



**Guildhall Gainsborough
Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170**

This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 16 April 2014 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members:

Councillor Stuart Curtis (Chairman)
Councillor Ian Fleetwood (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton,
Richard Doran, Paul Howitt-Cowan, Malcolm Leaning, Giles
McNeill, 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.
 - i) Meeting of the Planning Committee held on 5 March 2014, 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

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

6. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.14 13/14

PAPER A

7. To note the following determination of appeals:

- i) Appeal by Cheyne Group Management Limited against West Lindsey District Council's refusal for the erection of ground floor extensions to existing care home at Cheyne House, Main Street, North Carlton

Appeal Allowed – See copy letter attached as Appendix Bi

Officer's original recommendation to grant with conditions.

- ii) Appeal by Ronald Couzens the complainant, against a decision of West Lindsey District Council not to issue a Remedial Notice. Hedge at 104 Stonecliff Park, Welton

Appeal Dismissed – See copy letter attached as Appendix Bii

- iii) Appeal by Mr C Henderson against West Lindsey District Council's refusal for the erection of a dormer bungalow at 36 Lodge Lane, Nettleham.

Appeal Allowed – See copy letter attached as Appendix Biii

Officer's original recommendation to refuse permission.

M Gill
Chief Executive
The Guildhall
Gainsborough
8 April 2014

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

1 – 130717 - Land off Hutton Way/Jubilee Avenue, Faldingworth

PROPOSAL: Planning application for erection of 41 detached, semi-detached and terrace dwellings and garages, with associated parking, landscaping, materials, boundary treatments, pedestrian and vehicular access from Hutton Way and internal roads.

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of a s106 that delivers

- Affordable housing
- Public open space
- Communally managed landscaping belt
- Access easement to existing watercourse

2 – 130773 - George Hotel, 15 Main Road, Langworth

PROPOSAL: Outline planning application, including means of access, for up to 36 dwellings, including affordable provision, ancillary convenience store A1, public open space, ecological reserve and landscaping.

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of a s106 that delivers:-

1. Affordable housing – 3 x one bed bungalows and 1 x one bed flat. All social rent.
2. Phasing to ensure
 - a/ delivery of works to public house,
 - b/ implementation of shop use
 - c/ implementation of flood mitigation measures
 - d/ Ecology area
 - e/ Public open spacebefore occupation of no more than 33% of the open market housing.
3. Maintenance and management of
 - a/ Flood mitigation works
 - b/ Ecology area
 - c/ Public open space

That, if the s106 is not completed and signed within 6 months of the date of this Committee, then the application be reported back to the next available Planning Committee for determination following the expiration of the 6 month period.

3 – 130886 – Queensway, Sturton By Stow

PROPOSAL: Planning application for the demolition of 20no. garages and the construction of 8no. affordable dwellings

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of an agreement under the amended section 106 of the Town & Country Planning Act 1990 to ensure that the housing is occupied as affordable housing for those people identified as being in need and that the open areas of the site are maintained as public open space.

In the event that the section 106 agreement is not completed and signed within 6 months of the date of this Committee then the application be reported back to the next available Planning Committee following the expiration of that 6 month period.

4 – 130940 - Wembley Street, Gainsborough

PROPOSAL: Planning application for demolition of existing light industrial storage-B1-buildings and erection of 12 bedroom Foyer and communal facilities - sui generis - with associated car parking and landscaping.

RECOMMENDED DECISION: Grant permission subject to conditions.

Appeal Decision

Site visit made on 4 February 2014

by Karen L Baker DipTP MA DipMP MRTPI

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

Decision date: 25 February 2014

Appeal Ref: APP/N2535/A/13/2198845

Cheyne House, Main Street, North Carlton, Lincoln LN1 2RR

- 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 Cheyne Group Management Limited against the decision of West Lindsey District Council.
 - The application Ref. 128979, dated 20 July 2012, was refused by notice dated 3 December 2012.
 - The development proposed is ground floor extensions to existing care home.
-

Decision

1. The appeal is allowed and planning permission is granted for ground floor extensions to existing care home at Cheyne House, Main Street, North Carlton, Lincoln LN1 2RR in accordance with the terms of the application, Ref. 128979, dated 20 July 2012, subject to the conditions in Appendix 1.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the original building and the local area; and,
 - b) whether or not the proposed extensions to the care home would represent a sustainable form of development, having regard to local and national policy.

Reasons

Character and Appearance

3. The appeal site is located on the northern side of Main Street, within the settlement of North Carlton. Cheyne House is set back from the road, with an area of car parking and garden to the front, and is sited adjacent to residential properties to the west, north and east. The original stone house is 2 storeys in height, with rooms in the roofspace, with various single storey extensions sited to the rear of this building. Cheyne House is an established residential care home for people with dementia.
4. The existing accommodation does not meet the National Minimum Standards introduced by the Care Standards Act 2000 either in spatial (room size) terms or in sanitary provision. Although the care home is still permitted to operate by virtue of its 'Good' rating from the Care Quality Commission, the appellants state that there is a need for significant investment in this existing facility in

- order to guarantee its long term future, improve on its levels of care and secure the jobs it supports.
5. The proposed development would include: the extension of the existing single storey extension to the north, which would replace the existing sluice room and 4 bedrooms, 2 of which are shared, with 6 single bedrooms, each with en suite toilet facilities; the extension of the existing single storey extension to the east, which would provide an additional 5 bedrooms, each with en suite toilet facilities, and an assisted shower room, assisted bathroom and laundry; the extension of the original 2 storey property to the east, with a single storey addition to provide an additional 4 bedrooms, each with en suite toilet facilities; the replacement of the existing conservatory/dining room with a larger dining/day room to the west of the existing single storey extension; and, 3 small extensions (1 to the north and 2 to the east of the existing single storey extension) to provide en suite toilet facilities to 6 existing bedrooms.
 6. The original building at Cheyne House is an attractive 2 storey stone property with a double-gabled roof featuring traditional brick 'tumbling-in' details to the gables, albeit that it has been reroofed with plain concrete interlocking tiles. The newer single storey extensions are sited to the rear of the original building and are effectively screened from view from Main Street by the host property. They are predominantly of brick and interlocking concrete pantile construction, although some walls have stone effect cladding. The proposed extensions to the existing single storey extensions to the rear of the original building would be of a similar form and appearance and use matching materials, namely brick and concrete interlocking pantiles. The proposed side extension to the original property would, however, be of a design and use materials which respond to that building albeit it single storey, including random coursed limestone walls with red handmade brick soldier 'arches' and 'tumbling-in' red brick gable details.
 7. The Council and local residents are concerned that the proposed extensions would result in the over development of the appeal site, which would be detrimental to the character and appearance of the area and the original building. The existing extensions to the host property occupy a large area within the northern part of the appeal site. The proposed extensions to the existing single storey elements of the appeal property, north of the existing house, would bring the built form closer to the boundaries to the west, north and east. However, I am satisfied that given their scale, height and design, along with their siting, the proposed extensions would not appear dominant and would remain subservient to the host property. Furthermore, the proposed single storey side extension to the original building, given its design, scale, height and mass, would appear subservient to the host dwelling and would not appear prominent or out of keeping in the streetscene, when viewed along Main Street. Indeed, given the large open area to the front of Cheyne House, which would be retained, along with the proposed landscaped gardens around the existing and proposed extensions, I consider that the resultant building would not appear cramped or represent an overdevelopment of the appeal site.
 8. I conclude, therefore, that the proposed development would not harm the character and appearance of the original building and the local area. As such,

it would not be contrary to Policies STRAT 1 and CRT 14 of the West Lindsey Local Plan First Review¹, adopted in June 2006, in this respect.

Sustainable Development

9. Paragraph 7 of the National Planning Policy Framework (The Framework) sets out the 3 dimensions to sustainable development: economic, social and environmental and paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.
10. At the heart of The Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Paragraph 14 of The Framework says that for decision taking this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework taken as a whole, or specific policies in The Framework indicate development should be restricted.
11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
12. Local Plan Policy STRAT 1 requires all development to take full account of the need to protect the environment so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment. It goes on to say that development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regard to a number of matters, including the scope for providing access to public transport; the scope for reducing the length and number of car journeys; the provision of vehicular and cycle parking facilities; and, the availability and capacity of infrastructure and social/community facilities to adequately serve the development. Policy CRT 14 says that development proposals for residential homes or nursing homes including change of use of an existing building, extension or associated development will be permitted provided that the home is located within a settlement in a predominately residential area. It goes on to say that, in all cases, the development shall, amongst other things,

¹ The Local Plan policies to which I refer in this Decision have been saved by a Direction, under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, of the Secretary of State for Communities and Local Government, dated 11 June 2009. Having regard to paragraph 215 of Annex 1 to the National Planning Policy Framework (The Framework), I consider that these Local Plan policies, in so far as they relate to the development before me, are broadly consistent with The Framework. As such, full development plan weight has been afforded to them.

be located close to existing services and facilities, including public transport and health services.

13. The proposed development would provide accommodation for an additional 9 residents at the residential care home. I acknowledge the appellants' reference to population growth. In particular, I note that Central Lincolnshire is projected to experience the largest percentage increase in people aged 65 and over in Lincolnshire and the East Midlands by 2030, with the greatest increase being in this District. As the population grows and ages, it is likely that there would be higher incidences of long term health conditions, such as dementia. The provision of an additional 9 places at the appeal property would help to meet the likely increase in demand for such provision resulting from this changing demographic profile and its healthcare implications. Furthermore, the improvements proposed to the accommodation provided would be beneficial to residents both in terms of their overall well being and through the maintenance of their dignity and privacy. The proposed development would, therefore, have social benefits for both the local area and existing and future residents of the care home.
14. The appellants have confirmed that 3 new staff positions would be created within the residential care home who would work on a shift pattern. I also note that, other than the Home Manager and a part-time cook, the staff are drawn from within a 5 mile radius of the care home. It would be likely, therefore, that the 3 new positions would also provide employment opportunities for local people. I acknowledge the appellants' position that, should the proposed extensions not be built, the business would need to make 3 staff redundant, due to a current surplus. The proposed development would, therefore, have economic benefits for the local area in terms of job creation and retention.
15. I acknowledge the Traffic Assessment, dated 20 July 2012, carried out on behalf of the appellants, which indicates that the current 26 bed care home generates around 9 vehicle visits per day by staff and between 6 and 9 vehicle visits by residents' visitors, deliveries and waste collection. The Traffic Assessment anticipates that the 3 new staff would only generate 1 additional staff visit to the care home per day, due to the shift structure operated by the appellants. Furthermore, it anticipates that an average of 1 additional patient visitor per day would be generated by the additional 9 residents.
16. I note the work carried out by the appellants in order to rationalise all suppliers to their business, following the previous refusal of planning permission for the extension of the care home (Ref. 125575). Where food was previously delivered through 5 suppliers, this has been reduced to 1, with deliveries now made twice a week. In addition, other suppliers of chemical and cleaning products, medical items, consumables and incontinence pads, have been reduced from 4 to 1, with Trust Hygiene delivering to the care home once a week. Furthermore, Trust Hygiene has replaced 3 other suppliers of waste disposal products, with delivery/collection of these services taking place twice a month. Finally, the prescription service, which was previously obtained through the GP practice, with staff collecting prescriptions 3 times per week, is now managed through Boots, who deliver to the care home once a month. These changes have resulted in a significant reduction in the number of vehicle movements to and from the appeal site and I acknowledge that the additional 9 residents would not lead to an increase in these movements.

17. The appellants say that their staff walk, cycle, car share or use their own car to come to work at present and that they encourage staff to car share where possible, with this taken into account when the shift rota is implemented. North Carlton benefits from a limited public transport service, with the main 777 and 354 bus services intermittently serving the village. Indeed, the Council says that a sporadic bus service operates twice daily between Saxilby and North Carlton. Given that the shifts operated by the care home are 0700hrs to 2000hrs and 2000hrs to 0700hrs, it is likely that most staff would use the private car. Indeed, this is borne out by the appellants' traffic survey. Although some of these journeys are shared, it is clear that most staff use their own vehicles to get to and from work. Nevertheless, given the small number of both staff and visitor trips to the care home that would be likely to be generated by the additional 9 residents, along with the significant reduction in the number of trips to the care home now made by the suppliers of goods and services, I do not consider that the proposed development would lead to a material increase in vehicle movements to and from the appeal site.
18. North Carlton is identified as a Small Rural Settlement within Local Plan Policy STRAT 3. The Local Plan generally directs new residential development towards the main settlements which have the facilities and services to sustain new residents. In other settlements, lacking those facilities and services, any new residential development would only be permitted under specific circumstances. Although the appeal site is located within a Small Rural Settlement with few facilities and services, the residential care home has been part of this community for a number of years. Given the social and economic benefits of the proposal, along with the environmental improvements made by the appellants following the rationalisation of suppliers and the resultant significant reduction in vehicle movements, and the small number of daily visits to the care home likely to be associated with the proposed development, I consider that it would be a sustainable form of development in this location.
19. I conclude, therefore, that the proposed extensions to the care home would represent a sustainable form of development, having regard to local and national policy. As such, it would not be contrary to Local Plan Policies STRAT 1, STRAT 3 and CRT 14, in this respect.

Other Matters

20. A number of trees are located within the appeal site, some of which are protected by the Tree Preservation (North Carlton) Order 1988. I note the comments on the planning application by the Council's Area Development Officer relating to the preserved trees. She referred to consent being given for the removal of an Acacia tree (T3) on 16 November 2009, due to it being dangerous, and for the felling of a Copper Beech tree (T5), which was removed in 2006/07. The Council sought the planting of replacement trees in both instances. However, this has not yet occurred. In addition, the Area Development Officer stated that another Acacia tree (T4) had been removed several years ago. From the evidence before me, I am satisfied that the proposed development would not harm the other preserved trees on the appeal site (T1 and T2), given their siting, subject to a condition seeking their protection during the construction process, as suggested by the Council. Furthermore, a condition requiring the planting of replacement Acacia and Copper Beech trees, as suggested by the Council, would be necessary to safeguard the character and appearance of the area.

21. Local residents are concerned about the impact of the proposed extensions on their living conditions, with particular reference to noise, disturbance and privacy. However, given the existing and proposed boundary treatment, which includes close boarded fencing, the low level of the proposed extensions and the management of the patients within the residential care home, along with the distance between the site boundary and nearby properties, I am satisfied that the living conditions of neighbouring residents would not be unduly harmed.
22. I acknowledge the concerns of the occupiers of 'Capenor' relating to the siting of the proposed extension to the east of the existing extension to the residential care home, close to their agricultural shed. This agricultural shed has 2 stalls for horses and is also used for the storage of hay and straw. It was apparent from my site visit that along with a window in its western (rear) elevation, this building also benefits from a window in its side elevation and 2 windows in its front elevation, along with an entrance opening. Given the use of this building, along with the other windows and openings within it, I do not consider that any loss of light created by the siting of the proposed extension at the appeal site would be materially harmful. Furthermore, from the evidence before me, I am not satisfied that the use of this agricultural shed would represent a fire hazard to residents of Cheyne House.
23. I have considered all the other matters raised by the Council and third parties, including drainage and sewage concerns; land ownership and maintenance issues; traffic concerns; and, the large number of elderly residents in comparison to the local population, but none changes my overall conclusion that the appeal should be allowed.

Conditions

24. In addition to the standard time limit condition, the Council has suggested 7 further conditions. I have had regard to Circular 11/95 during my consideration of these conditions, some of which have already been referred to in this Decision. A condition requiring the construction of a stone sample panel on site would be reasonable to safeguard the character and appearance of the host building and local area. Conditions requiring that the development be carried out in accordance with the approved plans, with the exception of the use of concrete interlocking tiles, and the submission and approval of full details of the clay pantiles to be used, would be reasonable for the avoidance of doubt, in the interests of proper planning and to safeguard the character and appearance of the area.
25. Submission and approval of a scheme for the disposal of foul and surface water would be reasonable to ensure that the development is adequately served by drainage facilities and to prevent flooding. In order to safeguard the long term health and stability of the existing trees on the site it would be reasonable to require that no roots greater than 25mm in diameter are removed without the permission of an arborist. Finally, a condition requiring that the measures to reduce traffic impact outlined in the Traffic Assessment, dated 20 July 2012, shall be adhered to would be reasonable to ensure that the traffic impact of the care home is kept to a minimum.

Karen Baker

INSPECTOR

Appendix 1 – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Drawing No. 6742C-01 Rev. B); Existing Ground and First Floor Plan (Drawing No. 6742C-02 Rev. A); Proposed Ground and First Floor Plans (Drawing No. 6742C-06 Rev. C); Proposed Site Plan (Drawing No. 6742C-07 Rev. E); Existing Elevations (Drawing No. 6742C-08); Proposed Elevations (Drawing No. 6742C-09 Rev. A); Tree Survey (Drawing No. 6742C/10); and, Proposed Roof Plan (Drawing No. 6742C-11 Rev. A), except in respect of the concrete interlocking pantiles shown on Proposed Elevations (Drawing No. 6742C-09 Rev. A).
- 3) No development shall take place until a 1m square stone sample panel has been constructed on site for inspection and approval by the local planning authority showing the size, texture and coursing of the stone to be used. The mortar shall be 1 part cement, 2 parts lime and 8 parts sand, 1/5th to be sharp sand, brushed back at first set. The approved panel shall remain on site for reference throughout construction. The development shall be constructed in accordance with the approved details.
- 4) No development shall take place until full details of the clay pantiles to be used in the construction of the roof of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 6) No development shall take place until details of the position of fencing for the protection of all trees on the site have been submitted to and approved in writing by the local planning authority. The details shall include the stem diameter, height, crown spread and associated root protection area for each tree. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 7) Notwithstanding the details shown on the Tree Survey (Drawing No. 6742C/10), no roots greater than 25mm in diameter shall be removed without permission of an arborist.
- 8) An Acacia tree and a Copper Beech tree shall be planted in the first planting season following the completion of the development, in accordance with details, to include the precise variety, trunk diameter

and height of both trees, to be first submitted to and approved in writing by the local planning authority.

- 9) The measures to reduce traffic impact outlined in the Traffic Assessment, dated 20 July 2012, shall be adhered to at all times.



Appeal Decision

Site visit made on 13 February 2014

by **Michael R Lowe** BSc (Hons)

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

Decision date: **26 FEB 2014**

Appeal Ref: APP/HH/13/1286

Hedge at 104 Stonecliff Park, Welton, Lincoln LN2 3LL

- The appeal is made under section 71(3) of the Anti-social Behaviour Act 2003.
- The appeal is made by Ronald Couzens, the complainant, against a decision of the West Lindsey District Council (the Council) not to issue a Remedial Notice.
- The complaint, reference 129851, was dated 30 March 2013.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue to be whether the Council could have reasonably concluded that the height of the hedge was not adversely affecting the reasonable enjoyment of those occupying the property at 105 Stonecliff Park.

Reasons

3. Following the complaint alleging loss of light to the garden area and dwelling, the Council assessed the hedge in question and in August 2013 issued a decision on the complaint. The Council assessed the hedge as comprising a row of Leyland cypress trees along the northern boundary of 104 Stonecliff Park at a height of about 2.7m in June 2013.
4. The Council say that they have followed the advice set out in *Hedge Height and Light Loss*¹. They calculated the action hedge height at 2.35m for the loss of light to the kitchen window and, with an adjustment of 0.6m for the height of the ground floor above the ground level, an overall action hedge height of 2.95m. The calculations for the action hedge height for the patio doors and the garden area were greater. The action hedge height is the height at which the hedge in question is likely to cause a significant loss of light to a neighbouring property. It takes account of direct sunlight and diffuse daylight.
5. The Council considered that the hedge was not adversely affecting the reasonable enjoyment of those occupying the property at 105 Stonecliff Park and therefore decided that no action should be taken. The Council took into account all matters raised by the complainant and the owner of the hedge.

¹ Office of the Deputy Prime Minister / Building Research Establishment. 2004, Revised 2005

6. From the guide figure of the action hedge height and my visual inspection of the site it appears to me that the hedge in question does not have an adverse impact upon the reasonable enjoyment of those occupying the property at 105 Stonecliff Park.
7. I therefore conclude, on the basis of the evidence available, that it was reasonable for the Council to have concluded that the height of the hedge specified in the complaint was not adversely affecting the complainant's reasonable enjoyment of his property.

Michael R Lowe

INSPECTOR

Appeal Decision

Site visit made on 3 March 2014

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 18 March 2014

Appeal Ref: APP/N2535/A/14/2210972

36 Lodge Lane, Nettleham, Lincoln, Lincolnshire, LN2 2RS

- 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 Mr Chris Henderson against the decision of West Lindsey District Council.
 - The application Ref 130495, dated 6 September 2013, was refused by notice dated 4 December 2013.
 - The development proposed is the erection of a dormer bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dormer bungalow at 36 Lodge Lane, Nettleham, Lincoln, Lincolnshire, LN2 2RS in accordance with the terms of the application, Ref 130495, dated 6 September 2013 subject to the conditions in Annex A.

Procedural Matters

2. In the interests of accuracy I have taken the site address details from the Council's decision notice rather than the planning application form.
3. Planning Practice Guidance came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. I have considered the content of the guidance, but in light of the facts in this case it does not alter my conclusions.

Main Issues

4. The main issues in this case are;
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the proposal is acceptable having regard to policies concerning the release of land for housing.

Reasons

5. The appeal site is located on the edge of Nettleham in a residential area.

Character and appearance

6. The bungalow would have a large footprint which would provide a significant amount of floorspace and spacious rooms. Much of the plot would be taken up

- by built development. Nevertheless, a front garden of some 6 metres in length and a rear garden of at least 7 metres in length would be maintained and the bungalow would be set off its flank boundaries. As such the building would retain some space around it. Although I have not been provided with any particular standards or guidelines as to the Council's requirements in this regard, the garden space would in my view provide adequate space for normal domestic activities such as hanging washing outside to dry, or to sit and enjoy the outdoor environment. Whilst smaller than the gardens immediately to the north on Lodge Lane, the amount of garden space provided would not be unduly out of step with other dwellings nearby including some of the houses in Lacy Close. It would also provide a satisfactory setting for the bungalow.
7. The character of the area is mixed. Whilst the pattern of development to the north of the site in Lodge Lane is uniform, with houses set back from the road in a regular pattern, the host property sits forward of the established building line and neighbouring No 38 to the south sits well behind it. The houses in adjoining Lacy Close are arranged around the head of a cul-de-sac. On the opposite side of Lodge Lane there are dwellings set back from the road frontage in an irregular pattern with a variety of plot sizes. This being so, the development of the appeal site would not interrupt the existing pattern of development or be out of step with the established grain of development nearby.
 8. I have been made aware of proposals for 3 dwellings at neighbouring No 38 and 26 dwellings at adjacent No 40. Whilst I appreciate that such developments would alter the pattern of development close to the appeal site and at the edge of the village, these planning applications remain under consideration and have not been approved. As such I afford this matter little weight.
 9. The design of the bungalow includes a number of pitched roofs to the front elevation to two forward projecting gable ends and a garage. However, the bungalow would not be particularly tall and although the site slopes slightly upwards to the west it would not be in a particularly elevated position. Whilst the proposed roof design is somewhat complicated, the roofscape nearby is not uniform and I saw examples of unusual and non standard rooflines in Lodge Lane. As such I am not persuaded that the proposed design would be unduly at odds with the character of the surrounding residential area.
 10. Furthermore, although it is on the edge of the settlement, the site is not in an exposed or prominent position being set well back behind the road frontage. Hedgerows and planting to the west side of Lodge Lane, along with the neighbouring property at No 38, screen the site when approaching from the south. Views of the proposed bungalow would be restricted to those taken down the host property's driveway and to a more limited extent between No 36 and No 34. Opportunities to see the bungalow would be further reduced by the large extension recently permitted to the rear of the host property.
 11. In this overall context I am not persuaded that the proposed bungalow would be too big for the site or represent an over development of the plot. Nor would it sit awkwardly in the context of the pattern of development nearby, fail to be satisfactorily integrated into the village, or adversely affect the character and appearance of the area.

12. I therefore conclude on this issue that the proposal would cause no undue harm to the character and appearance of the surrounding area. There would be no conflict with Policy STRAT 1 of the West Lindsay Local Plan Review (Local Plan) which requires development to be satisfactory with regard to amongst other things, the number, size, layout, siting, design and external appearance of buildings and structures (criterion i). The proposal would not be contrary to Local Plan Policy STRAT 6 in this regard, which requires amongst other things, development to be compatible in scale with the settlement and its surroundings in the street scene (criterion i) and to be sensitively designed, respecting the character, visual quality and built landscape of, and be satisfactorily integrated into, the village or surrounding area (criterion iv). Nor would it be at odds with the core planning principle of the National Planning Policy Framework (the Framework) to secure high quality design.

The release of housing land

13. The site is within Nettleham which is identified as a primary rural settlement and classed by Local Plan Policy STRAT 3 as a sustainable location for development. Local Plan Policy STRAT 6 is permissive of limited small scale infill housing development (in the range of 5 to 10 dwellings) within such settlement boundaries provided that, amongst other things, it is on previously developed land. It also requires proposals to have no impact, either individually or cumulatively on the housing strategy of the plan set out in Local Plan Policy STRAT 9. This sets out the Council's phasing of housing development and release of land and gives priority to previously developed land in the most sustainable locations over sites that are in locations deemed less sustainable and/or are greenfield.
14. The site is the rear garden of No 36. Annex 2 of the Framework excludes land in built up areas such as private residential gardens from the definition of previously developed land. As such the site must be regarded as greenfield and its development for housing would be strictly contrary to Local Plan Policies STRAT 6 and STRAT 9.
15. That said, the policies in the Local Plan pre-date the Government's change in approach to garden land. At the time they were adopted the development of garden land was accepted in principle as previously developed land. This being so, rather than falling into the lowest priority area E (other greenfield land) of Local Plan Policy STRAT 9 as is currently the case, the proposal would have been considered as the higher priority area C (other previously developed land). As a single house I cannot see that the proposal would have any material effect on the Council's housing strategy. I am also mindful that the site is in what is accepted by the Council to be a sustainable location.
16. Moreover, paragraph 53 of the Framework indicates that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would not be harmful to the local area. Since I have found the proposal would cause no undue harm to the local area, I do not regard the proposal to constitute the inappropriate development of a residential garden which the Framework indicates local planning authorities should resist.
17. I therefore conclude on this issue that having regard to policies concerning the release of land for housing, although the proposal would conflict with Local Plan Policies STRAT 6 and STRAT 9, it is acceptable for the reasons given.

Other matters

18. The occupier of neighbouring 22 Lacy Close is concerned about the potential for overlooking from the proposed dormer window on the west elevation of the bungalow. The Council are content that this bedroom window would only view a small area of No 22's rear garden. I have seen nothing that would lead me to a different opinion and am therefore satisfied that the proposal would result in no undue harm to the living conditions of the occupiers of No 22.
19. I have had regard to the Nettleham Village Design Statement which recognises the need for smaller affordable homes. However, I have seen no evidence relating to whether the bungalow would be affordable or not, and note that this is not a reason for refusal of the scheme. In any case, I see no reason why the proposal would not provide a suitable home for elderly persons wishing to downsize or would fail to encourage younger people to remain in the village community in line with the aims of the Design Statement.

Conclusion and Conditions

20. For the reasons set out above, I conclude that the appeal should be allowed.
21. A condition is needed to ensure that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is necessary in the interests of the character and appearance of the area. A condition relating to drainage is required to ensure the site is adequately drained to reduce the risk of flooding and to prevent pollution. Conditions relating to the provision of the vehicular access to the highway and the private driveway are necessary in the interests of highways safety. Conditions to limit the hours of construction and to ensure the northern flank window is obscured glass are necessary in the interests of the living conditions of nearby residents. I have amended some of the Council's suggested wording for the sake of clarity.

Elaine Worthington

INSPECTOR

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0019/10 site location plan, 0019/12 proposed site plan, 0019/13 proposed floor plan, and 0019/14 A proposed elevations.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of a scheme for the disposal of foul and surface water from the site (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and permanently retained as such thereafter.
- 5) The dwelling shall not be occupied until the vehicular access to the highway has been provided in accordance with details submitted to and approved in writing by the local planning authority, and the vehicular access to the highway shall be permanently retained as such thereafter.
- 6) The dwelling shall not be occupied until the private drive has been laid out in accordance with details shown on approved drawing number 0019/12.
- 7) Construction works shall not take place outside 07:00 hours to 18:00 hours Mondays to Fridays and 07:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 8) Before the first occupation of the dwelling hereby permitted the window in the ground floor of the north flank elevation shall be fitted with obscured glass and shall be permanently retained in that condition.