
Appeal Decision

Site visit made on 22 May 2017

by A Jordan BA Hons MRTPI

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

Decision date: 30 May 2017

Appeal Ref: APP/B2002/W/17/3170995

53 Park Drive, Grimsby, North East Lincolnshire, DN32 0EQ

- 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 Mark Shaw against the decision of North East Lincolnshire Council.
 - The application Ref DM/1009/16/FULA, dated 18 October 2016, was refused by notice dated 27 January 2017.
 - The development proposed is a new boundary wall and gates, extension to driveway and pavement crossover.
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Decision

1. The appeal is allowed and planning permission is granted for a new boundary wall and gates, extension to driveway and pavement crossover at 53 Park Drive, Grimsby, North East Lincolnshire, DN32 0EQ in accordance with application Ref DM/1009/16/FULA and the plans submitted with it and subject to the following conditions:
 - 1) With the exception of the railings and gate shown, the development shall be carried out in accordance with the following plans:
 - Site Location Plan – JEW-00568580
 - Block Plan & Proposed Elevations - GW/MS/PD/3
 - Proposed Plans - GW/MS/PD/2
 - 2) Within 28 days of the date of this approval details of the railings, gate and coping stones to be included as part of the finished scheme shall be submitted for approval to the Local Planning Authority. The scheme shall thereafter be retained in accordance with the approved scheme.

Procedural Matters

2. I noted on my site visit that development had been carried out on site and was almost complete. The application is therefore made retrospectively. The proposal also varies from the submitted plans in that the railings on site were topped with finials which were not shown on the submitted plan. I am obliged to determine the appeal on the basis of the plans before me, which is the basis on which the proposal was advanced, rather than the details implemented on site.
 3. The application was determined on the basis of policies in the *North East Lincolnshire Local Plan 2003*. Since the Council's decision, the submission *Draft*
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North East Lincolnshire Local Plan (2016) has been submitted for examination and the Council have drawn my attention to Policies 1, 2, 20 and 38 within it. Given the advanced stage of the plan I have attributed significant weight to them.

Main Issue

4. The main issue for the appeal is whether the proposal preserves or enhances the character or appearance of the Wellow Conservation Area and the adjacent heritage assets.

Reasons

5. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. Policy BH1 of the *North East Lincolnshire Local Plan 2003* (Local Plan) seeks to ensure that development in conservation areas reflects the surrounding environment and uses appropriate materials. The policy reflects the statutory duties defined in the Act. Policy BH8 seeks to ensure that development proposals do not have an unduly adverse effect on the character or appearance of locally listed buildings. Policy 38 of the emerging Draft North East Lincolnshire Local Plan (2016) also identifies the need to safeguard and where possible enhance, the character, setting and integrity of identified heritage assets, including Listed Buildings and Conservation Areas, and requires the assessment of the value of non-designated heritage assets. This policy mirrors the guidance in the adopted plan, the Framework and the requirements of the Act.
6. Park Drive is an arc-shaped residential street made up mostly of large individually designed Edwardian Villas. The road encircles the People's Park with dwellings immediately overlooking the open parkland. These are set on large plots and are set back from the road by reasonably sized front gardens. Front boundaries are typically hedges with low boundary walls, or brick walls, some with railings. The People's Park is Grade II Listed, which recognises its importance as a good surviving example of the work of the designers William Barron and Son, and of municipal landscape architecture from the period. The Park contains a number of listed structures, none of which are visible from the appeal site. The space along the road provided by the relationship with the adjoining parkland setting, and the striking appearance of the largely Edwardian architecture which encircles it provides an attractive residential environment. The quality of the streetscene and the large number of intact original buildings is recognised in the designation of the area as the Wellow Conservation Area.
7. No 53 is a substantial detached property with a large area of garden to the front which sits comfortably in the varied streetscene. I am advised is locally listed. The wall, railings, gate and hard surfacing which are the subject of this appeal were in place on site when I visited and so I was able to view the works in the context of the other boundary treatments along the road. These comprised established hedges, some set behind dwarf red brick walls which appeared to be contemporaneous with the houses behind. It also includes more substantial boundary walls which generally appeared to be of more recent

- construction. There was therefore no unified approach along the road and the introduction of a wall and railings at the appeal property was not incongruous.
8. The Council have expressed concern in relation to the scale of the wall, and the materials used, which comprise engineering brick, some of which is blue. Although I accept that walling along the frontage would originally have been lower, when viewed on site the height and width of the wall and railings appeared consistent with that of adjoining properties and so did not appear intrusive. I also noted that the brick used varied from that on both the original walling along the road and the adjoining property. However, it had begun to weather and over time will be likely to provide a reasonable approximation of the brick colour used on the main property and would not appear intrusive. Similarly the darker detailing will weather to a darker tone and will not appear strident.
 9. The Council have raised no objection to the hard-surfacing or the vehicular cross-over and I see no reason to dispute this. I also noted on site that whilst the railings as installed are not incongruous, the railings as shown on the plan would have a contemporary appearance which would fail to complement the prevailing character of the road. The retention of the finials installed on site could be secured by condition. I am therefore satisfied that the proposal will, once established, assimilate comfortably in the streetscene thus preserving the setting of the main property and the character of the Conservation Area.
 10. I therefore conclude that the proposal would not cause harm to the setting of the locally listed 53 Park Drive and so would not cause harm to the special interest of the listed building or to its significance. The proposal would also preserve the character of the Conservation Area and would not impact upon the setting of the adjacent listed park. It follows that the proposal would comply with national policy outlined in the Framework. It would also comply with Policies BH1 and BH8 of the Local Plan which seeks to ensure that development proposals do not have an unduly adverse effect on the character or appearance of locally listed buildings and preserves or enhances the character or appearance of the Wellow Conservation Area.
 11. I therefore conclude that the appeal be allowed. It would also comply with Policy 38 of the emerging plan which has similar aims. As the application is largely retrospective I do not consider it necessary to impose a time condition in this case. However in order to ensure that the finials and coping stones form part of the implemented scheme and for the avoidance of doubt I have imposed a condition in this regard.

A Jordan

INSPECTOR