



Appeal Decision

Site visit made on 27 August 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 September 2025

Appeal Ref: APP/N2535/W/25/3367422

5 Hawthorn Avenue, Cherry Willingham, Lincoln, LN3 4JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr A Denton of Natomar Homes Ltd against the decision of West Lindsey District Council.
- The application Ref is WL/2025/00189.
- The development proposed is erection of a single dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area; and ii) the living conditions of occupiers of the proposed dwelling and of existing adjacent dwellings.

Reasons

Character and appearance

3. Hawthorne Avenue is laid out in a U shape, with a cul-de-sac to the southeast. As such, it comprises several distinctly different sections. The section within which the appeal site is located consists predominantly of detached bungalows. Numbers 3 and 5 Hawthorne Avenue are semi-detached houses with gardens and parking to the side. Opposite the appeal site there are three modern detached houses, which form part of a newer residential development to the southwest. Two of these houses, numbers 8 and 10, are located close together but each have driveways and access roads to the other side of them, reflecting the pattern of numbers 3 and 5. Properties on the opposite side of the road to the site are set back behind large front gardens with parking to the front or side. Although properties to either side of the appeal site are located much closer to the road, they are behind low walls, fences or hedges, with gardens and parking spaces in between. The separation of dwellings by gardens and driveways, with parking set back from the street behind gardens or to the side of buildings and with boundary treatments enclosing the frontages, are distinct characteristics, which contribute positively to the spacious appearance of this section of the street.
4. Although the appeal site has been fenced off from the remainder of 5 Hawthorne Avenue, this does not alter its lawful use. This dwelling appeared vacant and was being advertised for sale at the time of my visit. I have not been advised that the high fence, which extends forward of the dwelling and up to the edge of the

footpath, obstructing visibility between drivers and pedestrians, and detracting from other front boundary treatments in the area, has planning permission.

5. The proposed new dwelling would be constructed up to the side boundary with number 5, which dog legs and widens slightly to the rear. On the opposite side of the proposed dwelling there would be a very narrow pathway separating it from the boundary fence adjacent to number 7. The main entrance to the new dwelling would be accessed along this narrow path to the side, whereas other dwellings in the area with side entrances are adjacent to much wider driveways and parking areas.
6. The dimensions given in the appeal statement do not match those shown on the drawings. The appeal statement suggests there would be 2.4m between the side of number 5 and the side of the new dwelling, whereas the plan shows a 2.7m wide driveway. The space between the proposed dwelling and number 11 is stated as being 2.2m, but no dimensions are shown on the drawings, and this is clearly wider towards the front of the site than it is at the rear.
7. Even based upon the questionable dimensions quoted, there would be little over 2m between the proposed new dwelling and the existing ones to either side of it. Whilst some dwellings around the corner are close together, these are not viewed in the same context or street scene as the appeal site, and they mostly have larger front or rear gardens to compensate for the lack of space between them. As numbers 8 and 10 form part of a new development and were designed to be close together, with each having a wider gap on their other side, being set back behind generous landscaped front gardens, and having no habitable side windows, they are not comparable to the appeal proposal, which would leave no open space to either side of number 5 or the new dwelling and no space to the front of either dwelling to provide front boundary treatment or landscaping.
8. I am advised that based upon adopted car parking standards the development should be seeking to retain three spaces for the existing three-bedroom house and to provide two spaces for the proposed two-bedroom dwelling. Given that the site is some distance from the nearest services and facilities, it is likely that future occupiers of both dwellings, and their visitors, would travel to and from the site by car.
9. The submitted photographs demonstrate that a small Fiat 500 car can just fit into the space to be retained at the side of number 5, when parked with its passenger side wing mirror up to the fence. This would mean that passengers would need to get in or out of the car from the roadside and not from the parking space. There would also be very little space to enter or exit the car from the driver's side without damaging the door. Only another small Fiat 500 or similar car could fit in front of this without overhanging the pavement, which would again have no access or egress from the passenger side as it would need to park tight up to the fence to allow space for a third small car to manoeuvre into the small space across the front of the house. This arrangement is not practical, particularly for getting babies, children or persons with restricted mobility out of the cars. Nor would the spaces retained be capable of accommodating larger family cars, which would in turn result in additional on street parking.
10. The photos also show that drivers emerging from the parking spaces to the side would not be able to see pedestrians approaching along the footway due to the

1.8m high fence. The front of even a very small car would need to cross the footpath before the driver would be able to see past the fence, at which point visibility would be obstructed by parked cars. It was apparent from my visit that the road and pavements are quite narrow and that cars do already park half on the pavement, as is also demonstrated in the appellant's photographs.

11. It is proposed to provide two parking spaces directly in front of the new dwelling. The dimensions of these are not annotated on the drawings and it is unclear whether larger cars would fit without overhanging the pavement.
12. In the case of both the existing and proposed dwellings, the car parking would dominate the site frontage. Cars would be parked directly in front of habitable room windows and would leave no space to provide any front garden, soft landscaping or boundary treatment. As the whole frontage of both properties would need to be retained unobstructed to allow access and egress to parking spaces, it is unclear where bins would be stored on collection days without causing obstruction. It is also unlikely that occupiers would be able to get past cars parked on the side driveway with wheelie bins or bicycles stored to the rear of the house.
13. I acknowledge that the design of the gable fronted bungalow with rooms in the roof space, and the small rear garden, would not detract from the variety of dwelling types and garden sizes in the area, and that an increase in on street parking is unlikely to have a harmful effect on highway safety given the quiet nature of this residential street. However, the cramped layout of buildings and parking resulting from the lack of space to be retained around, between and to the front of the existing and proposed dwellings, the absence of front gardens and front boundary features, the replacement of open frontages with cramped and impractical car parking spaces and the likely increase in on-street parking, including over pavements, would as well as restricting pedestrian and vehicular accessibility and visibility, appear cramped and overdeveloped in comparison to the existing spacing between dwellings along this part of Hawthorne Avenue.
14. I therefore conclude that the proposed development would harmfully detract from the character and appearance of the site and the street scene, contrary to policies S4 and S53 of the Central Lincolnshire Local Plan April 2023 (the local plan), policies H3 and D1 of the Cherry Willingham Neighbourhood Plan December 2018 (the neighbourhood plan) and paragraph 135 of the National Planning Policy Framework (the Framework). These policies collectively seek amongst other things to ensure that new development relates well to the site, reflects and enhances existing character and distinctiveness, is appropriate for its context in terms of layout, siting, form, gaps between buildings, and the ratio of developed to undeveloped space within plots. However, I find no conflict with policy S1 of the local plan, which sets out the spatial strategy and settlement hierarchy for the area.

Living conditions

15. The existing dwelling at number 5 has ground floor dining room and kitchen windows in the side elevation. This dwelling appears to have been designed to have these windows looking out onto the side garden, although they currently have limited outlook due to the 1.8m high fence that has been erected to sub-divide the plot. This three-bedroom family house would be left with only a small paved rear garden, which I am advised is approximately 5m long. This would be likely to be overshadowed by the existing and proposed dwellings for much of the afternoon

and evening. It would also be left with very restricted parking for any future occupiers having a larger family car or cars, and with parking directly outside of its front habitable room bay window.

16. The proposed dwelling would be directly to the south of number 5. Due to its height and proximity to this property, it would overshadow the ground floor side windows, severely obstructing the light to these, and the outlook from them, with the new dwelling being much higher than the existing fence. It appears that the new dwelling would also have an air source heat pump that would be located directly behind the fence outside of the habitable ground floor windows of number 5, the constant humming noise from which could cause disturbance and annoyance to occupiers of this property.
17. The existing dwelling at number 7 has a kitchen window directly facing the site, which I am advised is the only window serving that room. A kitchen is a habitable room in which people tend to spend a considerable amount of time. Although the outlook from this window is already restricted by the 1.8m high boundary fence, the new dwelling at 6.4m high would block out much more light and would be far more visually intrusive given its height and close proximity.
18. The existing dwelling at number 11, which is to the rear of the appeal site, has a conservatory and its immediate rear garden area directly behind the proposed dwelling. Although the privacy of the garden and conservatory could be protected from ground floor level views by a fence, the first floor bedroom window proposed in the rear gable, would directly overlook the conservatory and garden from a relatively short distance of approximately 6m. Whilst I acknowledge that the first floor window would be fitted with frosted glass, it is also labelled on the plans as being a fire escape window, and as such it could not be conditioned to be non-opening and any restriction of its opening would not be enforceable. Opening the window would provide future occupiers with clear short distance views into the conservatory and private garden area immediately to the rear of number 11, where occupiers are most likely to sit out, and which is not screened by trees.
19. The size of the rear garden to the proposed dwelling is not dimensioned on the drawings. The appeal statement suggests it would be 6 to 6.5m, however, the new dwelling would be closer to the rear boundary than the existing dwelling, which the statement advises is only 5m long. Occupiers of the proposed new dwelling would therefore have limited rear garden space, albeit the space would be adequate given its modest two-bedroom size. The rear garden would be overlooked by first floor windows of numbers 5 and 11 but this would be at oblique angles and would not be unduly harmful or different to the current situation. Occupiers of the new dwelling would therefore have adequate outdoor space, light, privacy and outlook to the rear, although the outlook to the front would be poor, due to parking being directly outside of the main windows, and the main entrance would be down a narrow side path with limited natural surveillance.
20. I therefore conclude that the proposal would fail to protect and provide suitable living conditions for occupiers of the proposed dwelling, or occupiers of existing dwellings at numbers 5, 7 and 11 Hawthorne Avenue, contrary to policy S53 of the local plan and paragraph 135 of the Framework. These policies seek to ensure that new development secures high standards of amenity for existing and future users, either within the proposed development or neighbouring it, having regard to

overlooking, overshadowing, loss of light and outlook. Policies H3 and D1 of the neighbourhood plan do not refer to living conditions.

Conclusion

21. The proposal conflicts with the development plan and there are no material considerations that indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR