



Appeal Decision

Site visit made on 18 July 2017

by **S Jones MA DipLP**

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

Decision date: 30 August 2017

Appeal Ref: APP/N2535/W/17/3172399

Land at 3 The Green, Ingham, Lincoln LN1 2XT

- 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 H Williams against the decision of West Lindsey District Council.
 - The application Ref 135522, dated 28 November 2016, was refused by notice dated 10 February 2017.
 - The development proposed is 5 new detached dwellings with detached double garages to land at the rear of 3 The Green, Ingham.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs H Williams against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The Central Lincolnshire Local Plan (LP) was adopted on 24 April 2017, thereby superceding policies in the West Lindsey Local Plan First Review 2006 so that they no longer carry any weight as policy. An opportunity to comment on this was available to the appellant at the final comments stage. The Council had also included LP policies in its reasoning. This appeal has been determined based on the policies of the LP as it must be determined upon the policies which are in force at the time of the Decision.
4. I have adopted the site description used by the Council and on the appeal form, rather than that taken from the application form, which clarifies that the development is not at 3 The Green, Ingham but on land behind it.

Main Issues

5. The main issues are:
 - whether the site is suitable for housing having regard to policies for the supply of housing
 - the effect of the proposed development on the character and appearance of the surroundings including the Ingham Conservation Area and

- the effect on the living conditions of 3 The Green, Ingham with particular regard to noise and disturbance.

Reasons

Housing Delivery Policies

6. The importance of the site's contribution to housing delivery is affected by how much housing is required in the District and locally. The appellant asserts that the Council cannot demonstrate a five year deliverable supply of housing and that it cannot guarantee housing delivery. As alluded to, the Local Plan is recently adopted and has been found sound at examination and so the 5 year Housing Land Supply must be deliverable, particularly in the absence of evidence to the contrary. The Council stated in its Officer Report on the application that it can demonstrate an adequate supply. I shall proceed on that basis without further discussion.
7. LP Policy LP2 identifies Ingham as a 'medium' village that can accommodate some growth, typically sites of up to 9 dwellings. This proposal accords with that as it proposes only 5 dwellings, so that I identify there is no conflict with LP Policy LP2.
8. LP Policy LP1 outlines the spatial strategy for the level and distribution of growth over the plan period, mainly focussing on the town of Lincoln, and also incorporates the presumption in favour of sustainable development. Development elsewhere falls under LP Policy LP4 which states that the number of dwellings in settlements such as medium villages can be permitted to increase at a specified level unless an alternative growth level has been identified. For Ingham the level of growth is 15% and this level of growth is considered to be a one that would maintain the vitality of the settlement without being imbalanced. No alternative level of growth has been identified for Ingham. It is not disputed that this site is in a suitable location for development as it would be infill development within the village, but the Parish Council information also indicates that Ingham has already identified sufficient growth to mean that the addition of this site is not necessary in order to accommodate the 15% growth.
9. The Officers Report says the Parish Council stated that if all existing permissions are implemented there will be 87 new dwellings already against a 15% provision of 63 new dwellings. The Council state that the existing permissions amount to 80 dwellings, but either way the growth level would be exceeded.
10. LP Policy LP4 provides that developments which go beyond the 15% growth level may be permitted if an application is accompanied by demonstrable evidence of clear community support generated by a consultation exercise. It sets out how this consultation should be completed. However, I have no evidence that such consultation has been conducted in connection with this development, and instead the representations that were received largely objected to the development, including an objection from the Parish Council.
11. Consequently I conclude that this development would provide housing at a level beyond that identified in the relevant LP policies and in conflict with the Framework and LP Policy LP4 and LP Policy LP1. Therefore this particular development would not be required either to fulfil local housing requirements

or to maintain the vitality of the settlement. To approve it would undermine the Council's carefully considered spatial strategy set out in the LP without adequate justification.

Character and Appearance

12. The site is located off the village green at Ingham, down an access road closely constrained between adjacent properties. It opens out into a field dotted with trees which it is stated formerly had a caravan site licence. About a quarter of the site lies within the Ingham Conservation Area (CA) which was designated due to its village character, with two traditional village greens and surrounding buildings, some of which are in local stone, and a church with 13th century features.
13. In determining this appeal, special regard must be paid to the desirability of preserving or enhancing the character or appearance of the CA as a designated heritage asset in accordance with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 134 of the Framework. The site forms part of the setting of the main green area central to the village.
14. However, the proposed development would be on backland away from the green and behind existing development. Screened by those buildings and the intervening gardens and trees I find that the development would not be readily visible from the CA or the surrounding area, and no part of the proposal would involve construction on the front part of the site that lies within the CA. The remainder of the site has hedges and trees on its boundaries which would be largely retained or replaced, and I find it would not be viewed by nearby properties in general.
15. Consequently I conclude that it would have little or no effect on the character and appearance of its surroundings or on the CA. No harm to the designated asset would arise from the development, so that it would preserve it. Therefore there would be no conflict with the Framework or LP Policy LP25 Historic Environment in its aims of protecting and enhancing the historic environment.

Living Conditions

16. The appellant states that any impact on neighbouring properties including 3 The Green would be negligible. I agree that in general neighbouring properties would not suffer any significant detriment. The access was used for occasional caravan site purposes in the past and could continue to be so, although little information is provided about the levels of past use. However, I find that the level and type of traffic activity generally associated with the proposed 5 detached 4 bedroom houses would occur daily throughout the year and be much greater and more regular compared to that occasional use. This means that the development would result in a significant increase in activity.
17. The access road passes directly in front of a large side window to the living areas at No 3 facing straight onto the access road itself. The distance from it to passing vehicles would be very short, for wider vehicles a matter of inches. There are further windows facing the access road, and large windows and patio windows facing onto the site at the rear which would be affected. Traffic to the development would pass in very close proximity to all these windows, as illustrated at 6.7 of the application statement, which shows the proximity to No 3 in relation to the access road. I find that the additional impact arising from

these new dwellings in terms of comings and goings and associated activities, noise, and vehicles regularly passing by close to windows would have a serious and unacceptable detrimental impact on the living conditions of the existing dwelling.

18. Although the impact identified relates to only one dwelling, the impact on living conditions there would be severe. I conclude that this would be contrary to LP Policy LP26 Design and Amenity which seeks to secure the protection of occupiers of neighbouring properties from harm because the development would have a significant and adverse effect on the living conditions of No3.

Other Matters

19. There has been a similar development of 5 detached dwellings on land adjacent to the site at Sycamore Court. However, notably this location benefitted from a relatively unconstrained access point which did not pass in such close proximity to adjacent buildings and was not closely overlooked by them. There was a much larger degree of separation from any existing development. Consequently it can be distinguished from this site.
20. Any planning permissions implemented at No 3 predate the application for this development and cannot be reconsidered in the light of the application on this site. Erection of boundary fencing or walling alongside No 3 would not overcome the level of nuisance that would harm the living conditions because noise and traffic activity would not be excluded by a wall or a fence. In addition, any fence or barrier in front of the side window would severely restrict its outlook. No details of any acoustic barrier have been provided. Furthermore, such structures would likely be located within the narrow access and further reduce its width, possibly to an unacceptable degree depending their details.
21. I appreciate the appellant states housing is needed and the site could be guaranteed to be delivered quickly if allowed, and has referred to a recent appeal decision APP/W0530/W/16/3157596 and a law case (Suffolk Coastal District Council v Hopkins Homes Ltd 2017) regarding the effect of a housing shortfall. Based on the evidence before me, I have already stated that I have no reason to doubt the Councils ability to demonstrate a 5 year supply of housing. However, even if I were to conclude that there was a shortfall, the adverse impacts of allowing the development in this particular case would significantly and demonstrably outweigh the benefits from the proposal so that the outcome would be the same.

Conclusion

22. Overall I conclude that although the development would be acceptable in terms of its effect on the character and appearance of the area, it would conflict with LP policies about housing provision and about living conditions. Material considerations do not indicate otherwise in this particular case, rendering it unacceptable on balance.
23. For the reasons given above I conclude the appeal should be dismissed.

S Jones

INSPECTOR