



**Guildhall Gainsborough
Lincolnshire DN21 2NA
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This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 5 March 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 11 December 2013, 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.13 13/14

PAPER A

7. To note the following determination of appeals:

- i) Appeal by Mrs A Naylor against West Lindsey District Council's refusal for the erection of a bungalow on land adjacent White House Lodge, Gainsborough Road, Middle Rasen.

Appeal Dismissed – See copy letter attached as Appendix Bi

Officer's original recommendation to refuse permission.

- ii) Appeal by Mr M Harris against West Lindsey District Council's refusal for the change of use of land at the rear of 3 The Oaks from paddock to garden and the erection of an annex to 3 The Oaks. at 3 The Oaks, Scothern,.

Appeal Dismissed – See copy letter attached as Appendix Bii

Original officer recommendation was to grant the application subject to conditions, the application was refused at planning committee

- iii) Appeal by Mr D Saxby against West Lindsey District Council's refusal for the erection of a dwelling on land to rear of 10 Sands Lane, Scotter.

Appeal Dismissed – See copy letter attached as Appendix Biii

Officer's original recommendation to refuse permission.

M Gill
Chief Executive
The Guildhall
Gainsborough
25 February 2014

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

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1. **128675 - Outline planning application for proposed development of 6no. detached dwellings with associated garages, plots and infrastructure including new passing places to Poachers Lane, new bridge crossing Sudbrooke beck and necessary works to existing road. Also, proposed new cycle, pedestrian pathway to parish boundary with Nettleham.**

Land off Poachers Lane, Poachers Lane, Sudbrooke.

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:-

- a) **The proposed new pedestrian footway to the parish boundary between points Y and Z marked on the plan A appended to this report to an adoptable standard to enable adoption by the County Council but only following the completion of an adopted footway between points X and Y on the same said plan;**
- b) **The transfer of the hedge between points Y and Z to the Parish Council together with a commuted sum for its continued maintenance.**
- c) **The transfer of the playing field on Poachers Lane to the Parish Council marked hatched on Plan B appended to this report as community infrastructure for the village.**

but enables 3 but no more than 3 of the 6 dwellings to be completed and occupied prior to a), and b) being delivered with c) having to be delivered prior to the first occupation of any dwelling.

That, if the s106 is not completed and signed by the applicant, West Lindsey DC and Lincolnshire County Council within 6 months, the application be reported back to the next available Planning Committee for determination.

Appeal Decision

Site visit made on 3 January 2014

by Ian McHugh DipTP MRTPI

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

Decision date: 24 January 2014

Appeal Ref: APP/N2535/A/13/2207645

Land Adjacent to White House Lodge, Gainsborough Road, Middle Rasen, Market Rasen, LN8 3JU

- 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 A Naylor against the decision of West Lindsey District Council.
 - The application Ref 130304, dated 31 July 2013, was refused by notice dated 17 October 2013.
 - The development proposed is the erection of a bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of the occupiers of both the appeal property and White House Lodge, with particular regard to amenity space; outlook; and privacy.

Reasons

Character and Appearance

3. The appeal site currently forms part of the side garden area of White House Lodge, which is a detached bungalow situated towards the western end of Middle Rasen. Whilst the form and pattern of development in the wider area varies, in the vicinity of the site, the area is characterised by bungalows and houses positioned on relatively large, wide plots. This gives the area a spacious character and appearance.
 4. Middle Rasen is considered by the Council to be a sustainable location for new residential development. In that regard, the provision of a new dwelling would contribute towards the Council's wider housing requirements and would assist in addressing the undersupply of housing in the District. However, the proposal must also be considered against Policies RES 1 and STRAT 5 of the adopted West Lindsey Local Plan First Review 2006 (LP), which require (amongst other
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things) new development to be compatible with the local environment; reflect the character of the area; and to be satisfactorily integrated into the streetscape.

5. Whilst my attention has been drawn to other developments in Middle Rasen that are considered by the appellant to be similar to the proposal, the appeal site is significantly narrower than other plots in the immediate vicinity. Although a single storey building would in itself not be out of context (given the mix of house types in the area), in my opinion the narrow plot width would result in the proposal appearing cramped and constrained when compared to the surrounding development. I consider that the proposal would be out of context with the existing pattern of development in the vicinity of the site and, as a result, it would be significantly harmful to the character and appearance of the area. It would therefore conflict with Policies RES 1 and STRAT 5 of the LP as referred to above. In addition, paragraph 58 of the National Planning Policy Framework (the Framework) seeks to ensure that new developments add to the overall quality of the area; and respond to local character. In my opinion, the proposal would fail to achieve these aims.

Living Conditions

6. The Council states that the proposed bungalow is too large for the plot, resulting in a lack of private amenity space. Although the amount of private external space would be less than other properties in the vicinity of the appeal site, I note that it would have a south facing rear garden, which would be some 8.25m deep at its longest point. Given the relatively modest size of the proposed bungalow, I consider that the amenity space at the rear would be adequate for the needs of its occupiers.
7. The Council argues that the proposal would be harmful to the occupiers of both the proposed bungalow and the existing property (White House Lodge), due to the close proximity between the properties. The Council considers that this would result in overlooking and would also have an overbearing impact.
8. However, whilst both the appeal property and White House Lodge would have windows facing each other at ground floor level, any loss of privacy could, in my view, be adequately mitigated by boundary fencing and/or hedging.
9. With regard to the matter of overbearing, I am not persuaded that the proposal would be unacceptably harmful, given that both dwellings are single storey; and there would also be a gap (of approximately 6m-8m) between the two facing side walls of the buildings. I also note that the proposed bungalow would only have two windows on its side elevation, one of which would serve a lobby area. Consequently, I agree with the appellant that there would be no significant overbearing impact on either property.
10. I therefore conclude on this issue that the proposal would not be harmful to the living conditions of the occupiers of either the appeal property or White House Lodge. In that regard, there would be no conflict with criteria (v) of Policy RES 1 or criteria (ii) of Policy STRAT 5 of the LP. These both seek to ensure that new housing development would not be detrimental to the amenities of nearby properties. I also consider that the proposal would provide a good standard of amenity for existing and future occupiers, which is a requirement of the Framework (paragraph 17). However, my conclusion on this issue does not

outweigh the significant harm that I have identified above in relation to character and appearance.

Conclusion

11. For the reasons given, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR

Appeal Decision

Site visit made on 22 January 2014

by S M Watson BA(Hons) MCD MRTPI

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

Decision date: 12 February 2014

Appeal Ref: APP/N2535/A/13/2208130

3 The Oaks, Scothern, Lincoln, Lincolnshire, LN2 2WB

- 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 Mark Harris against the decision of West Lindsey District Council.
 - The application Ref 129973, dated 16 May 2013, was refused by notice dated 19 September 2013.
 - The development proposed is the change of use of land at the rear of 3 The Oaks from paddock to garden and the erection of an annex to 3 The Oaks.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have removed the word "single storey" from the description of the development as the plans show a first floor in the roof. The paddock is already being used as a garden so I am considering this element of the proposal retrospectively.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the countryside.

Reasons

4. The site is outside of the settlement limit of the village of Scothern and is therefore in the open countryside. The West Lindsey Local Plan First Review 2006 (LP) saved Policy STRAT 12 indicates that planning permission will not be granted in the open countryside unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies. The proposal is for none of these and therefore is contrary to this policy. The explanatory text indicates that there are occasions when development must take place in the open countryside, including, amongst other examples, if there is a need for housing to serve local communities. However, I have no evidence that Scothern requires additional housing.
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5. The new accommodation would be of a substantial size and whilst only 2 bedrooms are marked on the plan, there would be 5 garage spaces and extensive storage areas, in particular at first floor level, which, in total, amounts to a substantial building. I note the appellant's argument that a stable block is already approved and partially constructed on the site of the proposed accommodation. However, I saw at my visit that the footprint of the appeal building would be somewhat larger than the stable footprint and as there is nothing before me to show the height and bulk of the approved stables, the existence of this approval therefore has limited relevance to my consideration of the appeal proposal. In any event, a stables is more appropriate to a rural area than residential development.
 6. The extension of the garden into the open countryside covers a very large area. A garden is likely to incorporate ornamental planting, lawn, garden furniture, and other domestic paraphernalia whereas a paddock tends to be more visibly rural in character. The garden has already been substantially cultivated.
 7. One of the core planning principles of the National Planning Policy Framework is to recognise the intrinsic character and beauty of the countryside. The encroachment into the countryside of built form and domesticity would fail to respect that principal. I note the appellant's argument that the site would be screened by approved fencing but this does not overcome the permanent harm to the rural landscape.
 8. I therefore conclude that the proposal would harm the character and appearance of the countryside. It would conflict with LP Policies NBE 10 and NBE 20 which jointly seek to protect the rural character of the settlement edge and to protect landscape character.

Other Matters

9. One of the Council's reasons for refusal says that the proposed dwelling would not be incidental to the host dwelling and that it would not be within its curtilage. However, the proposal is such that the annex would be within the curtilage of the host dwelling. Circular 11/95 says that where there are sound planning reasons why the creation of an additional dwelling would be unacceptable it may be appropriate to impose a planning condition to the effect that the extension permitted shall be used solely as accommodation ancillary to the main dwelling house. As the option of imposing such a condition is available, there is no reason why the dwelling would not be ancillary. Therefore I find no conflict with LP Policy RES 13 in this respect.
10. The proposed annex would provide accommodation for the appellant's mother who needs care and I am conscious that the Framework encourages the delivery of a wide choice of high quality homes. I have had regard to these factors in my decision but they do not outweigh the permanent harm to the countryside.

Conclusion

11. For the above reasons I conclude that the appeal should be dismissed.

Siobhan Watson INSPECTOR

Appeal Decision

Site visit made on 17 February 2014

by **R Schofield BA(Hons) MA MRTPI**

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

Decision date: 20 February 2014

Appeal Ref: APP/N2535/A/13/2205740

Land to rear of No 10 Sands Lane, Scotter, Gainsborough, Lincolnshire DN21 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 Mr Darren Saxby against the decision of West Lindsey District Council.
 - The application Ref 129987, dated 29 April 2013, was refused by notice dated 2 August 2013.
 - The development proposed is erect dwelling on land to rear of 10 Sands Lane, Scotter.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Outlook

3. The direct outlook from the rear elevations and short rear gardens of 5 Poplar Grove (No 5) and 7 Poplar Grove (No 7) is over the open area that comprises the appeal site. This situation provides a sense of spaciousness to the outlook and, while a low fence separates the properties from the appeal site, it is otherwise unobstructed.
4. The garden of the appeal proposal would be situated directly behind No 7. Consequently, while the outlook from No 7, notably from rooms in the rear gable, would change as a result of the proposed development, it would largely retain its open aspect. The proposed two-storey dwelling would, however, be situated directly behind No 5, at a distance of around 4.5m from the boundary fence and running most of the width of No 5's short rear garden, into which a conservatory protrudes from the rear elevation. While part of the gable facing No 5 would be single storey, the width, height and proximity of the proposed dwelling would mean that it would nonetheless appear prominently in, and result in a marked change to, the outlook from No 5 particularly when using the conservatory and garden, even were screening to be secured.

5. The appeal proposal is unlikely to compromise the outlook from No 7 to a significant degree. It is evident, however, that the width and height of the proposed dwelling, in such close proximity to the boundary with No 5, would detract from the sense of spaciousness that currently exists in relation to the outlook from this property and would be overbearing and intrusive upon it.
6. Taking the above matters into consideration, I conclude that the appeal proposal would have an adverse impact upon the outlook from the neighbouring property at 5 Poplar Grove and, thus, upon the living conditions of its occupiers. Of the policies referred to by the Council, policies Res 1, Strat 1 and Strat 6 of the West Lindsey Local Plan First Review are most relevant. These seek, among other things, to ensure that new development would not be detrimental to the amenity of adjoining occupiers, land and properties. The appeal proposal would conflict with these policies.

Privacy

7. The rear (north) elevation of the proposed dwelling has a significant number of windows. These are to bedrooms, at first floor level, and to a family room and garden room, with a wide expanse of glass, at ground floor level. Views of both the garden and dwelling of No 7 would be oblique from these windows and I note the appellant's suggestion that viewing of No 7's amenity space would, therefore, be more difficult than a 'houses in a row' arrangement. However, I consider that the proximity of the proposed dwelling to No 7 would mean that views over No 7, although oblique, could easily be achieved and that this situation, with particular regard to the outlook from Bedroom 4, would compromise the privacy of the occupiers of No 7.
8. There is a single, small window in the east elevation of the proposed dwelling, which overlooks No 5 at first floor level. This window is to the stairs and, as such, is to an area through which occupiers are likely to be passing, rather than stopping to look out. Consequently, given the size and location of the window, I do not consider that this situation would have a significant adverse impact upon the privacy of the occupiers of No 5.
9. Taking the above matters into consideration, I conclude that, while the appeal proposal would not compromise the privacy of the occupiers of No 5, it would have an adverse impact upon the privacy of the occupiers of 7 Poplar Grove and, thus, upon their living conditions. Of the policies referred to by the Council, policies Res 1, Strat 1 and Strat 6 of the West Lindsey Local Plan First Review are most relevant. These seek, among other things, to ensure that new development would not be detrimental to the amenity of adjoining occupiers, land and properties. The appeal proposal would conflict with these policies.

Other Matters

10. It has been suggested that the scheme would be satisfactory in relation to the density of dwellings in the local area, would contribute to the supply of housing and addresses concerns raised by an Inspector in relation to a previous appeal on the site. Be that as it may, I do not find that these factors are sufficient to outweigh the harm that I have found to the living conditions of the occupiers of neighbouring properties.

Conclusion

11. For the reasons set out above, and taking all other matters into consideration, including the appellant's concerns about his interaction with the Council, I conclude that the appeal should be dismissed.

R Schofield

INSPECTOR