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## Appeal Decision

Site visit made on 29 May 2018

**by R Norman BA (Hons) MA MRTPI**

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

**Decision date: 22<sup>nd</sup> June 2018**

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**Appeal Ref: APP/N2535/W/18/3197571**

**24, Scothern Road, Nettleham, Lincoln LN2 2TX**

- 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 Mrs Maureen Mawer against the decision of West Lindsey District Council.
  - The application Ref 136753, dated 5 September 2017, was refused by notice dated 24 November 2017.
  - The development proposed is described as to section off part of the rear garden of 24 Scothern Road, Nettleham to produce a plot for a detached bungalow that will have its principle elevation and entrance onto Highfields.
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### Decision

1. The appeal is allowed and outline planning permission is granted to section off part of the rear garden and produce a plot for a detached bungalow that will have its principle elevation and entrance onto Highfields at 24 Scothern Road, Nettleham, Lincoln LN2 2TX in accordance with the terms of the application, Ref 136753, dated 5 September 2017, subject to the conditions in the attached Schedule.

### Procedural Matters

2. The application has been submitted in outline with all matters reserved. I have therefore considered the appeal on this basis.
3. The plans submitted by the Appellant included a number of indicative plans that had not been referred to by the Council. However the Council confirmed that the additional plans did not formally form part of the Council's decision. As the proposed development is in outline only I have had regard to the indicative plans however I have not listed these in the approved plans condition.

### Main Issues

4. The main issues are the effect of the development on:
  - the character and appearance of the area; and
  - the living conditions of future occupiers.

## Reasons

### *Character and Appearance*

5. The appeal site comprises part of the rear garden of No 24 Scothern Road, which faces onto Highfields. The garden is long and is currently visible from Highfields. No 24 fronts onto Scothern Road. The site is currently laid to lawn and is bounded by fencing and hedging. The proposed development would introduce a single storey dwelling into the site however the exact layout of the site, the access, landscaping and the scale and appearance of the dwelling would be determined at Reserved Matters stage.
6. The appeal site fronts onto Highfields which is a residential estate comprising of modest bungalows close to the appeal site. Scothern Road itself hosts 2 storey and single storey, semi-detached and detached dwellings. The development would sit in proximity to the existing dwellings along this side of Highfields, and although set at a slight angle with a small gap remaining between the appeal site and No 44 Highfields, as a result of the garden of No 26 Scothern Road, it would complement the existing street scene. Given the existing residential nature of the area, a dwelling in this location would not appear significantly detached or separate from the existing bungalows and as such would not appear incongruous.
7. The appeal site would utilise the rear half of the existing garden which would reduce the overall size of the plot for No 24. Whilst the appeal site would be smaller than the existing developments along Scothern Road, Highfields itself has more modest plots. The appeal site would be smaller than many of the existing plots on Highfields, but this would not be to a level that would make the development appear incongruous with its surroundings or overdeveloped in the context of the street scene along Highfields.
8. The proposed development is in outline only at this stage, with all other matters reserved for later consideration. However, the appellant has demonstrated how a dwelling could be reasonably accommodated on site, including parking and garden areas within the design and access statement and appeal appendices. Although these details are not yet committed, I am satisfied that these indicate that a modest dwelling could be introduced into the site which would not be at odds with the existing character of the area.
9. Accordingly, I find that the principle of a dwelling in this location would be appropriate and the size of the site would allow for a modest bungalow with parking and garden areas. The proposal would therefore not result in harm to the character and appearance of the area and as such complies with Policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan Adopted 24 April 2017 (CLLP) and Policy D-6 of the Nettleham Neighbourhood Plan 2014 – 2031 (2015). These policies collectively seek to focus an appropriate level of growth in the settlements and ensure that development achieves high quality design and responds and contributes to the character of the area.

### *Living Conditions*

10. The layout and design of the proposed development has not been detailed at this stage. Accordingly, the exact location, nature and size of the garden and parking area and the internal layout and window positioning of the proposed dwelling has not been provided. Indicative drawings which form part of the

Appellant's Appeal Statement and Design and Access Statement show options for the development of the site.

11. The Council have raised concerns over the proximity of the appeal site, and the existing dwellings at Nos 22 and 24 Scothern Road. These have first floor windows in the rear elevations which would face the appeal site. Whilst these would potentially have a view of the rear garden of the proposed development I have had regard to the forms of development found in the immediate area. The properties on Highfields which back on to Wold View have similar relationships, as do the dwellings on Cotton Smith Way and Shaw Way to the west of the appeal site. The wider area comprises a number of residential estates where similar relationships are commonplace. I consider that a design and layout could be achieved which would provide satisfactory living conditions for future occupiers through the potential for landscaping to the rear garden, and careful siting and design of the dwelling and location of windows.
12. Accordingly, the proposed development would provide suitable living conditions for future occupiers. It therefore complies with policy LP26 of the CLLP and policy D-6 of the Nettleham Neighbourhood Plan. These require new development to provide sufficient amenity space and seek to ensure that amenities of existing and future occupants are not unduly harmed.

### **Conditions**

13. In addition to the standard time limit conditions for outline applications I have attached a condition requiring development to be carried out in accordance with the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the guidance in the Planning Practice Guidance and amended or omitted where necessary.
14. A condition for foul and surface water drainage is necessary in the interest of future occupiers and the surrounding area. This condition is required to be pre-commencement as it is fundamental to have these details agreed prior to any works commencing on site. A condition for the turning of a vehicle on site is necessary in the interests of highway safety.
15. I have not imposed a condition restricting the scale of the development to single storey only as it has not been demonstrated to me that this is necessary in the interests of the visual character and adjoining occupiers.

### **Conclusion**

16. For the reasons given above I conclude that the appeal should be allowed.

*R Norman*

INSPECTOR

### **Schedule of 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) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan scale 1:1250; Existing Block Plan and Site/Block Plan scale 1:500.
- 5) No development shall take place until full details of the proposed foul and surface water drainage for the site have been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented in full before the dwelling is first occupied and retained and maintained thereafter.
- 6) The reserved matters to be submitted shall include details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.