
Appeal Decision

Site visit made on 16 August 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9 October 2018

Appeal Ref: APP/N2535/W/18/3202545

Padside, Cooks Lane, Nettleton, Market Rasen LN7 6NL

- 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 Mr Darren Lince against the decision of West Lindsey District Council.
 - The application Ref 137275, dated 17 January 2018, was refused by notice dated 27 April 2018.
 - The development proposed is erect eight dwellings with associated access, garaging and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to comment on the Framework and I have taken comments into account in this decision. Local development plan policies that pre-date the publication should be given due weight according to their degree of consistency with the Framework.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area; and
 - b) the living conditions of future occupiers of the proposed dwellings with particular regard to outdoor amenity space.

Reasons

4. The appeal site comprises a largely rectangular plot of land currently forming the relatively spacious rear garden of the host dwelling. The surrounding area is predominantly residential and there are dwellings west of the host building and east of the site as a whole with area to the north and northeast of the site being open fields. The proposal is for the construction of eight or so dwellings comprising four detached buildings and two semi-detached pairs of smaller houses. The properties would be arranged either side of a central access road to be constructed between the host and The Poplars. Although the site is relatively large its rectangular shape and the proposed access road would require the properties to be located close to the flank boundaries at the site.

Character and Appearance

5. Nettleton is a medium-sized village approximately one mile from the market town of Caistor and nestling in an Area of Great Landscape Value (AGLV). The village is a mix of older and newer buildings and in the vicinity of the appeal site dwellings are characteristically spacious properties sitting in good-sized gardens. The existing green space relates well to the AGLV beyond. The introduction of vehicle parking spaces to the front of the proposed dwellings, coupled with the central access road would result in a significant area of hard surfacing that would appear incongruous with the rural landscape and AGLV beyond the boundary of the site.
6. The appearance of the proposed buildings is fairly traditional and would not conflict with the prevailing architecture of the village. Mention has been made of the former advice in the Planning Policy Guidance of 30 dwellings per hectare and, while the density proposed would be lower than that suggestion, the size of houses and site constraints are important factors. The constraints of the site require the rear elevations of the proposed buildings (other than plots 5 and 6) to sit close to the boundary which limits the space for each dwelling, especially given the need to provide car parking. The site layout would result in a cramped and contrived appearance, especially in contrast the prevailing spacious character of the area. While larger gardens to the rear of plots 5 and 6 would provide a buffer between the development and the countryside beyond this would not overcome the crowded appearance of the development as a whole or the intrusion of hard surfaces.
7. Therefore, the proposal would result in an overdevelopment of the site that would be unduly harmful to the character and appearance of the area and would not accord with Policies LP17 and LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan) which seek to ensure that developments protect and enhance the intrinsic value of the landscape and respond positively to natural features within the landscape, with particular regard to the potential to impact upon Areas of Great Landscape Value.

Living Conditions

8. Plots 5 and 6 have relatively large rear gardens but the remaining plots would be located along the development's flanks. The overall footprint of plots 1 and 2 is largely taken up by the dwellings and hardstandings for vehicles leaving little room for garden space and the rear elevations would be within a few metres of a tall brick wall delineating the boundary between the site and Secret Gardens. Additional boundary treatments would result in a sense of overbearing and enclosure, especially to the rear of plot 1 which would sit in a corner of the site created by the existing wall and the proposed rear boundary of the host building. Plots 3 and 4 would appear to have slightly larger gardens and while they would face the same high rear wall there would be a lesser sense of enclosure due to a more open aspect to either side. However, these gardens would still appear to be cramped.
9. Plots 7 and 8 would have significantly wider gardens and there is not currently any wall to the rear of these plots. However, the proposed dwellings are relatively large and the location of the central access road and vehicle hardstandings to the front push the footprint of the houses to within a few metres of the boundary. The need to fit the footprint of the houses into a relatively constrained space would lead to the gardens appearing small and

contrived, notwithstanding the overall area of the spaces which stretch onto two or three sides of each house. The contrast between the scale of the buildings and the amenity space would lead to an unacceptable feeling of enclosure.

10. Therefore, the proposal would not accord with Policy LP26 of the Local Plan which seeks to ensure that developments make an effective and efficient use of land and create safe environments.

Other Matters

11. The Council mentions an undersupply of housing in the Central Lincolnshire Area but does not clarify whether this refers to a shortfall in a demonstrable five-year supply of deliverable housing land. No figure is given to clarify the undersupply and the appellant does not seek to rely on the point. However, I am mindful of the requirement in footnote 7 to paragraph 11 of the Framework to consider policies restricting housing development as out of date where a five-year housing land supply cannot be demonstrated. If the policies are out of date then approval should be given for development unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
12. Eight dwellings would make a moderate contribution to the district's housing supply. However, while there is a lack of clarity in the Council's evidence I am satisfied that the benefit arising from the addition of these properties would be significantly and demonstrably outweighed by the detrimental impact of the scheme on the character and appearance of the area and the living conditions of future occupiers. I note that there is an issue between the parties as to the provision of affordable housing but this has been superseded by the advice in paragraph 63 of the Framework, which provides that provision for affordable housing should not be sought from developments that are not major developments, defined in the Glossary to the Framework as developments of ten or more dwellings.
13. The appellant has referred to a fall-back position arising out of previous planning permissions numbered 123143 and 123144. The appellant states that a material start was made in respect of these permissions but this is not accepted by the Council. However, while it is beyond the scope of this appeal to determine whether the permissions remain extant or have expired, the proposals were for a combined total of four dwellings and do not compare with the current application in respect of scale or number of dwellings proposed. Therefore, the fall-back proposals would be unlikely to have a comparable effect on the character and appearance of the area and the living conditions of future occupiers, and I therefore attach limited weight to their potential validity.

Conclusion

14. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR