



Appeal Decision

Site visit made on 4 February 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/N2535/W/19/3242125

**Bucknell Farm, Gainsborough Road, Scotter Common, Gainsborough
DN21 3JF**

- 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 Niki O'Hara against the decision of West Lindsey District Council.
 - The application Ref 139569, dated 6 June 2019, was refused by notice dated 5 September 2019.
 - The development proposed is the demolition of existing bungalow and its replacement with a two storey dwelling, outbuilding and porous driveway.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and its replacement with a 2 storey dwelling, outbuilding and porous driveway at Bucknell Farm, Gainsborough Road, Scotter Common, Gainsborough DN21 3JF in accordance with the terms of the application, Ref 139569, dated 6 June 2019 subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area due to size and scale.

Reasons

3. The proposed development would result in the demolition of the existing single storey bungalow and its replacement with a new detached 4-bedroom, 2 storey residential dwelling. The existing bungalow is located in land that is defined as countryside and an Area of Great Landscape Value.
4. The size of the proposed residential dwelling would be considerably greater than the original bungalow. The proposed property would be approximately 2.9m higher and have a 59% larger footprint than the existing structure.
5. Policy LP55, Part B (Replacement of a dwelling in the countryside), paragraph d of the Central Lincolnshire Local Plan, 2012 – 2036, adopted April 2017 (the LP), states that the replacement dwelling is of a similar size and scale to the original dwelling. Consequently, this appeal proposal does not accord with this policy requirement.

6. However, the principle of a larger replacement dwelling has already been established by the extant planning permission (136535) approved on 25 September 2017. It was considered by the Council that a dwelling larger than the existing bungalow would be required to achieve a satisfactory modern family dwelling house.
7. I have therefore acknowledged the Council's reasoning and taken into account both the fall-back position of this extant planning permission and the Prior Approval (130381), which was granted for a single storey replacement dwelling on this site. Both of these approved developments would be greater in size and scale than the existing dwelling.
8. The surrounding area consists of a variety of residential and commercial properties, which includes sizeable detached 2 storey residential properties, within spacious plots with large separation distances. Although the replacement property proposed in this appeal would be one storey higher than the existing bungalow, this would not be out of character in this locality. The size and scale of this proposed development would be in keeping with other properties in the surrounding area.
9. Furthermore, the proposed property would not be visible from the Gainsborough Road, it would be set back within its own spacious mature gardens and accessed by a quiet private lane shared by a few other residences. Additionally, it would be situated a good distance from other dwellings and would therefore not dominate or reduce the openness of the area. Moreover, it would be well screened by existing mature trees and hedgerows in most directions. This would allow the new 2 storey property to blend into its surrounding setting and prevent any significant detrimental impact on the character and appearance of the surrounding area.
10. The Council did not consider that the new dwelling would conflict with any policies relating to visual impact. They stated that the introduction of a much larger two storey replacement dwelling would not be more visually intrusive or harmful to the appearance of the open countryside or the Area of Great Landscape Value than the existing dwelling. Following my site visit and having examined the evidence before me I would agree with these findings.
11. I have also taken into consideration that when the Council approved the dormer bungalow, they considered that this proposed dwelling would be considered as the upper limit of what could be accepted in terms of size and scale when compared to the existing dwelling. However, in this case I can give this little weight, as they provided limited information to justify their reasoning.
12. I have also given consideration to the benefits that this proposal would bring. It would replace an empty bungalow, consisting of a dated corrugated cement façade, with a large modern family dwelling, which would have the benefit of contributing to the local housing supply.
13. Consequently, I conclude that the proposed development would not harm the character and appearance of the surrounding area due to its size and scale. Whilst there is conflict with policy LP55, Part B, criteria d of the LP, which requires that a replacement dwelling in the countryside is of a similar size and scale to the original dwelling. I consider in this case that the other considerations outweigh this conflict and in accordance with 38(6) of the Planning and Compulsory Purchase Act 2004 I allow this appeal.

Conditions

14. The Council have suggested a number of conditions which I have considered alongside the advice in the National Planning Policy Framework (2019) and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case; however, some have been edited for precision and clarity and to better reflect the relevant guidance.
15. In addition to the statutory implementation condition, I also consider that it is necessary in the interests of clarity to require compliance with the submitted approved plans, unless further modified by any condition set out below. A condition requiring external materials to safeguard the character and appearance of the building and its surroundings is necessary; this will also ensure that materials have a low environmental impact.
16. The living conditions of the occupants of the neighbouring properties will be protected by a condition relating to the submission of a Construction Method Statement. While a tree protection plan including details of protective fencing will ensure that the trees and hedgerows on the site are safeguarded in the interest of visual amenity and biodiversity. I have also imposed a condition relating to driveway construction details to further ensure that the existing trees are protected during construction works.
17. Finally, to safeguard the living conditions of existing and future residents I have included a detailed surface water and foul drainage condition to promote sustainability and safeguard the site from flooding and pollution.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

D Hilton-Brown

INSPECTOR

SCHEDULE OF 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: 1902 L(0-) 001; 1902 L(0-) 010; 1902 L(--) 100; 1902 L(--) 101; 1902 L(--) 200; 1902 L(--) 300.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority.
- 5) No site clearance, preparatory works or development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of tree and hedgerow protection measures. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development
- 6) No development shall take place until details of the driveway construction method have been submitted and agreed in writing by the local planning authority. This must include an appropriate no dig above ground level system within the root protection areas of existing trees. The approved method shall be retained thereafter.
- 7) No development shall take place until details of surface and foul water drainage for the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.