



Appeal Decision

Site visit made on 11 September 2024 by Darren Ellis MPlan MRTPI

Decision by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2024

Appeal Ref: APP/R2520/W/23/3335621

Land to east of 39-43 Lincoln Road, Leasingham, Sleaford NG34 8JT

- 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 Mrs B Lovett of Oakwood Developments against the decision of North Kesteven District Council.
 - The application Ref is 23/0546/FUL.
 - The development proposed is 'erection of one and a half storey 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.

Main Issues

3. The main issues are a) the effect of the proposal on the character and appearance of the area; b) whether the proposal would create adequate living conditions for its future occupiers, with regard to access to private outside space, and outlook; and c) the effect of the proposal on the living conditions of the occupiers of 39 Lincoln Road (no 39), with regard to outlook.

Reasons for the Recommendation

Character and Appearance

4. Houses in the locality generally front onto the road, set behind modest front drives and mature landscaping. The appeal site is situated off a shared driveway which serves four dwellings. These existing properties are also set back from the driveway behind their own drives and front gardens, consistent with the wider pattern of development. The appeal site provides a welcome degree of separation between these houses and Lincoln Road. This lends a pleasantly spacious feel that contributes positively to the character and appearance of the area.
 5. Although the proposed front boundary walls would be low, allowing views into the proposed garden areas, the proposed dwelling would have noticeably less space to the front of the property than the existing four dwellings. Furthermore, it would be apparent that the dwelling would be positioned very close to the rear boundary of the plot and would have no meaningful rear
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- garden. The dwelling would consequently appear cramped in its plot to the detriment of the spacious feel of the immediate street scene.
6. I note that the existing boundary hedge is shown on the submitted plans as being retained, and that this could be secured with an appropriate landscaping condition. The retention of the hedge would ensure that only the roof of the proposed dwelling would be visible from Lincoln Road, and as the roof would slope away from Lincoln Road the proposal would not have a significant adverse effect in those views. The retention of the hedge, however, would not reduce the visual impact from within the shared driveway, from where it would appear unduly prominent.
 7. Whilst the original parcel of land may have been capable of accommodating more than four dwellings, the scheme that was permitted and implemented comprised four (Ref 17/0122/FUL). In that context, the addition of the proposed dwelling on this remaining land would appear contrived and unacceptably cramped. Whether or not the approved plans for that four dwelling scheme set out any detailed requirements for the treatment of the appeal site, and regardless of whether the boundary hedge was required to be retained or envisaged to be removed, the appeal site appears to be shown on the approved site plan as grassed land. Consequently, even if the land was intended to form part of a residential garden, that scheme envisaged the land being free from substantial built form and as such would contribute positively to the sense of space and verdant character of the area.
 8. My attention has been drawn to examples of dwellings in Leasingham that have a close relationship to neighbouring dwellings and small amenity areas. However, the existing houses at 36A and 52 Lincoln Road are set back behind a grass verge, have modest front gardens, and appear to have private outside space to the rear. Moreover, these are laid out in line with the general pattern of development of their immediate surroundings. Similarly, the planning permission for a bungalow at Land at 9 Chapel Lane appears to comprise a building that would conform to the surrounding pattern of development, broadly in line with neighbouring houses. As such, regardless of their ratio of built form to plot size, the other developments referenced do not appear particularly cramped or at odds with their surroundings. Whereas, in the context of the more spacious housing opposite the appeal site, the proposed development would.
 9. In addition, the proposal to the rear of 24/26 Chapel Lane, whilst relatively compact, would appear much less visible from outside of the development than the appeal scheme. As such, although there is variation in layouts and plot densities in the locality, the examples given are not directly comparable to the appeal scheme and do not alter my findings on this matter.
 10. Concluding on this main issue, the proposed dwelling would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policy S53 of the Central Lincolnshire Local Plan (2023) (LP). This generally seeks to ensure proposals achieve high quality design that has a positive effect on local character. It would also conflict with section 12 of the National Planning Policy Framework (the Framework) which is concerned with achieving good design.
 11. The Council also cites conflict with LP Policies S1 and S66. Policy S1 sets out the settlement hierarchy and allows for limited growth in villages such as

Leasingham. As this policy is not primarily concerned with matters of character and appearance, I return to this subsequently. Policy S66, amongst other matters, requires that new development retains existing hedgerows where appropriate. Nonetheless, as there is no substantive evidence before me to indicate that the proposal would result in existing hedgerow or trees being removed, I find no conflict with this policy.

Living Conditions for Future Occupiers of the Proposal

12. The proposed dwelling would have garden areas to both sides of the house. Despite the substantial height of the boundary hedge, the low walls of the front boundaries would prevent a significant enclosing effect to the northern garden area, even with the retained tree. However, the low walls would also prevent the garden areas from having sufficient privacy from the shared driveway and existing properties opposite the site.
13. The garden area adjacent to the proposed garden room would be more screened due to the 2000mm high close boarded fence along one side. However, given the proposed low front boundary wall there would remain considerable visibility of that space from the shared driveway. The built form of the conservatory would not project to the extent that it would provide sufficient screening. Moreover, further enclosure of that space by a taller front boundary or gate would result in an unacceptably enclosed and shaded space, in combination with the 2000mm high fence and mature hedgerow. No robust evidence is before me to the contrary.
14. Therefore, and as there would be no meaningful rear garden, the proposal would fail to provide sufficiently private outside space for future occupiers. Whether or not the quantum of proposed garden space would exceed the size of other gardens in the locality, the privacy of that space would be inadequate.
15. The proposed windows on the rear elevation to serve the open-plan kitchen and dining area would look out on to the boundary hedge at close proximity, and as a result would provide a very restricted outlook. There would also be views from the kitchen into the dining room and through the conservatory into the garden. However, these would look towards the proposed 2000mm high boundary fence. As such, the outlook from these windows would be so enclosed as to feel oppressive.
16. The appellant submits that the outlook from the proposed kitchen would be comparable to that from the kitchen of No 41. However, it appears from the approved floor plan for that house, that the room facing onto the side boundary also has a separate window on to the private rear garden that has a depth of over 15m. Whereas the outlook onto the proposed triangular shaped garden of the appeal scheme would be considerably more constrained. Consequently, the layout of No 41 does not justify a different decision on this matter.
17. Accordingly, the proposal would not provide acceptable living conditions for its future occupiers, with regard to access to private garden space and outlook. As such, it would be contrary to LP Policy S53 insofar as it requires development to provide good quality internal and external space for their users. The proposal would also conflict with the Framework, specifically where it is concerned with providing a high standard of amenity for future users.

Outlook from No 39

18. The Council considers that the proposal would provide an unacceptable outlook for the occupants of No 39 due to the proposed 2000mm high fence along their front boundary. Amongst other matters, I note that this was also raised as a concern by the occupants of No 39. However, given the degree of setback between those windows and the fence, the outlook from their living room and front bedroom windows would not be so oppressive as to harm their living conditions with respect to outlook. Similarly, given the open entrance to the driveway at No 39, the proposed fence would not render the front garden at No 39 so enclosed as to harm outlook from there. Accordingly, and notwithstanding the harm to the character of the area established above, with respect to this main issue, the proposal would not conflict with the requirement in LP Policy S53 for proposals to avoid harm to the amenity of neighbours.

Other Matters

19. The LP glossary definition of 'appropriate location' that is referenced in LP Policy S1, requires that the location does not conflict with national and LP policies, when taken as a whole. Given the conflict with Policy S53 in respect of harm to the character and appearance of the area, I cannot find the location of the proposal to be appropriate. Therefore it conflicts with LP Policy S1.
20. The provision of one additional unit would make a small contribution to the existing housing supply. Economic advantages would also arise from the construction and occupation of a new house, although some of these would be temporary and limited by the scale of the scheme. I would therefore ascribe limited weight to these matters.
21. A small number of supportive comments were made in response to the appeal scheme. One appears to be on the understanding that permission had already been granted for this dwelling, whereas it has not. In addition, comments were made that the proposal would comprise a high quality development and make good use of the land. However, for the reasons given, I have not reached the same view.

Conclusion and Recommendation

22. The proposal would be contrary to the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis I dismiss the appeal.

Rachel Hall

INSPECTOR