

Appeal Decision

Site visit made on 28 February 2017

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 29th March 2017

Appeal Ref: APP/Y2003/W/16/3161662

Treetops, 2 Nicolgate Lane, Brigg, North Lincolnshire DN20 8UE

- 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 Mrs Melanie Glentworth against the decision of North Lincolnshire Council.
 - The application Ref PA/2016/233, dated 26 February 2016 was refused by notice dated 21 September 2016.
 - The development proposed is described as "to alter and subdivide an existing dwelling into two and to erect a new detached dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted to the Council during the consideration of the application. By attachment to an email dated 20 February 2017 the appellant submitted Dwg ADP15/P151/07B for dwelling 'TT02' to reflect the extent of the dwelling and size of the rear amenity space shown on Site Layout Plan Dwg ADP/15/P151/02B. Dwg ADP15/P151/07B does not change the proposals considered by the Council and I do not consider that it prejudices any interested parties. I have therefore determined the appeal upon the list of plans the Council determined and Dwg ADP15/P151/07B.

Main Issues

3. The main issue in this case is the effect of the proposed development upon the character and amenity of the locality.

Reasons

4. Paragraph 4.35 of the North Lincolnshire Local Plan 2003 (Local Plan) explains that the piecemeal residential development of open spaces and private gardens can, if uncontrolled, create an adverse impact and destroy the character of settlements. Criterion "e)" of saved Policy H5 requires that the scale, layout, height and materials of the development are in keeping and compatible with the character and amenity of the immediate environment and with the settlement as a whole. The North Lincolnshire Local Development Framework Core Strategy 2011 (Core Strategy) Policy CS5 advises that development should, amongst other things, take account of the existing built heritage in particular terms of scale, density and layout, and be well designed and appropriate to the local area and context and consider the relationship between
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any buildings and the spaces around them, and how they interact with each other.

5. Individual dwellings set in attractive landscaped gardens which afford significant private amenity and spaciousness are defining characteristics of the immediate locality of the appeal site. From my site visit and having studied site layout drawing ADP/15/P1521/02B I find that the gardens would be very much smaller in comparison to those of surrounding and nearby dwellings.
6. The rear garden for TT02 would be particularly small and constrained comprising of a very narrow strip alongside a single storey rear extension and a very small and shallow area to the rear. It would be largely enclosed by existing tall boundary treatments and a new 1.8m fence along the boundary with plot 'TT01'. The space between the side wall of the rear wing of TT02 and the boundary with the garden of TT01 would be very narrow. These aspects indicate that the gardens of TT01 and TT02 would feel cramped and that the overall layout of the proposal would not provide adequate space around the site and between properties and would not be in keeping and compatible with the character and amenity of the immediate environment.
7. From information provided about a dwelling approved at 14 Wrawby Road¹ I find that the detailed site layout appears quite different to that before me and I attach little weight to the permission. Such a layout may not be unacceptable within the tight urban grain of a town centre or other areas of more dense modern housing, such as that north of the cemetery.
8. I conclude that the layout of the development would be unduly cramped and harmful to the existing character and amenity of the immediate locality and would therefore fail to satisfy one of the requirements of Policy H5e) of the Local Plan. It would also fail to satisfy aims of Core Strategy Policy CS5 that development should, amongst other things, be well designed and appropriate to the local area and context and consider the relationship between any buildings and the spaces around them, and how they interact with each other.

Other matters

9. The Core Strategy supports additional dwellings in defined settlements. The location of the site is within walking distance of local services and public transport links. These matters weigh in favour of the principle of the development.
10. The existing dwelling would be large enough for internal subdivision into two units and the proposal would generally follow the prevailing building lines along Wrawby Road and Nicolgate Lane. There is nothing to say that the design of the dwellings would be out of keeping, that the spacing between the proposed two storey elements and existing buildings would not be reasonable, or that there would be any adverse loss of light or overshadowing. Each dwelling would have access and off street parking. Notwithstanding a local concern regarding access, close proximity to a school and local traffic conditions, there are no objections from the Highway Authority. I find no evidence to say the proposal would be harmful to highway safety. All of these matters are neutral in effect.

¹ LPA ref PA2016/560

11. I am not persuaded that the evidence of the appellant's previous use of the property for a children's nursery either weighs for or against the proposal.
12. The appellant points out that the application was recommended for permission and also draws my attention to Minutes of meetings of the Council, but I have confined my considerations to the merits of an appeal against the formal decision that the Council made.
13. No 24 Wrawby Road has a long side boundary adjacent to the rear of the appeal site. Dwelling 'TT03' would largely face a blank gable wall at No 24 and views of built form would be restricted and oblique. The rear garden of No 24 is well screened by high boundary treatments including some substantial evergreen hedging. The garden of TT02 would be some distance from the patio at No 24. The gardens of TT01 and TT03 would not be significantly dissimilar in relationship to the boundary with No 24 than areas of the existing garden on the appeal site. The proposal would not materially increase the potential for overlooking of No 24. Overall, I do not consider that the proposal would have a dominating effect upon the occupiers of No 24 or otherwise be detrimental to their existing living conditions.
14. The occupiers of No 24 submit that a grant of permission would amount to a violation of their rights under Article 8 of the European Convention on Human Rights which affords the right to respect for private and family life. This is a qualified right, and interference may be justified where in the public interest. The concept of proportionality is crucial. However, as I am minded to dismiss the appeal my decision would not lead to any violation.

Conclusions

15. The proposed layout of the development would be unduly cramped and would not be in keeping or compatible with the character and amenity of the immediate locality and would fail to satisfy requirements of Local Plan Policy H5e) and Core Strategy Policy CS5.
16. The environmental harm to the character and amenity of the locality would outweigh the limited social and economic gains in the provision of two additional dwellings in a defined settlement and within walking distance of local services and public transport links and the proposal would not amount to sustainable development. Therefore, and having taken all other matters raised into consideration, I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR