



Appeal Decision

Site visit made on 9 September 2025

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/R2520/D/25/3370190

510 Newark Road, North Hykeham, Lincoln, LN6 9SP

- 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 Mrs Tonia Christopher against the decision of North Kesteven District Council.
 - The application Ref is 2025/0213/HOUS.
 - The development proposed is described as 'To allow for a roof terrace on an existing building for external access to windows, guttering and most importantly two different pitched roofs for repairs and to act as a fire exit in case of emergency'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring occupier/s at 512 Newark Road in terms of privacy.

Reasons

3. 510 Newark Road is a large detached, two and a half storey dwelling that has been previously extended with a single storey addition to the rear elevation. The proposed terrace, which has been partially constructed, would be sited above that extension.
4. The adjacent dwelling at no 512 is a small detached bungalow that is sited obliquely with its rear elevation set forward of that of the appeal dwelling. The rear extension at the appeal dwelling is sited very close to the 1m close boarded fence along the side boundary between the two properties. The proposed terrace would occupy the whole of the roof of the extension, a sizeable area of some 36sq m. It has been constructed with walls of some 1m in height along the side elevation and for a small part of the rear elevation. However, most of the 7m wide rear elevation would be occupied by a 1m high balustrade of obscure glazed panels on top of a two brick thick ledge with lead capping.
5. Although the terrace would be set back from the rear elevation of the neighbouring dwelling, its siting, size and design would enable an unacceptable level of overlooking of much of the neighbouring rear garden in close proximity, particularly if the occupants were in a standing position and despite the presence of the existing fence in screening the immediately adjacent area. I saw no evidence at my visit of the neighbours' holly bush or apple tree referred to by the appellant as capable of providing some screening. The size of the terrace would enable several

people to occupy it at one time and this would exacerbate its impact. The proximity and extent of possible and perceived overlooking would unacceptably harm the privacy of the neighbouring occupiers when they should be able to expect a reasonable level of privacy in their rear garden.

6. The appellant maintains that when seated the position on the terrace would be located below the height when standing at the main house windows. Whilst some of those provide views of the neighbouring garden, including those at second floor level, I saw at my visit that those existing views are from a greater distance and therefore less intrusive. It may be that the raised wall and balustrade would screen any overlooking from some of those windows including the existing French doors of the master bedroom but that benefit would be negated by additional overlooking from the terrace.
7. The appellant has said that the proposal would improve mental and physical wellbeing by providing safe, private outdoor space for the occupants, one of whom has ongoing limited mobility. Whilst that may be the case, I have insufficient evidence to show that the need can only be met by this proposal and in this location and cannot be met in any other way. The property has a large private garden and there is already a small balcony accessible from the master bedroom. I have therefore given little weight to this matter.
8. I have noted that there was no objection to the planning application from the neighbouring occupiers and that future occupiers would be aware of the terrace but the lack of an objection does not necessarily imply support for a proposal. Moreover, the Council's development plan policy S53 in the Central Lincolnshire Local Plan (2023) seeks to ensure good design that does not result in harm from overlooking regardless of whether or not an objection has been raised.
9. I have insufficient details regarding the other examples of terraces approved in the area referred to by the appellant to comment on whether or not they are in a directly comparable context to this proposal but in any case, have assessed this proposal on its own merits.
10. Therefore, I find that the proposed development, by reason of its siting, size and design, would result in significant harm to the living conditions of the neighbouring occupiers of no 512 Newark Road with regard to privacy. As such, it would be contrary policy S53 referred to earlier.

Conclusion

11. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

INSPECTOR