



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: 10 April 2019

Appeal Ref: APP/N2535/W/18/3216551

Land Adjacent 25B Church Road, Stow, Lincoln LN1 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Charlie Lister against the decision of West Lindsey District Council.
 - The application Ref 138097, dated 17 July 2018, sought approval of details pursuant to conditions Nos. 2 and 3 of a planning permission Ref 134537, granted on 29 July 2016.
 - The application was refused by notice dated 18 October 2018.
 - The development proposed is described as outline planning application to erect 2no. dwellings – all matters reserved.
 - The details for which approval is sought are: access, appearance landscaping, layout and scale.
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Decision

1. The appeal is allowed and the details submitted pursuant to conditions Nos. 2 and 3 attached to planning permission Ref 134537 dated 29 July 2016, namely access, appearance landscaping, layout and scale details in accordance with the application Ref 138097, dated 17 July 2018 are approved subject to the additional conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Charlie Lister against West Lindsey District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to scale.

Reasons

4. Planning permission was given for two dwellings with all matters to be determined. The scheme now before me is for two five-bedroom detached houses with additional accommodation in the roof space. In terms of layout and landscaping, it is common ground that the proposed dwellings leave sufficient amenity space and that landscaping proposals are appropriate to the development. The plans also clearly show a turning area at the front of the properties to allow vehicles to enter and leave in forward gear.

5. In the report for outline planning permission the Council's officer noted that the site was on the edge of the village and would extend the built form into the countryside. The officer stated that notwithstanding the countryside location, two dwellings on the appeal site would not result in significant harm as they would be set against a backdrop of other residential dwellings. As the permission was granted that assessment was presumably accepted.
6. The Council now states that the view of the countryside beyond the edge of the village is a defining characteristic, the type of dwellings proposed would not be in keeping with nearby dwellings and would be overly dominant in size and style. The Council's evidence clearly points to the scheme being refused because of its countryside location as well as the scale and design of the buildings.
7. I have been referred to my previous appeal decision¹ in respect of an outline application for development of an adjacent field which dealt with the impact of that proposal on the open countryside. However, the main issue in that appeal was development beyond the settlement boundary. The scheme now before me has already determined that the location of the development is acceptable in principle and therefore is distinguished from my previous decision.
8. The proposed houses would occupy a similar footprint to the immediately adjacent dwellings on Church Road and the separation between the buildings would not differ to any appreciable extent to neighbouring properties.
9. Opposite the appeal site there is a large two-storey house at 22 Church Road with additional accommodation in the attic. This is a modern property and is a few metres higher than its neighbours and significantly closer to the road than either of the proposed dwellings would be. The buildings on the appeal site would be of a similar modern character and similar in scale. Therefore, the proposed dwellings would relate well to, and reflect surrounding properties. The set-back of the proposed dwellings would prevent the formation of an abrupt gateway from countryside to village.
10. Therefore, the proposal would accord with Policy LP26 of the Central Lincolnshire Local Plan 2017, which seeks to ensure that developments preserve or enhance the character and appearance of the area.

Other Matters

11. Outline permission was given for two dwellings on the appeal site subject to a number of conditions. Those conditions continue to apply and where they relate to pre-commencement matters, such as drainage, they will have to be satisfied before development commences.
12. Interested parties have raised a number of issues in addition to comments on the effect of the proposal on character and appearance of the area by reason of appearance, scale and landscaping. The comments include the loss of views from specific houses, other refused applications, ecological and flooding issues, highway safety and overdevelopment of the site. The loss of a view is not a planning consideration. The other matters would be pertinent to a planning application, but the permission already exists for development of the appeal site and therefore other matters cannot be considered unless they directly relate to reserved matters.

¹ APP/N2535/W/17/3192633

Conditions

13. The conditions in the attached Schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance. For certainty I have imposed a condition requiring compliance with the relevant application plans.
14. In the interests of protecting the character and appearance of the area I have imposed conditions requiring approval of materials for the external surfacing of the proposed dwelling and implementation of landscaping works. To protect retained trees and prevent root damage I have imposed a condition requiring fencing. I have not imposed a condition requiring the implementation of boundary treatments in accordance with the approved plans as this is already required by the first condition.

Conclusion

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

D Guiver

INSPECTOR

Schedule

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: ARQ/1140/03, ARQ/1140/04, ARQ/1140/05, ARQ/1140/06 and ARQ/1140/07.
- 2) Notwithstanding Condition 1, no development shall take place until details of the external finishing materials of the buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The 'no dig' root protection areas shown on the plan ARQ/1140/03 shall be protected in accordance with the details shown on the plans. Fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto 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 within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

END OF SCHEDULE