



Appeal Decision

Site visit made on 6 May 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th June 2025

Appeal Ref: APP/M2515/W/25/3359960

Land to Rear of Mission Place, Long Leys Road, Lincoln LN1 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lynch against the decision of City of Lincoln Council.
 - The application Ref is 2024/0465/FUL.
 - The development proposed is erection of 1no. self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above differs from that on the application form. However, it provides a more accurate description of the location of the appeal site following the conversion of the former Lincolnshire Rewinds building into residential accommodation, which is now known as Mission Place. The revised address has been used by both the City of Lincoln Council (the Council) in their decision notice and the appellant in their appeal form. I am therefore content that it has been accepted by both main parties.
3. During the appeal process the appellant submitted computer generated imagery (CGI) showing a potential landscaping scheme for the proposed development. The appellant's statement of case (SoC) indicates that the imagery provides an example of what could be provided through the discharge of an associated planning condition, and it is therefore illustrative in nature at this stage. The Council has had the opportunity to comment on this additional information. I am therefore content that the Council has not been unduly disadvantaged by the inclusion of the imagery and I have considered it in my deliberations of this appeal so far as it is illustrative in nature.
4. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parts of the Framework most relevant to this appeal have not substantively changed from the previous version.

Main Issues

5. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the surrounding area; and

- the effect on the living conditions of the future occupants of the proposed dwelling with regards to outlook.

Reasons

6. The appeal site is a disused plot of land located within a mixed-use area on the outskirts of Lincoln. Development off and along this side of Long Leys Road is residential in character.
7. Access to the appeal site is via a ramp from Long Leys Road that also provides access to the rear car parking spaces of Mission Place, a converted former commercial building that fronts onto Long Leys Road and now accommodates residential dwellings. Beyond the access ramp is Garden Court, which provides access to two dwellings that comprise back land development behind those that front onto Long Leys Road. These are generally large dwellings that sit within substantial plots.
8. Adjacent to Mission Place is a row of terraced dwellings, known as Oakleigh Terrace, which predominantly benefit from long and narrow rear gardens.

Character and Appearance

9. To my mind, backland development refers to the development of land set back behind existing properties. It is acknowledged that there is some backland development in the area, notably the two dwellings on Garden Court. Nevertheless, the area immediately surrounding the appeal site is mainly characterised by properties fronting onto Long Leys Road, which provide a sense of uniformity to the area that was partially lost with the development of the dwellings on Garden Court.
10. The addition of a dwelling on the appeal site would increase the amount of backland development in the immediate surroundings, which is uncharacteristic of the established pattern of road fronting properties. Furthermore, the appeal site is forward of the existing backland development on Garden Court and would therefore be more prominent when viewed from Long Leys Road.
11. Other examples of backland development in the wider area, such as Oakleigh Drive and Mitchel Drive, form purpose-built housing estates planned in a way to create a cohesive and structured built form with internal road networks. This is in stark contrast to the appeal proposal that seeks provision of a single dwelling within a small plot immediately to the rear of existing residential properties that would share the same access.
12. The appellant's SoC provides a comparison in plot size between the appeal site and other properties within its immediate context. Whilst it is acknowledged that the appeal site is not the smallest, the two smaller plots are at Nos 1 and 7 Oakleigh Terrace, which are terraced properties with narrower plot widths. Furthermore, the plot sizes of the existing backland development at Garden Court, which are more comparable in form to the appeal site, are substantially larger.
13. The proposal's backland position, together with the limited plot size compared to other similar examples in the immediate vicinity, would create a dwelling out-of-keeping and incongruous within its setting, to the detriment of the character and appearance of the area.

14. The appellant has drawn my attention to a planning permission¹. Although no decision notice has been presented in evidence, a plan extract is included in the appellant's SoC and the Council's evidence does not dispute its existence. The evidence indicates a garage building to the rear of the site with garden space in front that appears to be associated with the dwellings at Mission Place. In terms of footprint the garage building is similar to the dwelling proposed under this appeal. However, the garage building is set back to the rear of the plot and would likely appear as an ancillary building associated with the existing residential use. This scheme therefore differs substantially from the proposed dwelling that this appeal seeks.
15. The above findings are supported by the conclusions of the Inspector of a previous appeal decision² for a similar proposed development on the same site.
16. The appellant states that the plot size has been increased since the previous appeal decision was made and therefore the Inspector's findings are now out-of-date. There is no evidence before me to determine whether this is the case or not. However, the written evidence before me suggests that the increase in size is limited, that the change of boundary draws the site extent closer to Mission Place thereby increasing the potential effect on the character and appearance of the area. Regardless of the above, the site remains in the same locational context and my conclusions remain the same.
17. For the above reasons, I find unacceptable harm to the character and appearance of the surrounding area, contrary to policy S53 of the Central Lincolnshire Local Plan (2023) (CLLP), which, amongst other matters, states that all development must achieve high quality sustainable design that contributes positively to local character.

Living Conditions

18. The orientation of the proposed dwelling has been altered from previous iterations of the scheme to allow for a larger outdoor amenity space to be provided for future residents of the property. Whilst this is acknowledged as an improvement, it would result in the property facing onto the rear elevation of Mission Place and the associated hardstanding car parking area and access ramp.
19. The constrained nature of the plot would result in the front elevation of the proposed dwelling being close to the rear of Mission Place and the associated ramp, which, due to their previous and current functional use, are stark in appearance.
20. The appellant has provided CGI to demonstrate the type and form of landscaping that could be provided on site to alleviate the concerns raised by the Council with regards to outlook. Whilst soft landscaping could improve the scheme overall, I am conscious of the limited plot size and the proximity of the proposed front elevation, which includes windows to habitable rooms such as the kitchen and a bedroom, to the area to the rear of Mission Place. There would be limited scope for soft landscaping to the front of the property to provide an acceptable outlook without compromising vehicular access space and/or blocking the windows to the proposed

¹ Council Ref 2020/0332/OUT, unknown date and description.

² PINS Ref APP/M2515/W/22/3309166, dismissed on 24 April 2023, for the erection of a detached bungalow.

habitable rooms, thereby potentially creating other issues in respect of living conditions, such as daylight.

21. The appellant has also drawn my attention to the granting of planning permission³ by the Council at No 41 Yarborough Road (No 41) as an example of a development with its primary outlook facing onto an access road and parking area. It was unclear during my site visit whether Victoria Passage, to which the site sits adjacent to, is publicly accessible and I therefore did not observe the site in person.
22. However, from the evidence before me and having visited Yarborough Road and Victoria Street nearby, the site appears to be in a backland location, off a narrow passage, and with the proposal near to the rear boundaries of the gardens of other properties. That said, it is difficult to consider the effect on the living conditions of the future occupants with the evidence before me given the topography of the area and the inability to consider the relationships with existing neighbouring properties. Furthermore, there also appears to be similar existing development along the passage. Nevertheless, the site at No 41 is set within a very different locational context to the appeal site and is therefore not comparable. In any event, I have determined the appeal on its own merits.
23. For the above reasons, I find unacceptable harm to the living conditions of future residents of the proposed dwelling with regards to outlook, contrary to policy S53 of the CLLP, which, amongst other matters, states that all development must achieve high quality sustainable design that does not result in harm to people's amenity within the proposed development.

Other Matters

24. I acknowledge the national drive to provide dwellings in accessible locations, particularly those that can meet the needs of the elderly or those with mobility constraints and provide adaptability for future residents' requirements, which the proposed development would secure.
25. The evidence suggests that the dwelling would be self-build, which is supported in the Framework. However, no legal mechanism to secure the self-build has been forwarded by the appellant and I am therefore unable to consider this as a substantive benefit of the proposal.
26. I also accept that the proposal seeks development of a previously developed site, would include the remediation of land previously used for industrial processes and could provide associated ecological and drainage benefits with the removal of hardstanding and the implementation of a landscaping scheme. However, I am not satisfied that the proposed dwelling is the only means of securing such benefits and they are therefore a neutral factor in the determination of this appeal.
27. The benefits must be considered in the context of the proposed development bringing forward only one dwelling and therefore the overall benefits would be limited. Accordingly, the harm to both the character and appearance of the area and to the living conditions of future occupiers with regards to outlook, would not be outweighed by the material considerations and benefits outlined above.

³ Council Ref 2023/0217/FUL, unknown date and description.

Conclusion

28. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR