



Appeal Decision

Site visit made on 22 February 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/N2535/W/21/3280194

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Sath Vaddaram, Vaddaram Ltd against the decision of West Lindsey District Council.
 - The application Ref: 142148, dated 12 December 2020, was refused by notice dated 4 February 2021.
 - The development proposed is described as 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 - resubmission of planning application 140180.
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Decision

1. The appeal is allowed and planning permission is granted for 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 Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU in accordance with the terms of the application, Ref: 142148, dated 12 December 2020, and the plans submitted with it, subject to the conditions on the attached Schedule A.

Application for costs

2. An application for an award of costs was made by Mr Sath Vaddaram, Vaddaram Ltd against West Lindsey District Council. This application is the subject of a separate decision.

Preliminary Matter

3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

Main Issue

4. The main issue in this case is whether the proposal would be suitable in terms of a) the effect of the proposed development on the living conditions of neighbouring occupiers of No 28 Wragby Road, with particular regard to noise and vibration disturbance, air quality, land use compatibility, and b) development function and quality.

Reasons

5. The appeal site comprises a two-storey detached house at one end of a row of four detached dwellings. The host row is located on the south-eastern side of the A158 Wragby Road. A public footpath runs alongside one side of the appeal property, and beyond that fields lie beyond three sides of the row of dwellings.
6. The proposal would entail an eight bedroom house of multiple occupation (HMO), with four parking spaces at the front, and to the rear four more parking spaces accessible through an archway in the building, and a garden area.
7. A Noise Impact Assessment (NIA) of the proposal has been prepared by the appellant's acoustics, noise and vibration consultants since the previous appeal dismissal¹. Much of the side boundary between the appeal property and No 28 is open, which contributes to the locational suitability of the NIA, to relevantly assess the noise impact of the proposal.
8. I observed during my site visit, albeit a snapshot in time, that in front of the host row of dwellings Wragby Road is an apparently busy stretch of A-road with a 50mph speed limit, and a steady stream of car and lorry traffic passing relatively close by in both directions. This resulted in an almost constant whooshing sound of vehicle noise, noticeable from the front and rear of the appeal property. As such, the proximity of the road and its associated vehicle noise is a distinctive factor in the setting of the site.
9. Within this context, up to eight cars at the proposed development would be a minor proportionate addition to vehicular volume and soundscape, on and in the vicinity of the appeal site.
10. Furthermore, the proposal would include the addition of some perimeter walling, including along the side boundary with No 28. The Council's Environmental Protection Officer considers that such an acoustic barrier would be a suitable solution in containing actual and perceived effects of vehicle movements. Within the road noise context, and given the NIA's indication that the proposal would not cause significant additional noise, and the addition of the perimeter wall would be acoustically positive, I agree on this point.
11. Also, the south-eastern side wall of the proposed building's archway access to the four rear parking spaces would provide further separation of vehicle movement from the neighbouring property.
12. The proposed rear garden space is at the bottom of the garden, furthest away from the host row of houses, and not adjoining much of No 28's rear garden. Also, it is unlikely that all the residents of the HMO would regularly use the rear garden at once. Together these factors indicate it is unlikely that the proposal would result in an intensity of garden activity that would harmfully detract from neighbours' enjoyment of their garden.
13. As indicated by the Council's Senior Development Management Officer², licensing regulations could be used to control occupancy levels at the property. Also, even if other persons were, for example, to visit the up to eight envisaged residents of the HMO, the quantity of proposed parking spaces and area of

¹ Appeal Ref: APP/N2535/W/20/3245962 (the 2020 appeal decision).

² As stated on page 150 of the Minutes of the Planning Committee, 3 February 2021.

- garden would not increase beyond those assessed, and so would limit the scope for more comings and goings and activity on the site.
14. Furthermore, appropriate details of waste storage and management arrangements can be secured by planning condition
 15. Given this combination of factors, I find that within the context of the residential row of detached houses facing an apparently busy stretch of A-road, the proposal is not likely to result in an unduly harmful increase in noise and vibration impacts, and air quality impacts from odour, fumes, smoke, dust and other sources, for neighbouring occupants of No 28 Wragby Road. As such, amenity considerations r and s of Policy LP26 of the Central Lincolnshire Local Plan (LP) would be satisfied.
 16. Furthermore, the proposed boundary wall would help to visually contain vehicle and other domestic light at the proposed HMO. Within the context of the residential row, this would avoid a harmful increase in artificial light spill or glare from the appeal proposal for neighbouring occupants of No 28 Wragby Road. As such, amenity consideration q of Policy LP26 of the LP would be satisfied.
 17. In terms of how the proposal would fit in with the character of the area, the Inspector in the 2020 appeal decision found that the proposed building and roof form, front elevation line and ridge alignment with the host row, viewed in conjunction with dwellings to the south-west would together help make the scale and appearance of the proposed development acceptable. I agree on this point. Furthermore, I attach a planning condition for retention of the appeal site's perimeter hedging adjoining the countryside, as suggested by the previous Inspector, to further help protect local character.
 18. Also, the proposal would provide modern en-suite HMO accommodation with off-street parking in a detached building of sympathetic design, thus adding to local housing choice in the village, within the context of an existing row of detached dwellings that is accessible to the A158.
 19. Consequently, the proposed development is likely to function well during its lifetime, and add to the quality of the area. As such, the proposed development would accord with paragraph 130 (a) of the Framework³. Also, it would be compatible with neighbouring land uses, in accordance with amenity consideration m of Policy LP26 of the LP.
 20. I therefore conclude that while the proposal would entail an intensification of residential activity and occupation at the end of this row of dwellings, it would not harm the living conditions of neighbouring occupants of No 28 Wragby Road, in terms of noise and disturbance, artificial light glare, air quality and land use compatibility. It would also deliver acceptable development function and quality.
 21. As such, the proposal would not conflict with amenity considerations m, q, r and s of Policy LP26 of the LP and criterion b) of Local Design Principle 2 of Policy 9 of the Sudbrooke Neighbourhood Plan, which together seek to ensure

³ Previously numbered as paragraph 127a) in the superseded version of the Framework.

that development achieves suitable design quality, including by safeguarding residents living conditions.

Other Matters

22. The proposal would provide residential accommodation on a residential site, albeit in a larger and intensified form, perimeter hedging would be retained, and a garden area adjoining countryside would be included, with scope for birds and other wildlife to use it. As such, the proposal would be acceptable in terms of wildlife interest.
23. Given the identified acceptability of various aspects of the proposal, and that each development proposal is to be determined on its own merits, allowing this appeal would not establish an inappropriate precedent.

Conditions

24. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made minor drafting changes in the interests of precision.
25. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition relating to drainage is necessary to secure appropriate drainage provision. A condition covering vehicular space is necessary in the interests of highway safety. A condition regarding waste is attached to ensure appropriate waste storage and collection arrangements. Conditions regarding materials and hedging are attached to safeguard the character and appearance of the area. A condition covering boundary walling is necessary in the interests of the living conditions of neighbours.

Conclusion

26. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

William Cooper

INSPECTOR

Schedule A) 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: L-ADD-026 - 01 Site Location Plan; L-ADD-026 - 02, 1:500 Block Plan; L-ADD-026 - 03 Existing Site Plan; L-ADD-026 - 04 Existing Floor Plans; L-ADD-026 - 05 Existing Elevations; L-ADD-026 - 10 Proposed Site Plan; L-ADD-026 - 11 Proposed Ground & First Floor Plans; L-ADD-026 - 12 Proposed Second Floor & Roof Plans; L-ADD-026 - 13 Proposed Elevations; L-ADD-026 - 14 Proposed Street Elevation.
- 3) No development above foundation level shall take place until there shall have been submitted to and approved in writing by the local planning authority details of the means of foul and surface water drainage, including percolation tests. The approved details shall be implemented in full prior to occupation of the development.
- 4) Prior to occupation of the development hereby permitted, the vehicular access amendments, vehicular access through the building, and parking and turning areas, as shown on drawing L-ADD-026-10 shall be provided. The measures implemented as approved shall be retained thereafter.
- 5) Notwithstanding the submitted details, prior to occupation of the development hereby permitted there shall have been submitted to and approved in writing by the local planning authority details of waste storage and collection arrangements. The details as approved shall be adhered to thereafter.
- 6) Prior to their use in the development, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.
- 7) The existing boundary hedge along the north-eastern and south-eastern perimeters of the site, as illustrated on Proposed Site Plan drawing L-ADD-026 - 10, shall be preserved during construction, and retained and maintained thereafter as a green screening element alongside the adjoining right of way and countryside.
- 8) Prior to commencement of the development hereby permitted, details of boundary wall heights and highway visibility splays shall be submitted to and agreed in writing by the local planning authority. The walling as approved shall be constructed prior to the first occupation of the development, and retained and maintained while the development is in use.