



## Appeal Decision

Site visit made on 31 August 2022

**by Ryan Cowley MPlan (Hons) MRTPI**

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

**Decision date: 21 NOVEMBER 2022**

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**Appeal Ref: APP/B3030/W/22/3291855**

**81 Lincoln Road, Newark NG24 2BU**

- 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 Robert Chambers-Asman against the decision of Newark & Sherwood District Council.
  - The application Ref 21/02261/FUL, dated 18 October 2021, was refused by notice dated 19 January 2022.
  - The development proposed is alterations to No.81 Lincoln Road and erection of new dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for alterations to No 81 Lincoln Road and erection of new dwelling at 81 Lincoln Road, Newark NG24 2BU in accordance with the terms of the application, Ref 21/02261/FUL, dated 18 October 2021, subject to the conditions set out in the schedule at the end of this decision.

### Preliminary Matters

2. A number of the plans submitted by the appellant are titled 'Rev D', however the corresponding plans referred to in the Council's decision notice are titled 'Rev C'. The Council has however since confirmed that it is the 'Rev D' plans that were considered and presented to members of the Council's planning committee. I have therefore had regard to the 'Rev D' plans in this decision.
3. The Council altered the description of the development, including clarification that the proposal includes alterations to 81 Lincoln Road, and erection of a new dwelling. This description is more precise than that given on the application form. I have used this description in the banner heading and formal decision.

### Main Issue

4. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

### Reasons

5. The appeal site comprises an existing pair of semi-detached two storey dwellings and associated curtilage. Both dwellings sit on elongated plots with vehicular access onto Lincoln Road. In the vicinity of the appeal site, Lincoln Road is characterised by a mix of semi-detached and detached two storey dwellings and bungalows. Plots are arranged side by side, albeit dwellings sit at an oblique angle to the road with varying spacing and distances from the

- footpath. The frontage is therefore staggered and not uniform. On the appeal site's side of the road, generous front and rear gardens are common.
6. There are examples however where rear garden spaces have been developed to provide additional dwellings. Notably, immediately to the north-east of the appeal site there is a collection of five dwellings located to the rear of existing properties fronting Lincoln Road. While these appear to have independent accesses onto Lincoln Road, their siting to the rear of existing dwellings and considerable set back from the road give them similar characteristics of 'backland' development, referred to by the parties and in Policy DM5 of the Allocations and Development Management Development Plan Document (ADM DPD), adopted July 2013. According to the Council these development date from the 1970s. Although such development does not prevail across a wide area it does help to define the pattern and density of development near to the appeal site.
  7. There is also another, more recent, example of this type of development further to the south-west which is more comparable to the appeal proposal. The spacing between dwellings and staggered frontage along Lincoln Road, particularly in the vicinity of the appeal site, opens views to the rear in places and introduces dwellings behind into the street scene. Consequently, other housing developments to the rear of properties along Winthorpe Road behind can also be glimpsed between dwellings.
  8. I saw on site that the rear garden space, in which the proposed dwelling would be located, has already been subdivided from the host property with mid-height boundary fencing. The existing garden space is expansive, and a large single storey garage structure sits at the bottom. The rear garden space is only partly enclosed along the northern boundary, with a low to mid-height fence, timber posts, string and a short wall separating the area of existing and proposed driveway from the adjacent property at 83 Lincoln Road. There is no formal boundary enclosure in place between the appeal site and the adjacent neighbour at 87c Lincoln Road. Along the rear boundary the site is enclosed by trees, and along the southern boundary is a mid-height fence.
  9. The proposed dwelling would be located a considerable distance into the rear garden space, directly behind the two existing dwellings. Generous front and rear garden space would separate the proposed dwelling from the shared boundary with the existing dwellings and the existing garage at the rear of the site. The proposed driveway runs along the side, providing separation to the northern boundary. Adequate separation would also be maintained to other dwellings around the site. The existing dwellings would both be left with commensurate front and rear garden space for their size, and comparable to or greater than that afforded to neighbouring plots to the north and opposite.
  10. The proposed dwelling would feature living accommodation within the roof space at first floor. While existing dwellings immediately to the north appear to be single storey only, the overall height of the proposal would be modest and not considerably out of keeping with or greater than surrounding dwellings.
  11. Due to these factors, and in the context of the character and appearance of the area described above, the proposal would not appear as an over-intensive form of development. It would sit within a spacious plot and remain in-keeping with the general character and density of existing development in the area.

12. In respect of the main issue, I therefore find that the proposal would not harm the character and appearance of the area. It is in accordance with Policy DM5 of the ADM DPD and Core Policy 9 of the Amended Core Strategy (the Core Strategy), adopted March 2019. These policies, amongst other things, seek to prevent inappropriate backland development and achieve a high standard of design that contributes to and sustains local distinctiveness.

### **Other Matters**

13. Any noise and disturbance associated with construction would be for a temporary period only, and I have attached a condition requiring the appellant to agree a construction method statement with the Council.
14. Adequate separation distances would be maintained between the proposed dwelling and neighbouring properties, sufficient to safeguard the living conditions of neighbouring occupiers from undue overshadowing or loss of privacy. A planning condition requiring details of boundary treatments be agreed with the Council and thereafter implemented prior to occupation of the proposed dwelling is also required and is attached, which would further protect the privacy of occupiers of neighbouring properties. While representations have been received requesting boundary treatments be installed prior to development commencing, there is no compelling reason before me that construction could not begin before they are installed.
15. The relationship between 83 Lincoln Road and the existing driveway to the side of 81 Lincoln Road already exists and this can be used currently for access to the rear. Both existing dwellings would retain access and parking to the front, and so there is no substantive evidence before me that the proposed driveway would be used other than by occupiers of the proposed dwelling for domestic purposes. Ultimately, the provision of a single dwelling to the rear would not result in significant intensification of the use of the existing driveway.
16. Concerns have not been raised by the Council or the local highway authority in respect of the adequacy of the proposed driveway as a means of vehicular access. Matters concerning the operation of construction traffic would be agreed through the construction method statement. Fire safety and access for fire appliances would be dealt with through the building regulations process and so cannot be given any weight. Any damage caused to other properties during construction would be a private matter between the parties involved.
17. The proposal would provide additional natural surveillance in this area and a planning condition would be required to secure appropriate boundary enclosures, which will aid in security of the appeal site and adjacent properties. There is otherwise no substantive evidence before me to demonstrate the proposal would result in additional crime.
18. I therefore find no harm in respect of the above matters, subject to appropriate planning conditions.

### **Conditions**

19. The Council have suggested conditions should the appeal be successful. I have considered these and amended where necessary in light of the national Planning Practice Guidance.

20. In addition to the required conditions I refer to above and the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. For the proposed dwelling, external materials need to be approved in the interests of the character and appearance of the area. Likewise external materials of the proposed extension to No 81 are required to match those of the existing dwelling for the same reason.
21. I agree with the suggestion that permitted development rights should be removed for roof extensions or alterations to the proposed dwelling, to enable the local planning authority to safeguard the living conditions, particularly privacy, of occupiers of neighbouring properties.
22. Details of hard and soft landscape works are required to be agreed and those works implemented and maintained in the interests of the character and appearance of the area. The access, driveway, parking and turning area proposed are required to be implemented in accordance with the submitted plans prior to the occupation of the proposed dwelling in the interests of highway safety.
23. The Council has requested a condition to secure obscure glazing and restricted opening of a side facing rooflight. The submitted plans indicate this is a high-level window providing light to the ground floor corridor and so views to neighbouring properties could not be readily achieved. This condition is therefore not necessary.

### **Conclusion**

24. For the reasons given above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed.

*Ryan Cowley*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawing 2101-04 Rev D Proposed Site Plan
  - Drawing 2101-05 Rev A Proposed Floor Plans
  - Drawing 2101-06 Rev A Proposed Elevations
  - Drawing 2101-08 Rev D Proposed Floor Plans
  - Drawing 2107-09 Rev D Proposed Elevations
  - Drawing 2101-10 Rev D Proposed Elevations

- 3) No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) wheel washing facilities;
  - v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - vi) confirmation of hours of construction and deliveries to site.
- 4) Construction of the dwelling hereby permitted shall not commence above damp-proof course until details (and samples upon request) of the external facing materials to be used (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The external facing materials to be used in the construction of the extension to 81 Lincoln Road hereby permitted shall match those corresponding materials on the existing dwelling, in terms of colour, type and finish.
- 6) The dwelling hereby permitted shall not be occupied until:
  - i) the access driveway is constructed to a width as shown on Drawing 2101-04 Rev D Proposed Site Plan;
  - ii) the new driveway is provided in a hard-bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hardbound material for the life of the development;
  - iii) the parking and turning areas are provided in accordance with approved Drawing 2101-04 Rev D Proposed Site Plan. The parking and turning areas shall not be used for any other purpose other than the parking and turning of vehicles.
- 7) No part of the development shall be brought into use until details of all the boundary treatments proposed for the site (which shall include treatment between the application site and the side elevation of the existing building at 83 Lincoln Road) including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to the occupation of the new dwelling and shall then be retained as such for the life of the development.
- 8) Prior to first occupation of the dwelling hereby permitted, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- i) full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
  - ii) car parking layouts and materials;
  - iii) other vehicle and pedestrian access and circulation areas; and
  - iv) hard surfacing materials.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping scheme shall be completed prior to first occupation or use of the dwelling hereby permitted.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), and in relation to the dwelling hereby permitted only, other than the development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:
- i) Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
  - ii) Class C: Any other alteration to the roof of a dwellinghouse.