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## Appeal Decision

Site visit made on 8 August 2017

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 23<sup>rd</sup> August 2017**

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**Appeal Ref: APP/N2535/W/17/3174599**  
**17-21 King Street, Market Rasen LN8 3BB**

- 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 C Wilson against the decision of West Lindsey District Council.
  - The application Ref 134561, dated 11 June 2016, was refused by notice dated 28 October 2016.
  - The development proposed is the demolition of part of the remaining outbuildings and the replacement with 2 starter home units.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline form with all matters to be considered at this stage, apart from landscaping. Drawings showing a Location Plan; a Block Plan; Plans, sections and elevations in context; and a Site Plan were submitted with the application, and I have had regard to these in determining the appeal.
3. Since the Council determined the planning application, the Central Lincolnshire Local Plan (2017) (Local Plan) has been adopted. The policies contained within the Local Plan have replaced those in the West Lindsey Local Plan First Review (2006). Hence, I have considered the appeal on the basis of the policies contained within the Local Plan.

### Main Issues

4. The main issues are whether the proposal would (i) preserve or enhance the character or appearance of the Market Rasen Conservation Area and (ii) provide acceptable living conditions for future occupiers by way of internal living space and outlook.

### Reasons

#### *Character and Appearance*

5. The appeal site comprises an area of land which is sited to the rear of 17 to 21 King Street. The site contains single storey outbuildings which present a brick wall elevation and a frontage to Rhodes Passage, a narrow footpath which links King Street to Dear Street. The pattern of development along Rhodes Passage comprises a variety of building types with a number of plots which also front onto the footpath. There are a number of other residential properties near to the site which also have frontages onto Rhodes Passage.

6. The site, overall, is small in size. With the comparative size of the building footprint of the proposal, it would cover a significant amount of the site, leaving only a modest sized area to the rear free from built form, together with incidental areas to the side and front. Its proportions are as such that its depth is considerably less than other plots along Rhodes Passage that contain houses or, as is adjacent the site, a bungalow.
7. The amount of development that is proposed on the site would therefore appear cramped. It would also be considerably greater in site coverage than other dwellings on Rhodes Passage, and consequently it would be discordant with the existing pattern of development in this part of the Conservation Area. Although there is a greater degree of built development on King Street itself, this has an appreciably different character from Rhodes Passage, where development is more modest and piecemeal.
8. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. I conclude the proposal would fail to preserve or enhance the character or appearance of the Conservation Area.
9. I also conclude the proposal would not comply with Policies LP25 and LP26 of the Local Plan which state that development within a Conservation Area should preserve features that contribute positively to the area's character and appearance, and that all development must take into consideration the character and appearance of the local area. Similarly, it would also not comply with paragraph 17 of the National Planning Policy Framework (Framework) which states that planning should always seek to secure high quality design.

#### *Living Conditions for Future Occupiers*

10. The living accommodation at ground floor level for each dwelling would consist of a single open plan room that would provide, in total, the entrance, the kitchen, the living/dining area, as well as the staircase to the first floor level. The open plan room would be positioned around the bathroom. With the limited space that would be available, this would be a confined arrangement. There would be little room for circulation or for a reasonable separation of normal domestic activities.
11. The living space that would be provided therefore would be extremely limited, regardless of whether the proposal would be subject of single occupancy, or not. The proposed opaque window to Rhodes Passage would only serve to reinforce the restrained nature of the internal space. Even if the space may serve to be cost effective for heating and energy efficiency, this does not address or outweigh this detrimental effect arising from the proposal.
12. At first floor level, the bedroom for each dwelling would be provided under the slopes of the roof planes, further limiting living space and resulting in rooflights and a low window as the only means of providing an aspect to each bedroom. With the positioning and angle of the rooflights and the low window, and the absence of other windows, this would result in a poor outlook.
13. The Council have confirmed that the Local Plan does not contain internal space standards and therefore, in accordance with the Written Ministerial Statement of 25 March 2015<sup>1</sup>, the Government's Nationally Described Space Standards<sup>2</sup>

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<sup>1</sup> Written Ministerial Statement to Parliament, Planning update March 2015.

cannot carry any significant weight. Nevertheless, this does not mean the effect on the living conditions of future occupiers is not a relevant matter for this appeal. As I have set out, the living space that would be provided for each dwelling would be extremely limited, as well as a poor outlook. Similarly, adherence with Building Regulations does not reduce the need to consider the effect on living conditions under the planning system.

14. I conclude the proposal would not comply with Policy LP26 of the Local Plan which seeks to protect the amenities which future occupants may reasonably expect to enjoy. It would also not comply with paragraph 17 of the Framework which states that planning should also seek to secure a good standard of amenity for future occupiers of land and buildings.

### **Other Matters**

15. In respect of the roles of sustainable development under paragraph 7 of the Framework, the economic benefits arising from the construction and maintenance of two modest sized dwellings would be slight, and the limited contribution to housing need, affordability and town centre vitality would only constitute a small social benefit. The proposal would conflict with the environmental role because of the harm to character and appearance of the Conservation Area and to the living conditions of future occupiers, and thus, whilst the proposal would make use of previously developed land, it would also not constitute high quality homes for the purposes of the Framework. The benefits would not outweigh the harm, and there is not the justification for making a decision that is not in accordance with the Local Plan.
16. My attention has been drawn to a permission for residential development in the town centre (Council ref: 131151), although I note this is for flats and is located to the rear of buildings on the opposite of King Street, and is well away from Rhodes Passage. I am satisfied it is sufficiently different in respect of character and appearance, and living conditions, so as not to alter my conclusions. In respect of how the level of accommodation that would be provided compares to other accommodation in the town centre, I am not aware of the details in each case and have dealt with the appeal on the basis of the proposal before.
17. As the proposal is set with the confines of the land to the rear of Nos 17-21, it would be separated from 11, 23 and 25 King Street; grade II listed buildings, whose interest principally derives from their King Street orientation and elevations, along with their materials and detailing. It would therefore preserve the setting of the listed buildings and accord with the statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is a neutral factor and so also does not outweigh the harm.

### **Conclusion**

18. For the reasons set out above, the appeal is dismissed.

*Darren Hendley*

INSPECTOR

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<sup>2</sup> Department for Communities and Local Government (2015) Technical housing standards – nationally described space standard.