
Appeal Decision

Site visit made on 21 June 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 03rd July 2017

Appeal Ref: APP/Y2003/W/17/3171840

Lavenir, 38 Brethergate, Westwoodside DN29 2AE

- 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 Karl Collins against the decision of North Lincolnshire Council.
 - The application Ref PA/2016/990, dated 4 July 2016, was refused by notice dated 18 January 2017.
 - The development proposed is the erection of dormer dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dormer dwelling at Lavenir, 38 Brethergate, Westwoodside DN29 2AE in accordance with the terms of the application, Ref PA/2016/990, dated 4 July 2016, subject to the attached schedule of conditions.

Procedural Matters

2. The application is in outline with appearance and landscaping matters reserved for future consideration. Drawings showing the proposed site layout were submitted with the application and I have had regard to these in determining this appeal.

Main Issue

3. The effect of the proposed development on the safe flow of traffic in the vicinity of the appeal site.

Reasons

4. The appeal site is part of a substantial plot on the southern side of Brethergate, which is part of the main road through the village and has a 30mph speed limit in force at the site location. The road makes a shallow descent from Tower Hill to the north-east and sweeps in a bend to the north-west at the junction with Nethergate. Nethergate ascends from the south to join the road, which then begins a shallow ascent to the north-west. The effect of the sweeping bend, coupled with the slope on both Brethergate and Nethergate, significantly limits the speed of traffic.
5. The appellant states that the Council's planning committee referred to accidents, current traffic levels and the location of a nearby bus stop in giving reasons for refusal. However, the single dwelling proposed would not generate a significant amount of extra traffic and there has been only one recorded minor accident in the vicinity in the previous seven years. While Brethergate

appears to be on a bus route, there are no permanent bus stops close to the appeal site.

6. Given the road conditions, I consider that the location of the proposed vehicular access would provide sufficient visibility for drivers approaching, entering or leaving the site to maintain the safe flow of traffic. Therefore I conclude that the development would be in accordance with Saved Policy T2 of the North Lincolnshire Local Plan 2003 which seeks to ensure that all development is provided with a satisfactory access. I also note that the Highway Authority had no objection to the proposed scheme.

Conditions

7. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
8. In the interests of proper planning I have imposed the standard conditions in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans. In the interests of highway safety I have imposed conditions to prevent water and loose debris from encroaching onto the road, to ensure that visibility is not restricted and also to ensure that parking and turning will be provided.
9. To ensure the amenity of neighbours is not unnecessarily disrupted I have imposed a condition limiting the hours of work on the site. The Council's Environmental Health Team has requested information about possible land contamination. However, the effect of any contamination on the progress of the development can be adequately controlled by condition and I have therefore imposed one.
10. I have not imposed a condition relating to external facing materials as appearance is a reserved matter.

Conclusion

11. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should succeed.

D Guiver

INSPECTOR

Schedule

- 1) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place 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 take place 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: drawing no 16.015.2 Rev B.
- 5) Demolition, construction or installation works on the site and associated vehicular movements, including deliveries, shall take place only between 7am and 7pm, Monday to Friday and 7am to 1pm on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 7) Notwithstanding condition 4 no development shall take place until details of a scheme for the prevention of surface water run-off from paved areas on the site onto the highway have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before first occupation.
- 8) The building shall not be occupied until a means of access for vehicles shall have been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 9) No loose material shall be placed on any driveway or parking area within 10 metres of the highway unless details of a scheme for the prevention of the spillage of such material onto the highway have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and preventative measures shall be retained thereafter.
- 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), no fences, gates, walls or other structure shall be erected and no tree, shrub bush or hedge shall be planted or retained within a distance of 2 metres from the highway boundary of the site where such structure or planting exceeds 1.05 metres in height above the level of the highway.