



Appeal Decision

Site visit made on 1 February 2023

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 FEBRUARY 2023

Appeal Ref: APP/N2535/W/22/3306201

45 Mill Lane, Saxilby, Lincolnshire LN1 2HN

- 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 S Osborne against the decision of West Lindsey District Council.
 - The application Ref 144491, dated 25 February 2022, was refused by notice dated 28 April 2022.
 - The development proposed is a dwelling to rear of 45 Mill Lane Saxilby.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling to rear of 45 Mill Lane Saxilby at 45 Mill Saxilby, Lincolnshire LN1 2HN in accordance with the terms of the application, Ref 144491, dated 25 February 2022, subject to the following 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 approved plan F3039 - A1 – 01, dated Feb 2022.
 - 3) No development shall take place above ground level until details of the materials to be used in its external surfaces have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place above ground level until details of a scheme for the management and disposal of foul and surface water has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is the garden of No 45 Mill Lane which stretches east, to the rear of the dwelling. The host building is a two storey detached unit set to the very front of the plot, close to the back edge of the highway. Unconventionally, it has its side elevation to the road with an enclosed garden space to the south. There is a single storey extension abutting a private driveway which is shared with the neighbour at No 49.

4. In terms of the immediate area, development is mainly across the frontage and single tier but varies in the type and size of buildings. There are a limited number of examples of back land type development. Mays Lane sits to the south and stretches much further east. Plot sizes vary in their size and width. There is a sense of openness and spaciousness to the character of the rear, albeit buildings tend to be quite close together. There is no clear uniformity to the set back from the road.
5. The plot for the dwelling would be contextually small but, given the spacing between buildings generally this would not appear out of place. The mixed and clustered nature of surrounding buildings gives the immediate area something of a tight knit and informal feel to its layout within which the proposal would sit comfortably.
6. It would be one of the limited numbers of back land type development locally but when read against the development to the south and the fact that there is already an established driveway running to where it would be sited, the fact it would be establishing a second tier of development would not affect the character of the area adversely. It would be a bungalow and thus contrasting with the host building, but the mixed appearance of architecture in the immediate area would assimilate it acceptably.
7. With this in mind, the appeal scheme would not cause harm to the character or appearance of the area and, consequently, comply with Policy 2 of the Saxilby with Ingleby Neighbourhood Plan which sets out, amongst other things, that all new development must deliver good quality design that respects the existing pattern of development and be of an appropriate scale and density in relation to its setting.

Other Matters

8. The Council's reason for refusal refers to the 'accompanying character assessment'. I have not been passed a copy although there is some discussion thereof in the appellant's evidence where it is noted as The Saxilby with Ingleby Village Character Assessment. The appeal site appears to be in sub area G. Having regard to these extracts and my findings above I do not find any direct conflict with it. I have in any case assessed the appeal scheme against the development plan as it is referenced by the Council in its reason for refusal and found it to comply.
9. In terms of the pathway to the proposed dwelling, there is some concern that it would not be wide enough for disabled access. On my understanding of the plans proposed this does not seem to be the case. The driveway is pre-existing and of considerable width. There also appears to be space between the proposed dwelling and the plot boundary for access to the rear. In any case, the finer details of such matters is usually addressed through the building regulations process.

Conditions

10. I have imposed the following conditions, taking account of the Council's suggestions. I have made some changes to suggested wording in the interests of clarity and enforceability.
11. I have attached the usual conditions pertaining to the timescale for the commencement of works and compliance with the approved plan. I have

required the submission of materials so a suitable external appearance can be achieved and, for functional purposes, stated that a scheme should be agreed to control the management and disposal of foul and surface water. It would be sufficient for such detail to be, as the Council have suggested, agreed prior to any works above ground level.

Conclusion

12. The appeal scheme would comply with the development plan. It is for this reason that the appeal should be allowed and planning permission granted, subject to the conditions set out above.

John Morrison

INSPECTOR