



Appeal Decision

Site visit made on 23 January 2024

by **J Downs BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/N2535/W/23/3322274

2 Minster Drive, Cherry Willingham, Lincoln, Lincolnshire LN3 4LP

- 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 Mark Hampson of Hampsons Property UK Ltd against the decision of West Lindsey District Council.
 - The application Ref 146358, dated 24 February 2023, was refused by notice dated 20 April 2023.
 - The development proposed is construction of a detached dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development to more accurately describe the proposed development and remove extraneous wording. The appellant has also confirmed the correct spelling of their surname is that used in the banner heading above.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers of the proposed dwelling with respect to internal and external living space and existing occupiers of 2 Minster Drive with respect to outlook.

Reasons

Character and Appearance

5. The appeal site occupies a corner plot on the junction of Minster Drive and Croft Lane. It was formerly part of the garden of 2 Minster Drive but has since been separately enclosed. There is variation in the appearance of dwellings in the surrounding area with a range of single and two storey buildings in differing

materials and designs. The junction on which the site sits is wide and curved, with areas of grassed amenity space. In the immediate surrounds along Croft Lane, dwellings are generally set back from the pavement with notable front gardens and generally substantial plots. Together, these contribute to the attractive spacious quality of the area.

6. The proposed development would result in the loss of an area of undeveloped land. This positively contributes to the spacious character of the area, particularly in conjunction with the equivalent open space on the opposite corner. The proposed dwelling would also sit forward of the existing dwelling at 58 Croft Lane, making it prominent in the street scene, despite its lower height and lesser scale. The overall plot is smaller than those generally found in the surrounding area. Consequently, the proposed dwelling would appear as an incongruous addition to the area, reducing its open and spacious character and appearance.
7. The immediately adjacent properties on Minster Drive are small dwellings which occupy very modest plots. However, these properties do not have the prominent junction location of the proposed development. Further, I am mindful of the advice in the Framework at paragraph 131 that the creation of high quality places is fundamental to what the planning and development process should achieve. The presence of other small dwellings, even in the immediate vicinity, would not justify allowing development against the harm I have identified.
8. The proposed development would make an efficient use of land within a settlement identified as a large village in the settlement hierarchy. The proposed layout responds to the constraints of the site. However, paragraph 128 of the Framework requires account to be taken of the desirability of maintaining an area's prevailing character and the importance of securing well-designed places. The harm I have identified to the character and appearance of the area would not be outweighed by these considerations.
9. The appellant has directed me to other decisions of the Council¹ within Cherry Willingham. I do not have full details of these decisions. The appellant has also highlighted the relationship of other dwellings along Croft Lane with other junctions. The majority of these were set back from the highway and contributed positively to the open spacious character of the area. None of these would alter my conclusions above regarding the effect of the proposed development.
10. The proposed development would therefore have an adverse effect on the character and appearance of the area. It would be contrary to Central Lincolnshire Local Plan 2023 (LP) Policies S1, S4 and S53 which taken together and insofar as they relate to this issue, require development to contribute positively to local character and townscape and relate well to its site and local context. It would also be contrary to Raising the Bar – A Neighbourhood Plan for Cherry Willingham 2018 to 2036 (December 2018) (NP) Policies H3 and D1 which taken together and insofar as they relate to this issue, require development to be in-keeping with the character of the area and have building lines that reflect the positive characteristics of the area including plot sizes.

Living Conditions

¹ 144785 and 142379

11. The proposed dwelling would be almost immediately adjacent to the boundary with No 2, separated only by a footpath. The rear garden of No 2 is notably short. The proposed dwelling would occupy almost the full length of this space. Although it would be single storey, the proposed dwelling would almost entirely enclose the rear garden of No 2, resulting in a significant loss of outlook. This would have an unacceptable effect on the living conditions of occupiers of that property.
12. Due to the proximity of the proposed dwelling to the boundary with No 2, the windows serving both the dining room and kitchen would be in close proximity to the close boarded fence that surrounds the site and remains shown on the proposed plans. The outlook from these windows would be entirely of those fences. This would not provide acceptable living conditions for future occupiers of the property.
13. I have not been directed to any policies of the development plan which set a minimum amount of garden space. The layout provides for a modest amount of private garden space to serve the proposed dwelling. This would be adequate to allow for unencumbered sitting out and enjoyment of the space. However, this amounts to a lack of harm and would therefore be neutral. This would not outweigh the harms I have identified above.
14. The proposed development would therefore result in unacceptable living conditions for future occupiers of the proposed dwelling with respect to internal living space and existing occupiers of 2 Minster Drive with respect to outlook. It would therefore be contrary to LP Policy 53 which, insofar as it relates to this issue, requires development to provide a good quality internal environment and not result in harm to people's amenity. It would also be contrary to the advice in paragraph 135 of the Framework which requires development to provide a high standard of amenity for existing and future users.

Other Matters

15. There would be a benefit from the delivery of an additional dwelling. There would also be the associated economic benefits during the construction and occupation stages including support to the services and facilities within Cherry Willingham. There is no substantive evidence before me to justify attaching any additional weight to the delivery of a two bedroom dwelling.
16. The proposed dwelling would comply with the building regulations including to M4(2) standard. The design of the proposed dwelling would, in isolation of the issues I have considered above, be acceptable. Proposed materials are brick and tile and could be secured by condition. Appropriate drainage could also be secured by condition. While the proposed parking spaces would have reduced visibility, this is not unusual in the surrounding area and would not adversely affect highway safety where drivers exercised due care and attention. However, these would amount to a well-designed, policy compliant scheme which is to be expected of development. These would therefore be neutral.
17. The LP was adopted after the application was submitted and shortly before the decision was issued. The appellant accepts that the proposed development would therefore need to comply with policies within the LP regarding energy efficiency and biodiversity net gain. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further. No heritage assets are affected by the proposed development.

18. A previous application on the site was withdrawn. However, I must assess this proposal on its own planning merits and not as a comparison to the previous scheme. The focus of planning decisions should be on whether the proposed development is an acceptable use of land. This would not be informed by the motivations of the appellant in this case. Both parties have referred to administrative inconsistencies in statements, however these do not raise any issues of fairness or change my assessment of the planning merits of the appeal.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

J Downs

INSPECTOR