



---

## Appeal Decision

Site visit made on 15 February 2018

**by D Guiver LLB (Hons) Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 March 2018**

---

**Appeal Ref: APP/N2535/W/17/3189369**

**Land at Rhodesia, 1 Main Street, Grasby, Lincolnshire DN38 6AH**

- 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 Ian Manser against the decision of West Lindsey District Council.
  - The application Ref 136109, dated 10 April 2017, was refused by notice dated 16 June 2017.
  - The development proposed is to erect one dwelling with all matters reserved.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is made in outline with all matters reserved for future consideration.

### Main Issue

3. The main issue is the effect of the proposed development on the living conditions of future occupiers of the site and the occupiers of neighbouring dwellings with particular regard to overlooking, loss of light and overshadowing.

### Reasons

4. The appeal site comprises a raised area of land located on Main Street, which runs relatively steeply downhill from the entrance to the village from the A1084. The plot sits above the level of the road and immediately to the south of an existing access way to two properties, one of which is located uphill from the site and the other to the rear. This access has been cut into the bank resulting in the ground level of the house to the rear sitting below the current ground level of the appeal site. South of the site is a former Methodist chapel that has been converted into a dwelling known as the Old Chapel, and beyond that is a bungalow at no. 1 Clixby Lane. The gardens and northern elevations of both properties are clearly visible from the appeal site which in its current configuration is roughly on the same level as windows for habitable rooms in the roof space at the Old Chapel. From the appeal site there is also a clear view down and into habitable rooms at no. 1 Clixby Lane.

5. Despite the final design, layout and scale of any dwelling being a reserved matter, in my opinion the dominant location of the appeal site on the hill would inevitably lead to overlooking of the windows and gardens at the Old Chapel and no. 1 Clixby Lane. The relative position of the appeal site with windows serving habitable rooms at those dwellings would result in significant harm to the living conditions of the occupiers of those properties as a consequence of a loss of privacy. Similarly, the overlooking of the gardens would result in an unacceptable detrimental effect on the privacy of those occupiers in the enjoyment of their amenity space.
6. The relative positions of the plot and dwellings in the surrounding area would likely not result in overlooking of any windows at a dwelling on the appeal site as elevations would be higher or on a similar level, although there is potential for overlooking of any garden space. However, that is a matter that could be addressed at detailed approval stage. Despite the location of the appeal site high on the hill, the north to south descent of the road would mean that it is unlikely that any dwelling on the site would cause overshadowing or a loss of light to the occupiers of the dwellings at the Old Chapel or no. 1 Clixby Lane, and any potential effect on the occupiers of those properties to the north and east could be addressed at detailed approval stage. However, although the potential for overshadowing or loss of light could be addressed when considering reserved matters, these would be insufficient to outweigh the unacceptable detrimental impact of overlooking on the occupiers of Old Chapel or no. 1 Clixby Lane.
7. Consequently, the proposed development would not accord with Policy LP26 of the Central Lincolnshire Local Plan 2017, which seeks to ensure that developments are compatible with neighbouring land uses and do not result in unacceptable overlooking.

### **Conclusion**

8. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

*D Guiver*

INSPECTOR