Waldeck Street. In particular, the proposed house would be detached and have a height significantly lower than the neighbouring houses. Furthermore, the proposed dwelling features a gable wall facing Waldeck Street. This contrasts with the prevailing character of roof slopes that face the road.
6. The proposed development would feature, at first-floor level, narrow windows. This differs from the consistent pattern of larger windows on existing houses. In addition, the proposed development would not feature a chimney. The proximity of the site to the existing terraced houses means that there would be insufficient space to allow the different architectural styles to assimilate. Therefore, these matters combined mean that the proposal would be incongruous and would erode the uniform character of Waldeck Street. This harmful impact would be compounded by the prominence of the building from local vantage points.
7. The appeal scheme would have a rendered finish and a box bay window. Although most of the nearby buildings have a brick appearance, there are some buildings that feature different materials and box bay windows. In result, these features do not contribute to the discordance of the design. However, this would not overcome the harm I have identified.
8. My attention has been drawn to developments to the rear of 94-96 and 145 Burton Road, which I have viewed, as a means of justifying the proposal. However, these developments are in Turner Street and Wilson Street, which feature a greater variety of built form. This variety includes buildings with a mixture of scales, different fenestration patterns and some buildings featuring dormer windows. In consequence, the existing developments do not have the same effects as the proposed development would have as they are viewed in different contexts.
9. A nearby building is in use as a takeaway. Whilst this features extraction equipment, these are of a different nature and appearance to the appeal scheme. As such, they do not act as justification for the proposed development to proceed.
10. I therefore conclude that the proposed development would harm the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policy S53 of the Central Lincolnshire Local Plan (2023) (the Local Plan). Amongst other matters, this seeks to ensure that developments are based on a sound understanding of its context and integrate into its surroundings.

Living conditions of existing occupiers

11. Part of the ground floor of 112b Burton Road is in use for commercial activities, with the remainder in use as two flats. The ground-floor flat has a window that would face the proposed house. Although No. 112b features a rear yard, this is of a small size. Therefore, the boundary fence is near to the flat's rear window.
12. A section of the side elevation of the proposed house would be constructed in the same position as the existing boundary fence. Consequently, there would

- be a notable increase in the overall level of built form in proximity to the existing window.
13. Due to its close proximity to No. 112b, the development would have a harmful enclosing and overbearing effect upon this window because it would be much taller than the boundary fence.
 14. From the rear window of No. 112b, it is possible to view the side elevation of 1 Waldeck Street. Although the side wall of No. 1 is taller than the appeal scheme would be, there are several notable differences between the appeal scheme and No. 1. In particular, the house at No. 1 is located further away from the window than the proposed house would be. This is due to the presence of the existing open area at the appeal site, the presence of a small garage and a narrow passageway to the rear of the appeal site.
 15. In consequence, the house at No. 1 does not have the same enclosing effect on the existing window of No. 112b as the proposed development would have.
 16. The proposed development is unlikely to lead to any adverse effects upon the living conditions of any of the other neighbouring properties, including the existing first floor flat of the building. However, this would not overcome the previously described harmful loss of outlook that would be experienced by the occupiers of No. 112b.
 17. I therefore conclude that the proposed development would harm the living conditions of the occupiers of No. 112b. The development, in this regard, would conflict with Policy S53 of the Local Plan. Amongst other matters, this seeks to ensure that developments be compatible with neighbouring land uses.

Living conditions of future occupiers

18. The proposal would consist of a one-bedroom house, with a combined kitchen and living room on the ground floor. A garden area would be included and located to the front and side of the house. There are areas of public open space in the wider surrounding area.
19. Policy S53 of the Local Plan states that developments should provide homes with good quality internal environments and adequate storage. However, the policy does not refer to any minimum standards of space that should be provided. It is therefore a matter of planning judgment.
20. The layout of the new house is such that it would not be attractive for occupation by a family, owing to the number of bedrooms and limited living rooms. Instead, it is likely to be the home of an individual or couple. This reduces the number of items that are likely to be stored in the house, owing to the small number of occupiers.
21. In result, the sizes of the bedroom and combined kitchen and living room are likely to be sufficient to accommodate the storage of the necessary items that would be required by such a household. Additionally, there is no evidence before me indicative that an appropriate level of furniture could not be placed in the home without impeding internal circulation.
22. The proposed development would fall below the minimum thresholds specified in the Nationally Described Space Standards (NDSS). However, for developments to be carried out in accordance with the NDSS, there needs to be

development plan policy justification. Although Policy S53 seeks to provide sufficient internal space, it is not explicit in requiring developments to meet or exceed the NDSS.

23. Therefore, as I have found that the layout of the development would provide appropriate internal space, the lack of compliance with the NDSS is not a matter that would outweigh my previous findings.
24. In respect of external space, I have not been directed towards any adopted minimum provision. As the development is likely to be occupied by a limited number of people, the space that has been provided is sufficient for the undertaking of necessary household tasks, such as the storage of refuse, the drying of washing or the storage of a bicycle. Owing to the scale of the development, such activities would not require a large amount of space.
25. Although the external space could only be used for a limited array of activities, the design of the dwelling is such that it is unlikely to be occupied by children. This means that the availability of public open space in the wider area would be a satisfactory location for the undertaking of outdoors physical activity.
26. I therefore conclude that the proposed development would provide appropriate living conditions for the future occupiers. The development, in this regard, would comply with Policy S53 of the Local Plan.

Other Matters

27. The proposed development would result in the reuse of the appeal site; replace a little-used garage; and would result in the erection of a home in an accessible location near to services and employment opportunities in the urban area. Whilst these are matters of note, the scale of the development means that the benefits derived from these points are likely to be small and therefore outweighed by harmful impacts that would occur.

Conclusion

28. The proposal would erode the character and appearance of the surrounding area and would have an adverse effect upon the living conditions of the occupiers of 112b Burton Road. These would outweigh the provision of appropriate living conditions for the future occupiers. The proposal would conflict with the development plan taken as a whole. There are no other material considerations which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR