



Appeal Decision

Site visit made on 28 February 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25 March 2019

Appeal Ref: APP/N2535/W/18/3216652

24 Church Road, Saxilby, Lincoln LN1 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Tasker against the decision of West Lindsey District Council.
 - The application Ref 138126, dated 23 July 2018, was refused by notice dated 26 September 2018.
 - The development proposed is new one and a half storey dwelling on land behind existing house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with access, layout and scale to be determined and appearance and landscape reserved. I have considered the appeal accordingly.

Main Issues

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

Reasons

4. The appeal site comprises garden land to the rear of a detached property at 24 Church Road. Church Road is a predominantly residential area of relatively large detached and semi-detached properties in substantial grounds. Houses are set back ten metres or so from the highway and follow the curve of the road in a fairly consistent built-line which is an important element in the character and appearance of the area. To the rear of the site there are a number of other detached properties fronting Westcroft Drive, which have significantly smaller gardens. The proposal is for a new dwelling to be erected to the rear of No. 24 accessed by sharing the drive of the existing property.
5. The proposed dwelling would have a similar sized footprint to existing buildings on Church Road but would be set back from the highway by 50 metres or so and would not have a direct street frontage. The proposed dwelling would introduce an incongruous built form into the otherwise undeveloped gardens to

the rear of the properties on Church Road that would be harmful to the existing character and appearance of the area.

6. Therefore, the proposal would not accord with Policy LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan) and Policy 2 of the Saxilby with Ingleby Neighbourhood Development Plan 2017, which together seek to ensure that developments respect the existing townscape character, pattern of development and definition of streets.

Other Matters

7. Interested persons objected to the proposal due to potential overlooking. The proposed dwelling would be adjacent to the rear gardens of the neighbouring properties. Overlooking the neighbouring gardens on Church Road is unlikely to be any greater than the existing use of the garden. The proximity of the proposed dwelling to the rear boundary raises the potential for overlooking the gardens of properties on Westcroft Drive. However, final design of the proposed dwelling and boundary treatments are reserved matters and there may be no upper-storey windows facing the neighbouring properties to result in overlooking. This matter would therefore be addressed at the detailed consideration stage.
8. Interested persons also objected over potential noise, drainage and the impact of the scheme on wildlife and trees. Although the proposed dwelling would be closer to properties on Westcroft Drive than other Church Road properties the separation distances would be greater than the distances to the immediate neighbouring properties. The domestic noise likely to result from the proposed development would not have any greater detrimental impact than is likely from existing reasonable use and I therefore attach little weight to this argument.
9. The proposed dwelling would not be attached to the sewer and foul drainage would be achieved by a package treatment plant. Surface water would drain to a soakaway. There is no compelling evidence before me that the proposed dwelling or the removal of trees would increase the risk of flooding and I therefore attach little weight to the objection.
10. While the proposal would result in the loss of trees on the site these are not especially old or valuable examples and do not meet the criteria for protection. The Council's investigations have not identified the presence of any bats or other protected wildlife although I note that there is no ecological assessment in the evidence before me. While I would take a precautionary approach to protected species, given my conclusions on the main issues it is unnecessary to reach a determination on this issue.

Conclusion

11. For the reasons given, and taking account of all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR