

This meeting will be recorded and published on the website

AGENDA

**Development Management Committee
Wednesday 29 June 2011 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members: Councillor Chris Underwood-Frost (Chairman)
Councillor Stuart Curtis (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton, Richard Doran,
Ian Fleetwood, Malcolm Leaning, Jessie Milne, Roger Patterson, Judy
Rainsforth

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
Meeting of Planning Committee held on 1 June 2011, previously circulated
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

6. Planning Applications for Determination
(summary attached at Appendix A to this agenda)
Print herewith DM.04 11/12

PAPER A

7. Public Reports requiring decisions within existing policies.

- a) Nominations for attendance at Planning Summer School
Print herewith DM.05 11/12

PAPER B

8. To note the following determination of appeals:

- i) Appeal by Turnkey Developments against the decision of West Lindsey District Council to refuse to grant planning permission for two storey detached dwellings, garage, parking, landscaping etc. at land off North Street, Middle Rasen, LN8 3TS
Appeal Dismissed – see copy letter attached as Appendix Bi

Officer's original recommendation to refuse permission.

- ii) Appeal by Miss A Raper against the decision of West Lindsey District Council to refuse to grant planning permission for a single storey detached dwelling and access at land to rear of Station Road, Knaith Park, Gainsborough DN21 5EZ
Appeal Dismissed – see copy letter attached as Appendix Bii

Officer's original recommendation to refuse permission.

- iii) Appeal by Welton Properties Ltd against the decision of West Lindsey District Council to refuse to grant planning permission for five dwellings and garages at 78 Ryland Road, Welton LN2 3LZ
Appeal Dismissed – see copy letter attached as Appendix Biii

Officer's original recommendation to refuse permission.

- iv) Appeal by W E King against the decision of West Lindsey District Council to refuse to grant planning permission for two detached dwellings and change of use from former education purposes at Nursery Unit, Ferry Road, Fiskerton, LN3 4HU
Appeal Dismissed – see copy letter attached as Appendix Biv

Officer's original recommendation to refuse permission.

- v) Appeal by Miss J Laming against the decision of West Lindsey District Council to refuse to grant planning permission for first floor extension at 39 Crapple Lane, Scotton, DN21 3QT
Appeal Dismissed – see copy letter attached as Appendix Bv

Officer's original recommendation to refuse permission.

- vi) Appeal by Mrs J Hind against the decision of West Lindsey District Council to refuse to grant planning permission for single storey extension at Willow Cottage, Normanby Road, Nettleton LN7 6TA
Appeal Dismissed – see copy letter attached as Appendix Bvi

Officer's original recommendation to refuse permission.

M Gill
Chief Executive
The Guildhall
Gainsborough

21 June 2011

1. Planning Application No: 126820

PROPOSAL: Planning application for proposed conversion of existing barns into residential accommodation including link to existing house, new drive access and single detached garage.

LOCATION: Greystones 22 Sudbeck Lane Welton

RECOMMENDED DECISION: That the Development Services Manager be delegated powers to resolve the outstanding matters relating to bats and that the application be granted planning permission upon the resolution of that issue subject to the conditions contained within this report and any further condition that may be required relating to bat protection measures.

2. Planning Application No: 127051

PROPOSAL: Planning application for change of use of land to use for the siting of 32 residential park - falling within the definition of caravan - homes and 22 holiday static caravans and associated lighting, roadways, public open space, caravan camper van storage area, visitor parking and landscaping - resubmission of 125297.

LOCATION: Lincoln Road Torksey Lock

RECOMMENDED DECISION: Grant planning permission subject to a S106 agreement and conditions.

3. Planning Application No: 126930

PROPOSAL: Planning application for drainage improvement scheme

LOCATION: Land at Sturton by Stow

RECOMMENDED DECISION: That the Development Services Manager be delegated powers to resolve the outstanding matters relating to protected species and that the application be granted planning permission upon the resolution of that issue subject to the conditions contained within this report, and any further conditions that may be required relating to appropriate mitigation measures.

**4. Planning Application No: 127017
Listed Building Consent application: 127047**

PROPOSAL: Application for variation of conditions 2,3,4,5,6,7 and 8 of planning permission 124042 granted 19th January 2010. Conditions relate to matters to be agreed before commencement of the works (application under section 73) and application for variation of condition 2 of listed building consent 124043 granted 19th January 2010.

LOCATION: The Old Rectory Stow Road Sturton By Stow

RECOMMENDED DECISION: That the Planning & Development Services Manager be delegated powers grant planning permission and listed building consent subject to the conditions detailed in this report upon the completion and signing of the agreement between the Council and the applicant pursuant to Section 106 of the Town and Country Planning Act 1990.

5. Planning Application No: 126133

PROPOSAL: Planning application for change of use and conversion of disused farm buildings to a live-work unit - resubmission of planning application 125080

LOCATION: East Manor Farm Cater Lane North Owersby

RECOMMENDED DECISION: Grant permission, subject to conditions and a Unilateral Undertaking.

6. Planning Application No: 127132

PROPOSAL: Planning application to replace an existing bungalow and detached garage with a new dwelling with attached garage.

LOCATION: Golcar Scothern Lane Langworth

RECOMMENDED DECISION: Grant planning permission with conditions

7. Planning Application No: 127069

PROPOSAL: Planning application for building a cattery containing 20 units.

LOCATION: White House Moortown Road Nettleton

RECOMMENDED DECISION: Grant planning permission, subject to conditions.

8. Planning Application No: 127296

PROPOSAL: Planning Application for a replacement dwelling design on plot 115 of planning permission W65-105-95 approved 9th May 1995.

LOCATION: Land at Shaw Way Nettleham

RECOMMENDED DECISION: Grant permission subject to conditions

9. Planning Application No: 127230

PROPOSAL: Planning Application for proposed kitchen extension to the front of property and proposed hobby/workshop at the bottom of rear garden.

LOCATION: 10 Lansdall Avenue Lea Gainsborough

RECOMMENDED DECISION: Grant permission



Appeal Decision

Site visit made on 27 April 2011

by **Peter Eggleton MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 June 2011

Appeal Ref: APP/N2535/A/11/2146965

Land off North Street, Middle Rasen, Market Rasen, Lincolnshire LN8 3TS.

- 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 Turnkey Developments Ltd against the decision of West Lindsey District Council.
 - The application Ref 126046, dated 10 June 2010, was refused by notice dated 15 September 2010.
 - The development proposed is a two storey detached dwelling including an attached garage; three, two storey dwellings in a link terrace; and associated parking, landscaping works and boundary treatments.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposal on sustainability objectives; the character and appearance of the area; and the living conditions of existing and future residents with regard to privacy, outlook, noise and the suitability of amenity space.

Reasons

Sustainability objectives

3. The site is no longer classified as previously developed land by *Planning Policy Statement 3 – Housing (June 2010) (PPS3)*. In light of this it has the lowest priority for development as determined by Policy STRAT 9 of the West Lindsey Local Plan First Review (LP). The policy also requires that reference be made to the position with regard to housing land supply. The Housing Supply Assessment indicates that targets have already been exceeded in this area.
 4. The Council has previously supported residential development on this site and an outstanding permission for a single dwelling exists. I have no reason to doubt that the site will be developed. PPS3 is clear that using land efficiently is a key consideration in planning for housing. It also requires that housing is developed in suitable locations. Policy STRAT 3 identifies this settlement as being of the highest rank in terms of sustainability.
-

5. Given the particular circumstances of this site, a more efficient use would not undermine the balanced delivery of housing within the area or add significantly to concerns with regard to existing housing targets. As this site is likely to be developed for housing in any event and as it lies in a sustainable location, a more efficient use of it would be a benefit that would outweigh policy concerns with regard to new housing development. A more intensive use would not harm the Council's objectives with regard to sustainability.

Layout and living conditions

6. As the development would be to the rear of existing property it would have only a very limited impact on the street scene. It would however be clearly evident to the residents of the neighbouring properties and the future residents of the proposed dwellings. I find that the layout would be extremely constrained and would be dominated by access and parking arrangements.
7. The three terraced houses would be extremely prominent at the entrance to the rear of the site and would be overbearing given their size and proximity to the access. The layout of the terrace would appear extremely cramped given the very limited space around it. The single dwelling would also appear cramped given its proximity to Sunny Dene. It would also have an entirely unsatisfactory setting given the amount of parking and turning provision close to it. The small amenity area would be a benefit but would not significantly improve the setting of this dwelling.
8. The rear garden area associated with the middle terrace, number 8, would be entirely inadequate in terms of size. Given the lack of space to the front of that property, it would provide unacceptable living conditions for future residents. The access would also be very close to the main lounge windows of these dwellings.
9. The bedroom windows of the end terrace property, number 9, would have direct views towards property number 1, Landarase. This would reduce privacy within the rear garden and the rear of the house. The existing access passes to the side of this property and already impinges on the living conditions of the residents with regard to noise and privacy. This proposal would result in a further three dwellings being accessed from this drive. This would unacceptably increase disturbance and noise and further reduce privacy due to the increased number of pedestrian and vehicle movements along this drive.
10. The other end terrace, number 7, would have direct and very close views over the rear garden of property number 3, Orchard View. This would result in the living conditions of those residents being unacceptably harmed with regard to privacy within their garden and within the rooms at the rear of the house. The proposed tree planting would not adequately reduce this harm.
11. I agree with the Council that this proposal would represent an over development of this site. This would be manifest in the dominance of access and parking areas; the over dominance and poor settings of both the terraced and detached properties; and the harm that would result to the living conditions of the residents of both existing and proposed dwellings. I find that the proposal would be unacceptably harmful to both the character and appearance of the area and the living conditions of existing and future

residents and as such it would be contrary to the design and amenity requirements of LP Policies Core 10, RES 1, RES 3 and STRAT 1.

Conclusion

12. This development would represent an over development of this site which would result in a housing environment that would appear cramped and would have very little visual character. It would also result in unacceptable harm to the living conditions of existing and future residents.
13. It would make more efficient use of this land and result in the provision of additional housing units in a sustainable location. This clearly provides weight in favour of this development. However, whilst I have taken this and all the other matters put forward by the appellant into account, they are not sufficient to outweigh the concerns that I have identified. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 27 April 2011

by Peter Eggleton MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 May 2011

Appeal Ref: APP/N2535/A/11/2143517

Land to the rear of 17 Station Road, Knaith Park, Gainsborough DN21 5EZ.

- 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 Miss A Raper against the decision of West Lindsey District Council.
 - The application Ref 126318, dated 10 August 2010, was refused by notice dated 1 October 2010.
 - The development proposed is a detached single storey dwelling and formation of access.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issue is the effect of the proposal on sustainability objectives.

Reasons

3. The proposal is for a small dwelling on land between 15 and 19 Station Road. The Council's only concern is that it would result in a new dwelling in a settlement that they have identified as being an unsustainable location. Knaith Park is categorised as a Small Rural Settlement by Policy STRAT 3 of the West Lindsey Local Plan First Review (LP) which is the lowest rank of settlement in terms of sustainability. STRAT 8 advises that development will not be permitted in such a settlement except if it is for one of three purposes. The Council accept that the appellant meets the third of these relating to local needs as, due to the appellant having lived in the village for 15 years, she satisfies criteria (aa) of Policy STRAT 8.
 4. However, the justification for the policy explains that the purpose of the exceptions for local needs is to require a reasonable level of connection with the village so as to meet the needs of the local community rather than cater for inward migration. It goes on to identify that the intention is to allow those people with strong connections to remain living there when otherwise, under normal circumstances, they could not afford to. It also goes on to establish that this policy is a baseline qualification against which the proposal needs to be assessed to prove that a local need exists and there is no alternative option to meet the local need.
-

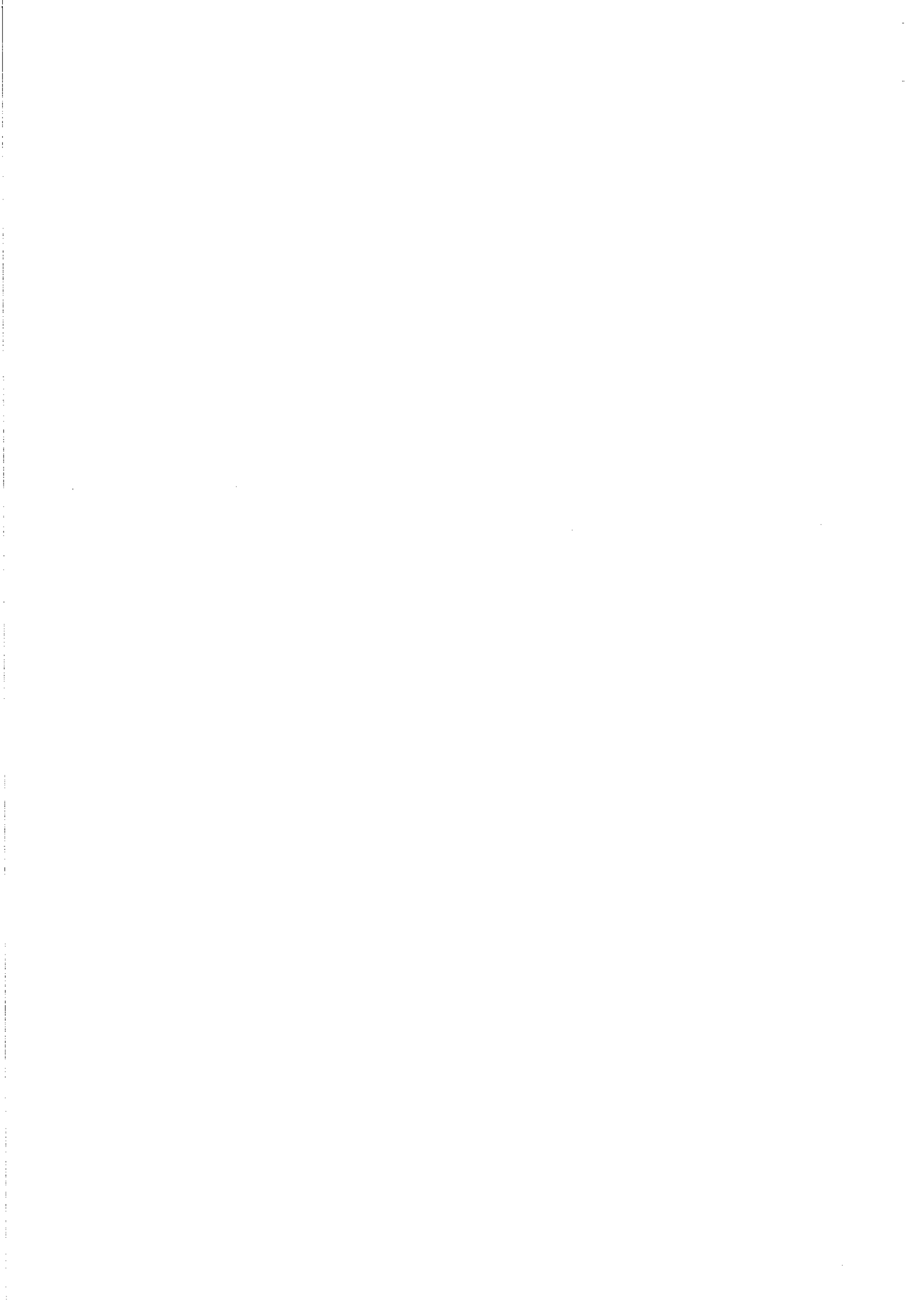
5. The Council are not satisfied that there are no other options available to meet the appellant's needs. This is because the appellant already has a house, next door but one to this site, which could accommodate her and her daughter. However, I understand that the appellant's existing house, is jointly owned and due to the separation of the appellant and her former husband it is being sold in order to divide their assets. This property is therefore available on the open market.
6. The appellant advises that she is not able to buy out the remainder of the property. From the description of her personal circumstances, I have no reason to doubt this, although I do not have clear financial evidence or opinion to support this contention. In any event, the main purpose of the policy is to accommodate residents with a local connection and this new dwelling would assist in this and could be restricted in this respect with regard to its future occupation. The safeguards within Policy STRAT 8 limit to a large extent the potential for new development and ensure that a new dwelling would not harm the local area.
7. I believe that the Council have placed more weight on the particular personal and financial circumstances of the appellant and the supporting text to the policy than the clear wording of Policy STRAT 8 itself. There are many circumstances whereby additional accommodation could be sought by existing residents for grown up children, resident parents or as in this case, family breakdowns. For example, if the appellant's former husband intended to buy out the existing house, there would be no such concern that the appellant would then be seeking to build a new dwelling for herself, given that the development would meet the many safeguards of the policy.
8. What is clear is that allowing this proposal would assist the appellant with regard to her desire to remain in this settlement. She clearly satisfies the local needs criteria of Policy STRAT 8. Although inward migration of an additional household may result, this is not the main purpose of the proposal. Furthermore, given the circumstances, it is likely that this would occur in any event. As this limited development would satisfy the strict policy criteria with regard to local needs it would not result in unacceptable harm with regard to the sustainability objectives of the Council. I do not find the concerns of the Council with regard to the text justifying the policy to be sufficient to outweigh the clear policy support.
9. Concern has been raised by a neighbouring resident with regard to the impact of the proposal on privacy and the character of the street. In addition, although the Parish Council did not originally object, they have subsequently raised a concern with regard to the proximity of the proposal to number 19.
10. I find that the impact on number 15 with regard to privacy would be entirely satisfactory due to the separation distances between the existing and proposed dwellings and the potential for fencing between them.
11. With regard to number 19, the proposed dwelling would extend substantially past the rear building line of that property. Although it would only be single storey, its position so close to the boundary and its overall height would result in it being over dominant when in the neighbouring rear garden. It would also prevent the retention of the hedge that divides the properties due to the

limited space retained. I acknowledge that the residents of number 19 have not objected but I also have to consider the living conditions of any future residents. I find that positioning the property as indicated would be harmful to the living conditions of the residents of 19 Station Road with regard to outlook.

12. The lack of any significant separation between the proposal and number 19, which is built up to the side boundary, would also appear unnecessarily cramped. This would detract from the appearance and character of the area.
13. Whilst modifications to the position of the dwelling would overcome the above concerns, I find that the plans as submitted would not take the opportunities available for improving the development and would represent poor design. I find that the proposal would be contrary to LP Policies RES 1 and STRAT 1 as these require that regard be had for the local environment and the amenities of nearby residents. Although I have found the proposal to satisfy the local needs requirement for new development as set out in Policy STRAT 8, as this policy also includes requirements with regard to residential amenity and the character and appearance of the area, the proposal would actually fail to gain support from it.
14. Overall, this proposal would not conflict with the elements of Policy STRAT 8 that allow new single dwellings for a clearly defined local need. As allowing this proposal would accord with these requirements, it would not undermine the Council's sustainability objectives. However, I have found the unnecessarily cramped layout and the depth of the proposed development along the shared boundary to be unsatisfactory. It would be harmful to the character and appearance of the area and the living conditions of the residents of 19 Station Road with regard to outlook. Whilst there are a number of matters that provide significant weight in favour of this development, as the shortcomings I have identified could be overcome by an improved layout, they are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR





Appeal Decision

Site visit made on 27 April 2011

by **Peter Eggleton MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 June 2011

Appeal Ref: APP/N2535/A/11/2146917
78 Ryland Road, Welton, Lincoln LN2 3LZ.

- 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 Welton Properties Ltd against the decision of West Lindsey District Council.
 - The application Ref 126324, dated 10 August 2010, was refused by notice dated 17 January 2011.
 - The development proposed is five dwellings and garages.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are whether it has satisfactorily been demonstrated that there are no other reasonably available sites, which are at a lower risk of flooding, where the development could be accommodated; the effect on the living conditions of adjacent residents with regard to outlook, privacy and light; and the effect on the availability of employment land.

Reasons

3. The general form of this proposal was considered by a previous inspector who dismissed the appeal, reference APP/N2535/A/10/2120899, on 18 June 2010.

Sequential approach to site availability

4. At the time of the previous appeal the site lay within Flood Zone 2. At the time of the submission of this application, this had been revised to Flood Zone 1. Following further assessment, the site again now falls within Flood Zone 2, although a small part, near the stream, is now categorised as Flood Zone 3a.
 5. The previous inspector considered the requirements of *Planning Policy Statement 25: Development and Flood Risk* (PPS25) including the need for and the scope of the Sequential Test. It was found that a wider search area than that carried out by the appellant was necessary. Given the situation with regard to the flood risk zoning at the time of this application, full details relating to the necessary scope of the Sequential Test were not submitted.
-

6. I do not have evidence therefore to demonstrate that this development could not take place on an available site within Flood Zone 1. The evidence from the Council is that there are a number of such sites both district wide and within the Lincoln Policy Area. I must arrive at the same conclusion as the previous inspector, that it has not been demonstrated that there are no other reasonably available sites, at a lower level of risk from flooding, where this development could be located. The proposal therefore does not satisfy Policy STRAT 1(xii) of the West Lindsey Local Plan First Review (LP) and would be contrary to the objectives of PPS25.

Living conditions of residents

7. The impact on adjacent residents was considered by the previous inspector and it was concluded that there would be some impacts in terms of outlook, privacy and light. It was determined however that given the circumstances of the case, the harm would not justify the refusal of permission on its own, rather it contributed to the overall conclusion that the appeal should fail.
8. I have considered these matters afresh and taken into account the submissions of third parties. Generally, I agree with the previous findings of the inspector. Rather than reiterate those comments, I wish to add the following. The proposal would result in a high fence within a very short distance of habitable rooms associated with number 74 Ryland Road which would unacceptably reduce outlook and light. Whilst the previous inspector referred to a legal solution to overcome these concerns, it is clear from the occupier of that property that no such arrangement has been agreed. I am not satisfied that the proposal as submitted would be acceptable without such an agreement.
9. The inspector considered the impact of the proposal on the living conditions of the neighbouring residents of 80 Ryland Road. I agree that the house on plot 2 would reduce the living conditions of the residents. I have also considered the impacts of the development on the garden of these residents which was not reported on by the inspector. In this regard, I find the scale of the impact of units 3 and 5 to be quite substantial. Plot 3 would be single storey but the dwelling would be of a significant height. The plot 5 house would be two storeys and its highest part would be only a short distance from the boundary. Although the neighbouring property has a large garden and there is a high dividing hedge between them, the new development, due to its proximity to the boundary and its height, would be overbearing when in the rear garden. The previous inspector found that shading would be minimal, but it would occur in parts of this garden in the mid to late afternoons. Although this would only be for a relatively short period of each day, it adds to my concerns.
10. The appeal site is relatively large and I see no reason why new development could not be accommodated without being built so close to the side boundary with number 80. The layout would not be satisfactory with regard to the amenity of neighbouring residents as required by LP Policy RES 1(v). I do not find that the proposal has taken the opportunities available for improving the development and it therefore represents poor design contrary to the aspirations of *Planning Policy Statement 1: Delivering Sustainable Development* and *Planning Policy Statement 3 - Housing* (PPS3).

Loss of employment land

11. I have not been provided with the full details relating to the marketing of the site that were apparently available to the previous inspector. Whilst there does not appear to be any significant new evidence in this regard, I am not able to fully assess this matter myself.

Other matters

12. The proposal would make efficient use of previously developed land in a relatively sustainable location. This gains support from LP Policies STRAT 3 and STRAT 6 as Welton is listed as a Primary Rural Settlement, which ranks highly in terms of sustainability and is a location where windfall and infill housing is accepted. Policy STRAT 9 prioritises the use of previously developed land as does PPS3.
13. The site currently detracts from the character and appearance of the area due to its run down and semi-derelict condition. The proposal would enhance the appearance of the street.
14. The amount of impermeable surface would be reduced and by managing surface water collection and disposal, run-off from the site could be limited to greenfield levels. Furthermore, it is proposed that additional flood storage capacity would be achieved by lowering the levels of parts of the rear gardens of units 4 and 5.
15. Whilst the flood storage betterment would weigh in favour of the development, I do not find it to be satisfactory in terms of the living conditions of future residents. I accept that only parts of their rear gardens would be designed to flood but this would leave only relatively small areas free from flooding. This weighs against the proposal. Furthermore, given the scale of the site and the small number of properties proposed, I am not satisfied that development could not be accommodated further from the stream with much greater proportions of gardens free from flooding.
16. The risk of flooding has been reduced by the increase in floor levels of dwellings to a height that would mitigate against a 1 in 1000 year event when climate change is taken into account. The objection of the Environment Agency has been withdrawn, although they are clear that the Sequential Test should again be applied.
17. I note the appellant's reference to the PPS25 Exception Test. PPS25 is clear however that the Exception Test should be applied by decision-makers only after the application of the Sequential Test. I have noted nevertheless that the site would make use of previously developed land and result in reduced run-off.

Conclusions

18. The site currently fails the Sequential Test and would be contrary to the aim of PPS25 to steer new development to Flood Zone 1.
19. Whilst the use of previously developed land in a sustainable location such as this generally gains local and national support, this has to be viewed in relation to the Sequential Test. In these circumstances, I do not find that this offers significant weight in favour of the development.

20. The site currently detracts from the character and appearance of the area. The development of the frontage units would result in significant benefits with regard to the street scene. This does offer weight in favour of the road frontage element of the proposal.
21. The previous inspector found that the Sequential Test performance represented sufficient reason on its own to resist this development. If I were to accept the findings of the previous inspector with regard to the loss of employment land but apply the weight that he gave to the impact on adjoining amenities, I would also be satisfied that the benefits of the proposal would not be sufficient to outweigh the clear concerns with regard to the Sequential Test. I would therefore reach the same conclusion and dismiss the appeal.
22. The further evidence I do have demonstrates that the proposed properties would be safe and above flooding thresholds. However, I consider this to be a minimum requirement for any housing development. Similarly, I would expect any such development on a site such as this, to achieve greenfield run-off rates as proposed. The additional flood storage areas do provide some limited benefit but this is not sufficient to overcome concerns with regard to their impact on the future living conditions of the residents of units 4 and 5 in relation to their amenity space provision. I actually consider that given the scale of the site, this harm could be substantially reduced by ensuring that properties would have much larger gardens, a much greater proportion of which would be free from flooding. I find that these matters, taken together, add to the weight against the development.
23. Having considered all the representations, I consider that the weight that I would give to the harm to the living conditions of the residents of 80 Ryland Road would be greater than that identified by the previous inspector. This would particularly be the case with regard to the outlook from their rear garden. This would add greater weight against the proposal but given my findings above, this would not alter my overall conclusion. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 15 April 2011

by **M J Single DipTP, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2011

Appeal Ref: **APP/N2535/A/11/2144344**

Former Nursery Unit, Ferry Road, Fiskerton, Lincolnshire, LN3 4HU

- 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 W E King (Traditional Homes) Ltd against the decision of West Lindsey District Council.
 - The application Ref 126487, dated 27 September 2010, was refused by notice dated 30 November 2010.
 - The development proposed was described as the erection of 2 no. detached dwellings, including change of use from former education purposes.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue in this appeal is whether the appeal site should be released for development having regard to the housing supply situation in the District.

Planning Policy

3. The development plan includes the RSS and the West Lindsey Local Plan First Review 2006. The Council has referred to three strategic policies from the latter in support of the refusal of planning permission. Policy STRAT 1 is criteria based and is described as the keynote policy against which all development proposals are to be assessed. Few of these individual detailed criteria apply, such as the design and environmental factors, but it does specify that account will be taken of all other material considerations related to regulating the use and development of land. Clearly whether there is a need for a site to be developed at this time is a valid regulatory provision. It is evident from submissions by the main parties that the detailed appeal proposals raise no other concerns but I will return to matters raised by interested persons at a later stage in this decision.
 4. I note that Policy STRAT 3 indicates that Fiskerton is a Primary Rural Settlement in the Council's settlement hierarchy, being the next level down from the main towns, and having a range of local services. These are the villages where limited small/scale residential development, normally up to 5 dwellings, may be permitted in order to sustain vital and viable local
-

communities. Policy STRAT 6 sets out criteria for the consideration of proposals for small scale and infill housing in these designated settlements. All such development should be on previously developed land, which this site is, being the site of a demolished nursery school. Again there is no alleged conflict with any of these criteria other than the final one, namely that the proposal would have no impact, either individually or cumulatively, on the housing strategy of the plan, including the phasing and release of land as set out in Policy STRAT 9.

5. Policy STRAT 9 provides that housing land will be released in accordance with an assessment process. It states that no site, whether brownfield or greenfield, allocated or not, would be released for development if it would adversely affect management of the housing land supply.
6. Although the Officer's report indicated that the Regional Strategy in the East Midlands Regional Plan should be afforded limited weight, in light of the indication of the Secretary of State that it would be abolished, this position has changed with the more recent judgements in *Cala Homes Ltd v Secretary of State for Communities and Local Government*. It remains part of the development plan, and is a material consideration. The Council has adopted the number of houses required under that Plan as its annual requirement figure of 480 dwellings, in advance of the Central Lincolnshire Local Development Framework and Joint Core Strategy.

Reasons

7. The appeal site is an open area of land, formerly the site of a Council nursery school between dwellings fronting Ferry Road and the Fiskerton Church of England Primary School, sharing access with the latter. This being so I regard it as being previously developed land for the purposes of PPS3 and development plan policy. The former advises that applications should not be refused solely on the grounds of prematurity. However, it also advises that in deciding planning applications, local planning authorities should ensure that development is in line with planning for housing objectives, and not undermine wider policy objectives.
8. Significantly for the purposes of determining this appeal the Council has carried out an assessment of housing supply to the end of March 2010, as up to date an assessment as one could reasonably expect. This provides a clear evidence base and indicates that there is currently an over-supply of housing in the District, with a 7.5 year supply against policy requirements. There is no more recent information to indicate how continuing economic factors in the housing sector will have affected this in the year to March 2011 in respect of subsequent completions.
9. Whilst the assessment against average build rates in the rural areas shows less than a 5 year supply this is qualified by stating that these areas have already experienced an over-supply against Local Plan requirements, the submitted schedules showing that Fiskerton itself has been the recipient of a significant number of new dwellings in recent years. Whichever means of assessment in the Council's publication is considered, the District as a whole has an over-supply of dwellings, in some cases by very substantial amounts.

10. The submissions on behalf of the appellant dispute the Council's position, drawing attention to reference in Policy STRAT 6 of small scale development being of up to 10 dwellings. Paragraph A68 of the justification for the policy does envisage small scale as being up to 5 dwellings in most instances, in excess of that number being the exception. It does still cover small developments of two dwellings and, although I have not been provided with details of the other housing development permitted in the village in recent years, even at this level, the cumulative impact proviso applies. It is also asserted that some difficulty is emerging in the SHLAA for the Lincoln Principle Urban Area in demonstrating a 5 year supply but this is not substantiated or quantified in the submissions. Even so it does appear to accept that the resulting figure would be above the 5 year minimum. While it may, when finalised, confirm this assertion it would be inappropriate for me to give substantial weight to a matter not supported in significant detail in the submissions on this appeal.
11. It is a fundamental of Policy STRAT 9 that the Council will manage the supply of housing in accordance with the Plan, Monitor, Manage principles of the Local Plan, consistent with national planning policy. Based on the clear evidence base provided by the Annual Housing Supply Assessment I accept the Council's position, and approach, that whilst there is no objection in principle to the development of the site for housing it cannot be justified as being necessary at the present time. Although this is a small site, only providing two dwellings, the release of such sites could have a cumulative impact on the housing supply position. There is no indication that other material considerations such as the provision of affordable homes, or dwellings to meet a specific local need, apply in this instance. Whilst there would be some regeneration benefit in developing the site of the demolished nursery I do not regard this as being of sufficient weight to justify over-riding my other concerns.
12. I sympathise with the appellant company for the reason that the site was sold by the Lincolnshire County Council for housing development, although the particulars suggest that the Council would accept a conditional sale. Nevertheless, there was a reasonable expectation that planning permission would be forthcoming from the local planning authority. I also acknowledge that positive feedback may have been given during pre-application negotiations. However, situations, including planning policies, can change over time, particularly when there is unpredictability in the housing sector and economic uncertainty.
13. In determining this appeal I am required by Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to make my decision in accordance with the provisions of the development plan unless material considerations indicate otherwise. These mitigating factors do not change the position regarding my assessment of this proposal against Local Plan policies, and the present position relating to housing supply in the District. There is no objection in principle to the development and it appears to me that the issue is whether the development of such sites could adversely affect the Council's management of housing supply. It is not practicable to estimate, with the current economic climate, when the housing supply situation will stabilise and I note that the

Council proposes to again review the housing supply position within 12 months of November 2010. At that time when the Annual Housing Supply Assessment for the year to March 2011 has been completed the timescale for the possible release of the site for development may become clearer.

14. Whilst the development of this site would appear to me to be broadly in line with the objectives of PPS3, being previously developed land in a sustainable settlement relatively close to the City, the current proposal has to be regarded as being contrary to Local Plan Policies enabling the Council to properly fulfil its obligation to manage the supply of new dwellings.
15. Having regard to the above considerations I conclude that the site should not be released for development, having regard to the housing supply situation in the District, contrary to the aims of Local Plan Policies STRAT1, STRAT 6 and STRAT 9.

Other Matters

16. I have had regard to matters raised by interested parties and the Fiskerton Parish Council in their representations. In relation to access and parking I see no reason why the development of this site by the erection of two dwellings should result in any adverse implications on the school access road or the safety of people attending the school. I would anticipate that the vehicle generation arising from this use would be likely to be significantly less than when in use as a nursery.
17. As for the question of overlooking of adjoining residential properties I consider the position of the dwellings on the site and their detailed layouts, including the disposition of windows, would be such as to ensure that there would not be an unacceptable adverse impact on the amenities of adjoining occupiers.
18. I have had regard to all other matters in the written representations but none of these are sufficient to outweigh my conclusion on the development of the site at this time.

Martyn Single

INSPECTOR



Appeal Decision

Site visit made on 25 May 2011

by **E Norma Farish BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 June 2011

Appeal Ref: APP/N2535/D/11/2145078

39 Crapple Lane, Scotton, Gainsborough, Lincolnshire DN21 3QT

- 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 Miss J Laming against the decision of West Lindsey District Council.
 - The application Ref 126711, dated 18 November 2010, was refused by notice dated 13 January 2011.
 - The development proposed is a first floor extension.
-

Application for Costs

1. An application for costs was made by Miss J Laming against West Lindsey District Council. This application will be the subject of a separate decision.

Decision

2. I dismiss the appeal.

Main Issues

3. The principal issues in this case are the impact of the proposed development on the character of the streetscene and on the residential environment of the occupiers of neighbouring properties.

Reasons

4. The appeal site lies on the northern edge of the small rural village of Scotton. Nos.37 and 39 Crapple Lane are a pair of recently erected linked two-storey four-bedroom houses, No.39 being the more easterly. Each house has a long single-storey forward projection, comprising a double garage, utility room, kitchen and entrance hall, which together enclose a parking courtyard. The appellant wishes to add a first floor extension above the front projecting wing to No.39 to provide a larger family bathroom and new master bedroom with dressing room and ensuite bathroom. The roof ridge would be 400mm lower than that of the main house, dropping a further 825mm over the garage so that the maximum height of the gable wall facing the road would be 6475mm, 1775mm higher than at present.
-

5. Crapple Lane is quasi-rural in character, a narrow road with verges and no footways. The western part is relatively open, featuring modern detached houses set well back behind open frontages, but towards the eastern end a group of buildings closer to the carriageway, including a two-storey former farm building in a prominent corner location, an adjoining high boundary wall, the forward projections of Nos.37 and 39 opposite, and the garages in front gardens that are a feature of nearby development, together visually constrict the road which beyond No.39a is closely hedged on both sides. The appeal proposal would be viewed as part of this group, comparable to the barn opposite in height and massing and similar to neighbouring buildings in external materials, and so I do not consider that it would be unduly obtrusive in or materially damaging to the character or appearance of the streetscene.
6. Turning to the effect on the neighbouring properties, the parish council and some nearby occupiers have argued that the appeal scheme would seriously reduce neighbours' amenities. Saved policies STRAT 1 and RES 11 of the West Lindsey Local Plan First Review 2006 seek to safeguard and improve the quality of life of residents and require, inter alia, that extensions to dwellings within settlements should not have a negative impact on the living conditions of any neighbouring occupiers.
7. With regard to the adjoining property to the west, the proposed extension to No.39 would be visible from several south- and east-facing windows in No.37, but the buildings are sufficiently separated or the angles of view too oblique for significant intrusion on privacy or overshadowing to ensue. The central courtyard would be overlooked, but that is a shared and public space, and I am satisfied that the proposed development would not materially harm the living conditions of the residents of No.37.
8. As to the property to the east of the appeal site, No.39a, however, that house is set far back from the road and its front main wall is only about 1000mm forward of the line of the two storey front main wall of No.39. The single storey front wing of No.39 projects more than 14m forward of No.39a. The two houses are approximately 4600mm apart though the projecting wing of No.39 is slightly closer to the common boundary. Between No.39a and the road and abutting the boundary a detached double garage with a ridge height of 4800mm partially screens the existing single storey projection of No.39 from view from the ground floor front windows of No.39a.
9. The proposed extension to No.39 would include in the eastern flank only one additional window, a bathroom window, which because of its position and obscure glazing should have little impact on No.39a. That said, the northern section of the proposed extension nearer to that adjoining dwelling would have a ridge height similar to that of No.39a and the flank wall of that section would be raised by some 2000mm to an eaves level at least 4700mm above ground level at No.39a. At this height and given the juxtaposition of the two houses, notwithstanding the existing garage to No.39a the appeal development would be readily apparent from habitable room windows on both floors of No.39a and in both southern and, to a lesser degree, western elevations and from the garden. To my mind it would result in an undesirable degree of enclosure and would have a seriously overbearing impact, making that neighbouring house materially less pleasant to live in. In this respect the appeal scheme would conflict with the aims of local plan policies STRAT 1(vi) and RES 11(iii).

10. The effect on No.41 which adjoins No.39a but is further from the appeal site would be less significant. Whether such an addition to the next dwelling to the east, which is akin to the present appeal property in style, would be similarly detrimental to the residential environment of No.41 would be a matter of fact and degree.
11. Other points raised, including covenants, means of access for construction and maintenance works, and rights of light, are separate legal issues which, like possible effects on property values, are not matters that I can take into account in determining this appeal.
12. Having given careful consideration to the above and all other points put forward, including the support of neighbours opposite, I have come to the conclusion that the adverse effects on the adjoining property referred to in paragraph 9 would not be outweighed by any compensating benefits to the appearance and character of the streetscene or any other factor claimed and therefore that the planning permission sought should not be granted. The appeal fails.

E Norma Farish

INSPECTOR



Appeal Decision

Site visit made on 27 May 2011

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 June 2011

Appeal Ref: APP/N2535/A/11/2150582

Willow Cottage, Normanby Road, Nettleton, Lincolnshire LN7 6TA

- 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 J Hind against the decision of West Lindsey District Council.
 - The application Ref 126868, dated 11 January 2011, was refused by notice dated 18 March 2011.
 - The development proposed is to erect single storey extension to the side.
-

Decision

1. I dismiss the appeal.

Procedural matter

2. The plans include several discrepancies most notably the inclusion of a ground floor east-facing window in the single storey side projection of Willow Cottage. This window does not currently exist nor does it appear to form part of the proposal. I therefore assume that it is shown on the existing and proposed elevations in error and have assessed the proposal on that basis.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the local area.

Reasons

4. The site is located in the open countryside, which is to be protected for its own sake, and within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). This is a nationally designated area with the highest status of protection in relation to landscape and scenic beauty. The appeal property, Willow Cottage, is an attractive, render and pantile dwelling that occupies an elevated and isolated position in the hillside. It has a traditional vernacular style with a simple built form and pattern of fenestration to the front façade. To the rear is a substantial 2-storey extension that due to its position and sensitive design is largely shielded from public view along Normanby Road. Willow Cottage sits comfortably in the attractive upland landscape that characterises this part of the AONB and positively contributes to its special character.

5. The proposal would be a single storey, pitched roof side extension. Although modest in scale, the proposed addition would have an awkward relationship with the front façade of Willow Cottage, which largely reflects the building's original character and appearance. Specifically, the proposal would unbalance the principal elevation of the building through introducing an additional built form on one side, disrupting the broad symmetrical pattern of windows, and adding a roof form that would fail to harmonise with the remainder of the dwelling. The absence of a ground floor, east-facing window in the existing single storey projection exacerbates this lack of balance. Taken together, these features would cause the proposed extension to relate poorly to the original building, particularly, its proportions, roof form and fenestration. In reaching this conclusion, I have taken into account the proposed use of external materials to match the existing building.
6. The proposed extension would be clearly seen from Normanby Road in glimpse views from this highway and from more distant vantage points particularly to the south, including the car park to which both main parties have referred. As a prominent addition to the appeal building, the proposed extension and its uneasy relationship with the original building would be evident in the landscape. In my opinion, the proposal would be an obtrusive form of development that would materially harm the setting of Willow Cottage and diminish its contribution to the special character of the AONB.
7. The appellant has indicated that the ground floor area of Willow Cottage would be increased by just 18%, but the visual impact would be proportionately much greater. I acknowledge that the proposal would enhance the living accommodation of Willow Cottage especially given its southerly aspect. However, this benefit does not outweigh the harm that I have identified. Reference is made to a recent extension at Bleak House, Nettleton, which is prominent in the landscape. As I have no further details regarding the particular circumstances of this case I am unable to conclude that it is directly comparable with the proposal. In any event, each proposal should be considered on its individual merits, which I have done in this case.
8. I therefore conclude that the proposed development would harm the character and appearance of Willow Cottage and the local area, which is within an AONB. It would conflict with Policies STRAT1, RES12, and NBE9 of the West Lindsey Local Plan First Review, which aim to safeguard the countryside generally and the natural beauty of the AONB landscape in particular.
9. I have had regard to all other matters raised including the absence of any objection from others. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR