
Appeal Decision

Site visit made on 11 July 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 31 July 2017

Appeal Ref: APP/N2535/W/17/3172961

Land adjacent to Newhaven, Ferry Road, Southrey, Lincoln LN3 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Brian Blyth Daubney against the decision of West Lindsey District Council.
 - The application Ref 135446, dated 9 November 2016, was refused by notice dated 18 January 2017.
 - The development proposed is the erection of one dwelling with all matters reserved.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling at land adjacent to Newhaven, Ferry Road, Southrey, Lincoln LN3 5TA in accordance with the terms of the application, Ref 135446, dated 9 November 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Preliminary Matters

2. I have adopted the Council's description of the land and the proposed development as these are more precise.
3. Since the date of the decision the Central Lincolnshire Local Plan 2017 (the Local Plan) has been adopted and therefore this appeal is determined in accordance with that Plan. However, Policies LP2, LP17 and LP26 of the Local Plan, on which the Council now relies, do not differ from Policies STRAT1, STRAT8 and RES3 of the former West Lindsey Local Plan 2006 referred to in the decision notice in any material way that would affect my determination of this appeal.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking, privacy and noise from traffic.

Reasons

Character and Appearance

5. Southrey is a small village characterised by ribbon development along the western edge of Ferry Road, the main road running north to south, and three subsidiary roads to the west. There is some back-land development to properties off High Thorpe, which is 50 metres or so south of the site. The site is close to the edge of the settlement and nearby farmland. The surrounding area is residential in character but lacks any distinctive architectural style or unifying rhythm of development. Close to the appeal site dwellings are a mixture of bungalows and two-storey houses, with a wide variation in plot sizes and building footprints.
6. The appeal site comprises a large, irregular-shaped enclosed area of land that was previously part of the garden of the adjacent dwelling at Newhaven, Ferry Road. The site is located behind and to the west of properties at 1 and 2 The Bungalows, and is accessed from a narrow strip of land that runs from the road between the buildings at No 2 and Newhaven. The site is mainly lawn but includes a number of trees and shrubs mainly located at the northern end of the site. There are two wooden structures on the site together with some associated hard surfaces. Other than where the access strip runs between buildings, the site adjoins the rear gardens of the neighbouring properties.
7. The Council is concerned about the loss of an open space that it says is important to the character of the area, but the space is actually enclosed save for the access strip and there is no public right of entry. Any building on the site would likely be visible from Ferry Road, but only through narrow gaps between the existing housing. The eclectic mix of design in the surrounding properties results in an absence of unifying character that would be unduly harmed by any development on the appeal site.
8. Therefore I conclude that the proposed development would be in accordance with Policies LP17 and LP26 of the Local Plan, which together seek to ensure that developments do not have a detrimental effect on the character and appearance of an area.

Living Conditions

Overlooking and Privacy

9. There are eight properties on Ferry Road or Westfield Road that share a boundary with the appeal site. The houses at 1, 2 and 3 Westfield Road are to the north of the appeal site and would be significantly screened by large mature trees on the site and in neighbouring gardens. The garden at No 2 runs parallel with the appeal site for the majority of its length and the border is defined by a simple wire fence.

10. The gardens of 3 and 4 Ferry Road, and 1 and 2 The Bungalows abut the appeal site, although the house at No 3 is to some extent screened by trees and a brick outbuilding. The Bungalows are semi-detached properties and there is substantial shrub growth close to the boundary that provides a screen. No 4 has a low, wooden fence that provides little screening. To the south, the appeal site shares a boundary with Newhaven which is delineated by a fence.
11. The proposed development would not result in increased overlooking from, or onto the appeal site. In any event, as boundary treatments would be a reserved matter, there would be an opportunity to provide increased privacy for the site and all adjoining properties.

Noise from Traffic

12. Access to the development would be gained by a new driveway constructed on the current access strip. The strip is already used as a vehicular right of way for the detached garden to the west of the site. Outline permission is sought for a single dwelling so the volume of traffic would not be substantial. The Council's Highways Department has not raised any concerns about the safety of this access being used as a driveway.
13. The driveway would pass within two metres or so of the house at Newhaven. On the side closest to the proposed driveway there are two small windows that appear to serve a bathroom and kitchen. To the north of the access strip there is a vehicle hardstanding and outbuilding to the side of No 2 The Bungalows that sit close to the shared boundary and which together screen No 2 from the access strip. There is ample space on the site for parking and turning and site layout could be determined so as to minimise the effect of traffic movement on the occupiers of adjacent properties.
14. Moreover, I note that Ferry Road is the only road into the village and passes in front of Newhaven and No 2. Therefore the effect of traffic noise on the occupiers of these properties from use of the access strip as a driveway is likely to be minimal in comparison to traffic noise on the road to the front of the houses.
15. Against this background, I conclude that the likely modest levels of traffic movements would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties. For the reasons given above, I also conclude that any residual concerns about overlooking and privacy would be addressed as reserved matters and the proposed development would not cause unacceptable harm to the living conditions of neighbouring properties.
16. Accordingly, there would be no conflict with Policy LP26 of the Local Plan, which seeks to ensure that developments do not unduly harm the amenity of the occupiers of neighbouring land as a result of overlooking and noise.

Other Matters

17. Although it did not form part of the Council's reasons for refusal, the planning officer's report did refer to Policy STRAT8 of the former West Lindsey Local Plan 2006 in reference to whether the proposal would be an overdevelopment in a rural village. The officer considered that the proposed development would not be in accordance with the policy but would be in accordance with Policy LP2 of the Local Plan which has now superseded Policy STRAT8. Accordingly I have determined this application in accordance with Policy LP2.

18. The Parish Council raised the possibility of flooding in the village. However, the appellant has provided an Environment Agency map that shows the appeal site is not in the flood risk area. I therefore attach little weight to concerns about the risk of flooding on the appeal site.
19. Concerns were raised about the preservation of trees on the site and whether noise from occupation of the site would echo around the gardens of other properties. No trees on the site are subject to any protective designation and the ultimate site layout is a reserved matter that would take account of landscaping and planting. Other trees outside of the appeal site would not be affected by the development and would contribute to the dampening of sound. I have seen no evidence that there would be a problem with reverberation of noise arising from the appeal site and therefore attach little weight to this issue.
20. A further concern was raised about electrical power outages in the village and whether the proposed development would exacerbate this problem. I have not seen evidence of historical power outages but any existing problems are a matter to be addressed by the energy supplier and not for me in the context of an appeal pursuant to section 78 of the Town and Country Planning Act 1990. I note that the Council does not raise any concerns in respect of additional strain on infrastructure in the village.

Conditions

21. The Council has not suggested any conditions as this is an outline application with all matters reserved. In the interests of proper planning and to comply with statutory requirements I have imposed standard conditions in respect of reserved matters and time for completion.

Conclusion

22. For the reasons given above, and taking into account all other matters, I conclude that the appeal should be allowed and planning permission is granted.

D Guiver

INSPECTOR