



Appeal Decision

Site visit made on 23 August 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/N2535/W/21/3275033

Land to rear of 8 Sudbeck Lane, Welton, Lincoln LN2 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 Mrs Foster against the decision of West Lindsey District Council.
 - The application Ref 142480, dated 16 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is erect 1no. dwelling with associated garaging and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Both main parties have had the opportunity to comment on any relevant implications for this appeal.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issues

4. The main issues are the effect on:
 - Designated heritage assets; and
 - The living conditions of residents of 8 Sudbeck Lane with regards to privacy.

Reasons

Designated Heritage Assets

5. The appeal site is located within the Welton Conservation Area (CA). The site is part of the large garden to the rear of the host dwelling, which in turn is located close to Sudbeck Lane.
6. The character of Sudbeck Lane is varied, with the area to the north consisting of a mixture of buildings including relatively modern dwellings and backland

- development. The area to the south of the appeal site consists of a modern housing estate of a suburban character.
7. However, the appeal site is located in an area to the south of Sudbeck Lane which is of a distinct traditional character. The CA Appraisal includes the appeal site and the neighbouring properties of 12 Sudbeck Lane and Stonefaces as being the greatest concentration of 18th Century buildings in Welton. The CA Appraisal sets out that an important part of the village's character is the arrangement of sites with the house built right up against the road and facing onto the garden, with long gardens to the rear to maximise their potential for food production. The extensive gardens of the appeal site and neighbouring properties reflect this arrangement, even allowing for the set-back of No 8 from the highway. The traditional appearance and arrangement of the appeal site therefore contributes to the character and appearance of the CA and its importance as a designated heritage asset.
 8. Within this context, the appeal proposal would appear as a backland development which detracts from the traditional layout of this important part of the CA. Whilst views from the highway would be fleeting, the driveway would enable views of the development, and I consider that the unsympathetic arrangement of the appeal proposal would be apparent. As well as from the public realm, it would also be visible from surrounding properties. For these reasons, the appeal proposal would not preserve or enhance the character or appearance of the CA and would be harmful to it.
 9. Stonefaces is a Grade II Listed Building which is one of the dwellings identified as part of this important group within the CA. The CA Appraisal indicates that this listing is in part due to the building's relatively unaltered character. This Listed Building reflects the traditional layout of this part of the CA, being set adjacent to the highway and facing onto an extensive garden to the rear. Due to its similar arrangement, the appeal site makes a positive contribution to the setting of the Listed Building and its appreciation as a designated heritage asset. The proposed dwelling would be apparent as a detracting feature from the rear of the Listed Building. The unsympathetic location of the proposed dwelling would therefore not preserve the setting of the Listed Building of Stonefaces and indeed would harm it.
 10. The appeal proposal includes some contemporary elements as well as traditional features. Within a CA or in association with other heritage assets, a contemporary design can be an appropriate approach to new development. However, the design approach would not mitigate for the unsympathetic location of the appeal proposal, and in the context of this site I consider that the proposed materials and contemporary design features would add to its incongruous appearance.
 11. I have had regard to the Heritage Statement¹ submitted by the appellants. Whilst this identifies some minor negative effects on heritage assets, it considers that these can be offset by measures including the reinforcement of soft boundary treatment and the retention of trees. However, I consider that even with such treatment in place the unsympathetic design and location of the proposal and the resultant harm to designated heritage assets would still be apparent.

¹ APS Report NO: HS/123, January 2021

12. There is a large garage on a neighbouring site. However, this is subordinate to the host dwelling and does not justify a development of the scale and arrangement of the appeal proposal.
13. I have also had regard to a relatively recent appeal decision on Sudbeck Lane² as well as the contemporary design features of the dwelling at 5 Sudbeck Lane. However, these sites are located to the north of Sudbeck Lane which is of a different character to the area to the south containing the appeal site, and in particular this important group of buildings and their setting. The circumstances of those proposals are therefore materially different to the appeal before me, which I have determined on its own merits.
14. I am mindful of the benefits of the proposal, including the contribution to the supply and mix of housing in the large village of Welton. However, the benefits arising from a single dwelling would be very limited.
15. I conclude that, due to its design and location, the proposal would fail to preserve or enhance the character or appearance of the CA and would not preserve the setting of the Listed Building of Stonefaces. Whilst the harm to these designated heritage assets would be less than substantial, there are no public benefits arising from the proposal which would outweigh that harm. The proposal would therefore be contrary to the townscape, historic environment and design requirements of policies LP2, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan), including in respect of infill development. The proposal would also be contrary to policy EN5 of the Welton-by-Lincoln Neighbourhood Plan 2016 in respect of the conservation of heritage assets. The proposal would also conflict with the Framework with regards to conserving and enhancing the historic environment.

Living Conditions

16. The proposal would subdivide the existing garden of No 8, with the new dwelling built to the rear. Although the new dwelling would be set back from the new rear boundary of No 8, first floor windows of the proposal which serve bedrooms would enable an elevated views of the rear garden of No 8. Due to the elevated nature of this view as well as the proximity to the site boundary, this would lead to an intrusive degree of overlooking from the appeal proposal to the detriment of the privacy of residents of the host dwelling. This harm would be exacerbated due to the limited area of the rear garden of No 8 which would result from the proposal.
17. The separation distance between the elevations of the existing and proposed dwellings would be such that this would not lead to unacceptable intervisibility between the buildings. However, this does not outweigh my conclusions in respect of the loss of privacy to the rear garden of the host dwelling.
18. I conclude that due to its siting and design, the proposal would lead to an unacceptable degree of overlooking of the rear garden of No 8, with significant harm to the living conditions of residents of that property in respect of privacy. The proposal would therefore conflict with the amenity considerations of policy LP26 of the Local Plan and paragraph 130 of the Framework.

² Appeal Ref: APP/N2535/W/16/3154465

Conclusion

19. Due to the identified harm to designated heritage assets and living conditions, the proposal would conflict with the development plan. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR