



Appeal Decision

Site visit made on 22 October 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/M2515/W/25/3370909

Land at 25 Nettleham Road, Lincoln LN2 1RQ

- 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 H Durasamy against the decision of City of Lincoln Council.
 - The application Ref is 2024/0710/FUL.
 - The development proposed is a proposed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the Grade II listed Orchard House; and (ii) whether the proposal would preserve or enhance the character or appearance of Newport and Nettleham Road Conservation Area (N&NRCA).

Reasons

3. The appeal site is in proximity to the Grade II listed Orchard House¹ and is within the N&NRCA. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), I have a statutory duty to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Similarly, under Section 72(1) of the LBCA Act, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the N&NRCA.
4. Orchard House dates back to the early 19th Century. The property was originally located in a rural area, with little surrounding development. It is clear from historical maps that since the late 19th Century the house has had a modest garden which was separate from the surrounding land. Based on the evidence before me, the surrounding land was used either as an agricultural nursery or as an orchard. Therefore, Orchard House was originally surrounded by verdant land and formed part of a loose pattern of development.
5. In subsequent years there has been a significant amount of development constructed close to Orchard House, and it is now sited within a suburban area of Lincoln. Two large houses, 19 Nettleham Road and 25 Nettleham Road (No 25) were constructed on the land immediately next to Orchard House in the early to mid-20th Century, this has somewhat eroded its verdant setting and was also

¹ List Entry No 486164

contrary to the historic loose pattern of development. Views of Orchard House from the appeal site and Nettleham Road are very limited, due to the screening provided by the surrounding mature vegetation including several tall trees. Nonetheless, No 25's spacious grounds, including the appeal site, make a positive contribution toward the setting of Orchard House as they continue to provide a verdant and spacious setting.

6. As above, the appeal site is within the N&NRCA. The significance of this area in part relates to the important Roman routes to the north of the city, now known as Newport and Nettleham Road. Properties within N&NRCA are of a varying design; however, the historic appearance of several properties has been retained, and they tend to be representative of the time period in which they were built.
7. The area around the appeal site is characterised by large Edwardian and Victorian properties which are set within spacious grounds and accommodate a significant amount of vegetation. These properties also tend to have wide frontages. Whilst No 25 was built in the interwar period, its layout and the footprint-to-plot ratio is comparable to the surrounding development. The property also has a wide site frontage. Overall, it positively contributes to the leafy and suburban character of the area.
8. The proposed subdivision of No 25's garden would result in both No 25 and the proposed dwelling having gardens of a moderate size, but the resultant footprint-to-plot ratio of the dwellings would be much larger than most of the nearby dwellings. As such, the proposed siting of the new dwelling would further erode the spacious and verdant character of the land surrounding Orchard House, regardless of the proposed dwelling being modest in size.
9. Furthermore, the creation of a new access would lead to the reduction of No 25's frontage and would allow views of the proposed dwelling from Nettleham Road. As such, the screening provided by the fence and vegetation, even if enhanced, would not mitigate the harm caused by the proposed development. Moreover, a lack of a public view of a development does not mean harm would not persist.
10. If the vegetation was removed, the proposed dwelling would not screen all views of Orchard House from Nettleham Road. Nevertheless, the proposed dwelling would be prominent in these views and would reduce the extent of an important gap in development, in this scenario. Therefore, the siting of the proposed dwelling would be harmful to the setting of the listed building.
11. The proposed dwelling would be clad in dark timber and include several tall floor-to-ceiling windows. Accordingly, the proposed external finish and fenestration would not reflect the design of the surrounding dwellings. Furthermore, due to its design and form it would also not appear like a converted outbuilding. As such, the proposed dwelling would appear incongruous within this part of N&NRCA.
12. If I were to grant planning permission a condition could be attached which requires the existing vegetation to be enhanced. This aspect of the proposal could be beneficial to the verdant quality of N&NRCA. Notwithstanding this, overall, there would still be harm for the reasons given above.
13. The list entry for Orchard House does not cover the setting. However, this does not mean limited or less weight should be given to development which affects its setting. The statutory duty under Section 66(1) of the LBCA Act is clear that

special regard should be had to the desirability of preserving a listed building's setting.

14. Neither the Council, the appellant, or interested parties indicated that the proposal would have an effect on the Grade II listed former Bromhead Hospital. There is no evidence before me or from my site observations to form a contrary view. Therefore, I conclude that the proposal would not affect the setting of the former Bromhead Hospital.
15. Overall, I conclude that the proposal would have a harmful effect on the setting of the Grade II listed Orchard House and would neither preserve nor enhance the character or appearance of N&NRCA. The proposal would be contrary to policies S53 and S57 of the Central Lincolnshire Local Plan, April 2023, where they indicate that proposals should retain and reinforce local distinctiveness with reference to plot widths, amongst other matters.
16. Given the scale of the proposal compared to the size of the conservation area and that it would be largely screened from Orchard House, the proposal would result in less than substantial harm to both designated heritage assets. Regardless, paragraph 212 of the National Planning Policy Framework (the Framework) is clear that great weight should be given to a heritage asset's conservation.
17. Paragraph 215 of the Framework indicates that less than substantial harm to a designated heritage asset should be weighed against the public benefits. The proposal would provide the opportunity for the current occupier to downsize from their family-sized dwelling which could have a positive effect on the housing mix within the area. The proposed dwelling would be constructed to modern standards and include several energy efficient measures. The proposal could also provide a biodiversity net gain through the implementation of off-site mitigation. There would also be economic benefits associated with the construction period and through an increased population living in the area. Nonetheless, given the scale of the proposed development, I ascribe modest weight to these benefits.
18. The proposal not having a harmful effect on the living conditions of occupiers of neighbouring properties and future occupiers of the proposed development are neutral factors. Similarly, the proposed loss of one tree which could be replaced would be a neutral factor. These factors neither weigh in favour nor against the proposal.
19. I conclude, even when considered in combination, the benefits do not outweigh the less than substantial harm to both N&NRCA and Orchard House.

Conclusion

20. The proposal conflicts with the development plan, when considered as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR