

Appeal Decision

Site visit made on 25 October 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th November 2016

Appeal Ref: APP/Y2003/W/16/3156007

Netherhaven, 34 Nethergate, Westwoodside, North Lincolnshire DN9 2DL

- 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 Mr Matthew Reynolds against the decision of North Lincolnshire Council.
 - The application Ref PA/2015/1424, dated 13 November 2015, was refused by notice dated 10 February 2016.
 - The development proposed is described as planning permission for a single building plot and new access at 34 Nethergate, Haxey.
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Decision

1. The appeal is allowed and outline planning permission is granted with all matters, other than access, reserved to erect a single dwelling and associated access and the creation of a new access at Netherhaven, 34 Nethergate, Haxey, Westwoodside DN9 2DL in accordance with the terms of the application, Ref PA/2015/1424, dated 13 November 2015, subject to the attached schedule of conditions.

Procedural Matters

2. The application was made in outline with all matters apart from access reserved for future determination. An illustrative site plan and illustrative dwelling design plan were submitted with the application which I have had regard to in the determination of this appeal.
3. The Council changed the description of application Ref PA/2015/1424 to 'outline planning permission to erect a single dwelling and associated access and creation of a new access at 34 Nethergate'. The site address was also changed to 'Netherhaven, 34 Nethergate, Haxey, Westwoodside DN9 2DL'. These are a more accurate description of the proposed development and site address which I have therefore used in the determination of this appeal.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on highway and pedestrian safety.
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Reasons

Character and appearance

5. The appeal site comprises the southern side garden of the bungalow at No 34 Nethergate which is currently partly occupied by an existing garage and side extension and is located at the junction of Tower Hill and Nethergate. Properties in the vicinity comprise a variety of house types, plot sizes and design styles with semi-detached, two storey and bungalows located on Nethergate on the approach to the junction. As such, the area in the vicinity of the appeal site displays no consistent or predominant design style, building mass and scale or density.
6. The proposed development would involve the demolition of the existing garage and side extension to No 34 and the construction of a single dwelling which would have access to Nethergate via the existing access that currently serves No 34. In addition, a new access to serve the retained property at No 34 is proposed in the northern side garden on the apex of the eastern curve of the junction of Nethergate with Tower Hill.
7. The appellant indicates that the proposed building plot would have a ground area of approximately 380 sq m. The indicative plans show that the site can accommodate a dwelling having a footprint of approximately 66 sq m with a rear garden of 180 sq m. Although I have no evidence of any adopted design standards, the indicative plans reinforce my view that the plot size is adequate to accommodate a modest dwelling that would not be inconsistent with the scale, mass and plot size of properties in the vicinity. The proposed site is also adequate in size to accommodate an acceptable area of private amenity space.
8. The existing property at No 34 would also retain an adequate area of private amenity space. Although the proposed dwelling would be positioned relatively close to the south elevation of No 34, I do not consider that this would give the appearance of an unacceptably cramped form of development, particularly given the proximity to the existing semi-detached and terrace properties in the vicinity on Nethergate. Taking these factors into account, I do not consider that the proposal would result in a cramped form of development.
9. Given the varied architectural style and plot size of the locality, I have no evidence to suggest that an acceptable design of a proposed dwelling that would follow the pattern of the built form along Nethergate could not be secured at reserved matters stage.
10. I have taken into account the Council's concerns that the proposed development would erode some of the current open character of the side garden at No 34. However, this is already occupied by the existing garage and side extension and I consider that the replacement of these elements by a dwelling would have no material impact on the visual appearance or character of this part of the garden. Moreover, the character of development on Nethergate to the south of the site is of dwellings positioned relatively close to each other. The proposed development would not be out of keeping with the character of this part of the street.
11. Taking the above factors into account I conclude that the proposed development would not have an unacceptable effect of the character and appearance of the surrounding area. As such, there would be no conflict with

Saved Policies DS1 and H8 of the North Lincolnshire Local Plan 2003 (Local Plan) or Policy CS5 of the North Lincolnshire Core Strategy 2011. These policies, amongst other things, require new development to respect and reflect the form, scale, mass, design, character and appearance of the local area and consider the relationship with existing buildings.

Highway safety

12. The proposed access to serve the existing property at No 34 would be positioned on the apex of the eastern curve of the junction of Nethergate with Tower Hill. This junction is relatively wide and the appellant indicates that the visibility from the centre of the proposed access at the rear of the highway pedestrian pavement along Tower Hill is 85m and 93m in a westerly and easterly direction respectively. I have no evidence to indicate that these visibility distances may be incorrect.
13. Taking into account the low level of traffic generation from the existing single dwelling, in my view the visibility in both directions along Tower Hill would be adequate and would not unacceptably compromise highway safety. The visibility towards Nethergate is slightly compromised by the highway alignment. However, I observed at my site visit that Nethergate is not highly trafficked and vehicles that do use this road appear to travel at a relatively low speed as a consequence of the narrowness of the carriageway and the approach to the junction. Taking these factors into account, I consider that the visibility from the proposed access along Nethergate would be adequate.
14. Given the position of the access on the apex of the eastern arm of the junction there would be adequate inter-visibility between vehicles using the proposed junction and pedestrians using the pavement. In addition, I have taken into account the comments of the Council's Highway Section who advised that the position of the access may not be ideal but it offered adequate visibility in all directions. I concur with these views.
15. The Council have suggested a condition that would restrict the height of any planting or fencing within 2 metres of the highway boundary. Should I be minded to allow this appeal, the imposition of such condition would ensure that adequate pedestrian/vehicular inter-visibility would be maintained in the vicinity of the access.
16. Taking the above factors into account I do not consider that the proposed access would have an unacceptable effect on highway or pedestrian safety. Consequently, there would be no conflict with Saved Policies T2 and H8 of the Local Plan. These policies, amongst other things, require all new developments to provide satisfactory access, promote the needs of pedestrian movements and take into account the health and safety of the community.

Conditions

17. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the government's Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated one for the reasons set out below.
18. I have attached conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters. However,

I have merged the Council's suggested conditions Nos 1 and 2 into a single condition. I have specified the approved plans in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed conditions concerning the external materials to be used and details of boundary treatment.

19. In the interests of highway safety I also agree that adequate provision should be made for the parking and manoeuvring of cars for the dwelling. Also, given the proximity of the proposed access to the junction of Nethergate with Tower Hill, I agree that a condition is required to restrict the height of any planting and any other structures within a distance of 2 metres from the highway boundary in order to maintain adequate visibility splays.
20. In order to protect the living conditions of nearby residents from noise and disturbance associated with construction works, I have imposed a condition restricting the hours of operation that such works can take place on the site. For the same reason, I have expanded the Council's suggested construction phase management plan to require details of measures to prevent mud and dirt from being deposited on the highway, measures to control the emission of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Conclusion

21. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

- 1) Details of the 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 begins 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 three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two 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: 910-34 Location and Block Plans dated 7 January 2016.
- 5) The proposed dwelling shall not be occupied until space has been laid out to serve the existing dwelling, in accordance with drawing No 910-34, for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Such space shall be surfaced and thereafter be kept available at all times for the parking and manoeuvring of vehicles.
- 6) 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), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary.
- 7) No development shall take place, including any works of demolition, 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) details of all traffic movements
 - iii) loading and unloading of plant and materials
 - iv) details of any traffic management requirements on the adjacent highway.
 - v) storage of plant and materials used in constructing the development
 - vi) measures to prevent mud and dirt from being deposited on the highway
 - vii) measures to control the emission of dust and dirt during construction
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- 8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved details.

- 9) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The boundary treatment shall be provided in accordance with the approved details and shall be completed before the first occupation of any of the dwellings. The approved boundary treatment shall be retained thereafter.
- 10) Construction works shall not take place outside 07.00 hours to 19.00 hours Mondays to Fridays, and 07.00 hours to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. HGV movements and the installation of equipment on the site shall not be permitted outside these hours during the construction phase without the prior written approval of the local planning authority.