



Appeal Decision

Site visit made on 24 June 2020

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 15 July 2020

Appeal Ref: APP/N2535/W/20/3245962

Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU

- 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 Sath Vaddaram against the decision of West Lindsey District Council.
 - The application Ref 140180, dated 19 October 2019, was refused by notice dated 9 January 2020.
 - The development proposed is 'Demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping at 30 Wragby Road, Sudbrooke Lincoln LN2 2QU'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Sudbrooke Neighbourhood Plan (NP) was formally 'made' on 13 February 2020. The version considered as part of the officer report incorporated all of the modifications required by the Examiner's report dated 18 October 2019 and therefore I have not sought any further comments from the parties on this matter. The NP forms part of the development plan for Sudbrooke and I have given full weight to its policies in the determination of this appeal.

Background and Main Issues

3. The reasons for refusal refer to the sustainability of the appeal site's location and the effect on the character of the area. However, the comments from third parties refer to the impact on the living conditions of adjoining occupiers and the appellant has had an opportunity to comment on these representations. Accordingly, the main issues in this case are:
 - Whether this would be a suitable location for the proposed development having regard to the accessibility of local services and facilities including by sustainable modes of travel;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect on the living conditions of the occupiers of No 28 Wragby Road (No 28), having particular regard to light levels and noise and disturbance.

Reasons

Location

4. The appeal site is at the end of a short row of detached dwellings to the south of the A158 Wragby Road and comprises a detached inter-war house set back from the road with a front and rear garden. The appeal proposal is for the replacement of the existing dwelling with a large House of Multiple Occupation (HMO) with eight ensuite bedrooms, a communal kitchen/diner and living area, parking to the front and rear of the property and a patio and outdoor area to the rear.
5. The Central Lincolnshire Local Plan (2017) (LP) Policy LP2 identifies Sudbrooke as a 'medium village' that will accommodate a limited amount of development in order to support its function and sustainability. Typical development proposals will be on sites of up to nine dwellings and the scale of the proposal accords with LP Policy LP2.
6. LP Policy LP4 sets out the growth allocations for the villages. Whilst I note that the allocation for Sudbrooke has been met, the appeal proposal would not result in a net addition to the housing stock. Consequently, LP Policy LP4 and NP Policy 1 which deals with additional residential development in Sudbrooke, including growth limits, are not directly relevant to the appeal proposal.
7. Although the proposed development would be on the southern-most edge of the village, there is a pedestrian footway on the north side of the A158 and this would enable residents to walk to the services and facilities in Sudbrooke which include a food store, post office, garage and a village hall. I appreciate that this is a busy stretch of road in a 50mph zone, but that situation would equally apply to any existing residents at the appeal property and adjoining properties.
8. Local roads would also be suitable for cycling and facilities for bike storage within the development could be secured by means of a planning condition. There is a bus stop approximately 400 metres to the west of the site with services to Lincoln and other towns including Horncastle and Skegness. Accessing facilities such as larger shopping trips, employment and medical services would be likely to generate travel by private car. However, there would at least be a choice to use sustainable modes of transport to access local facilities in Sudbrooke.
9. The scale of development proposed would not undermine the aim of LP Policies LP13 and LP18 to minimise the need to travel and maximise the use of sustainable transport. The proposal would not conflict with LP Policy LP1 which seeks sustainable patterns of growth in the District nor with LP Policy LP2 which allows for a limited amount of development to support the function and sustainability of Sudbrooke. Overall, I conclude that this would be a suitable location for the proposed development having regard to the accessibility of local services and facilities by sustainable modes of travel.

Character and appearance

10. The site falls within the Wragby Road Character Area in the NP and Sudbrooke Character Assessment. Development to the north of Wragby Road includes large detached properties set in spacious plots with dense tree and hedge planting which contribute to the verdant and green appearance of the southern edge of the village. The open countryside to the south of Wragby Road affords

long distance views of the wider rural landscape. The existing dwelling on the appeal site is vacant, in a poor state of repair and is enclosed by unsightly metal security fencing. However, any adverse visual impact arising from this is localised and does not encroach into nor cause any wider harm to the rural landscape to the south.

11. The proposed building would be sited over the footprint of the existing dwelling but would extend across the width of the plot and approximately 3 metres beyond the rear extension of the adjoining dwelling at No 28. The front elevation would be in line with the adjoining dwellings and would maintain the strong building line of the row. The ridge height would also be the same as the adjoining dwellings. The flank wall of the new building would be prominent in views when approaching along Wragby Road from the east, but the flank wall of the existing dwelling is already conspicuous when viewed from this direction and the retention of the existing hedge on the common boundary with the Public Right of Way (PROW) to the east could be secured by means of a planning condition. The additional length of the flank wall would not be unduly conspicuous or intrusive when viewed from the east on Wragby Road or from the PROW.
12. Proposed design features such as the hipped roof, the vertical proportions of the projecting gables and use of brick and render would reflect features of the adjoining properties. Overall, whilst of a larger footprint, I find that the proposed building would be acceptable in terms of its scale, massing and appearance and it would be viewed in conjunction with the adjoining dwellings to the west. The important characteristics of the Wragby Road Character Area identified in the NP, and the visual connection with the wider rural landscape to the south of the site would not be adversely affected. The proposal would also not interrupt or harm key views of the village and the important view (No. 10) to the west of No 24 Wragby Road identified in the NP.
13. The scale and appearance of the proposed development would be acceptable and it would not adversely affect the character and appearance of the surrounding area. The proposal would accord with LP Policy LP26 in so far as it requires new development to respect landscape character and relate well to the site and surroundings. It would also comply with NP Policy 9 in so far as it requires new development to respond to the distinctive character areas in Sudbrooke and make a positive contribution in terms of design quality including scale, height, form, massing, style, detailing, landscaping and use of materials.

Living Conditions

14. The proposed new building would be approximately 0.75 metres from the common boundary with No 28. The proposed 2 metre boundary wall and flank wall of the new building would be positioned alongside the two high level windows in the side elevation of No 28 which serve a dining room. The high level position and limited size of these existing windows will already compromise levels of daylight and sunlight reaching that room to some degree and any further reduction in light levels would be likely to be marginal and would not cause material harm to the occupier's living conditions. Another high level window in the side elevation of the ground floor extension to the rear of No 28 would also be affected, but as that room is also served by a large south facing patio window it would continue to receive adequate levels of daylight and sunlight.

15. In the rear first floor elevation of No 28, the closest window to the appeal property is a bay type window serving a bedroom. I note that the occupier has submitted plans confirming the correct position of this window and that the proposed building would breach the '45 degree' guideline. Whilst there would be some loss of daylight and additional shadowing particularly during the morning period, due to the generous size of the window and its orientation facing south, the room would be likely to continue to receive adequate levels of daylight and sunlight.
16. The appeal proposal includes four parking spaces to the front of the building and four to the rear which would be accessed by a passageway through the building and alongside the common boundary with No 28. An outdoor patio to the rear of the property and rear garden area would also be provided.
17. Although the location of the property means that walking, cycling and use of public transport would be possible, it is reasonable to expect that some of the occupiers would use cars. The differing patterns of activity throughout the day associated with the individual lifestyles of eight occupiers would be likely to result in more frequent trips to and from the property including by car compared with occupation by a single household.
18. At my site visit, traffic noise from the A158 was audible from the rear garden of the appeal property. Notwithstanding this, the rear garden to No 28 is private and established and enjoyed in conjunction with the dwelling. The noise and disturbance from vehicles moving through the passageway and manoeuvring in the rear parking area would be in close proximity to the side windows and rear garden of No 28 and would be noticeable above the existing background noise levels. The proposed 2 metre high wall would not mitigate this impact, particularly when ambient noise levels are lower such as during the evening and night time. The patio and rear garden area would also be likely to be used more intensively compared with use by a single household.
19. Overall, whilst there would be no material harm to the living conditions of No 28's occupiers arising from the loss of daylight and sunlight, the noise and disturbance arising from the daily activities of eight people living in close proximity would be significantly different when compared to occupation of the appeal property by a single household and would cause material harm to the living conditions currently enjoyed by the occupiers of No 28. I have considered whether this could be mitigated by means of a planning condition, but since it would be likely to be necessary to restrict hours of use and occupancy levels such a condition would not be reasonable and would not meet the tests for conditions set out in the Framework and the Planning Practice Guidance.
20. The appeal proposal would conflict with LP Policy 26 which states that the amenities of existing and future occupants of neighbouring buildings may reasonably expect to enjoy must not be unduly harmed by development, including through adverse noise. There would also be conflict with NP Policy 9 which seeks to protect the amenity of neighbouring occupiers. Whilst I acknowledge that the appeal scheme has been amended to take account of the impact on the living conditions of the adjoining occupier and that I have reached a different conclusion from the Council on this issue, I have come to my conclusion based on the circumstances of the site, the proposed development and the evidence before me.

Other Matters

21. The need for the type of accommodation proposed and queries about who would occupy the property are not matters before me as part of this appeal. The impact on highway safety has been raised in representations but as I am dismissing the appeal for other reasons and because it will not affect the outcome, I make no further comment on this matter.
22. The burning of materials on the site is a matter for the Council to deal with under other legislation.

Planning Balance and Conclusion

23. I have found that the proposed development would be in a suitable location having regard to the accessibility of local services and facilities and would not harm the character and appearance of the area. I have also had regard to the various points in support of the scheme, including that it would provide good quality visitor and business accommodation in close proximity to Lincoln, diversify the type and choice of accommodation in the area and that it would improve the appearance of the site. However, none of these considerations, nor any of the other matters raised would outweigh the material harm that would be caused to the living conditions of the occupiers of No 28 and the conflict with the development plan.
24. For the reasons outlined above, and having had regard to all other matters raised, the appeal should be dismissed.

Sarah Housden

INSPECTOR