
Appeal Decision

Site visit made on 25 June 2019

by Karen Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 25 July 2019

Appeal Ref: APP/Y2003/W/3226261

1 Low Cross Street, Crowle DN17 4NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ashley Morley against North Lincolnshire Council.
 - The application Ref PA/2018/1330, is dated 9 July 2018.
 - The development proposed is to erect a detached dwellinghouse.
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Decision

1. The appeal is dismissed and planning permission to erect a detached dwellinghouse is refused.

Procedural Matters

2. I have taken the description of development from the Council's registration letter as this more accurately describes the appeal proposal.
3. The Council have not issued a refusal notice. However, I have had regard to the Council's accompanying statement of case, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposal upon the character and appearance of the area;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy and whether, for the same reason, the proposal would provide for a satisfactory standard of living conditions for the development's future occupiers; and
 - the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

Character and Appearance

5. The appeal site is in a backland location, to the rear of properties No 1 and No 3 Low Cross Street. Abutting the site to the east is No 6 The Slack. It is situated within a predominantly residential area where dwellings are characterised by their frontage development and generous plot sizes. The proposed dwelling would be set back considerably into the site from the frontage of The Slack. This results in the dwelling being typically out of pattern with the characteristics of the immediate adjoining dwellings and forming an unacceptable change to the residential character and appearance of the street scene.
6. The appellant suggests that they are flexible as to the footprint location of the building and layout. However, due to the narrow width of the plot and the position of the proposed dwelling, it would appear constrained and cramped in nature, particularly because of the tight proximity to the boundaries and the restrictive width and angle of the plot. It would significantly reduce the open aspect of the land, free from built form and would appear as an incongruous addition when viewed from the gardens of adjoining properties, the road (The Slack) and rear access track to the north.
7. I conclude that the dwelling proposed would cause material harm to the character and appearance of the area, contrary to Policies CS2, CS5, CS7 of the North Lincolnshire Local Development Framework, Core Strategy, (2011), and Saved Policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan, (2003). The overall aims of these policies are that developments, including new housing, should reflect or enhance the character, appearance and setting of the immediate area; be in keeping with scale and character of the settlement; be designed to a high standard; and that design and layout should respect and retain and/or enhance the existing landform of the site and streetscapes.

Living Conditions

8. The proposed dwelling would be sited in close proximity to the boundaries of neighbouring properties. In particular, No 6 The Slack has two first floor windows on the rear elevation which directly look in to the site. Therefore, those windows due to their location and position on the elevation, would result in an unacceptable amount of overlooking into the garden areas of the proposed development and would significantly harm the privacy of any future occupiers of the new dwelling.
9. No 1 and No 3 Low Cross Street have elongated rear gardens that run alongside the length of the site. The proposed dwelling would have windows and a door at ground floor and three windows at first floor positioned along the western elevation. The ground floor openings could be screened by suitable boundary treatments and the plans suggest that fencing would be retained along the boundary with No 1, however, the first floor windows, one serving a bathroom and two windows serving bedrooms would directly face and overlook the garden areas of these properties, this would cause an unacceptable level of overlooking to the detriment of their existing privacy.

10. I conclude that the proposed dwelling would cause significant harm to the living conditions of existing and future occupiers. It would be contrary to Policies CS2, CS5 of the North Lincolnshire Local Development Framework, Core Strategy, (2011), and Saved Policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan, (2003). These policies broadly seek to ensure there are design standards to prevent no unacceptable loss of amenity to neighbouring land uses; through the effects of overlooking and privacy.

Highway Safety

11. The Council were concerned that the visibility for the proposed access points would be severely restricted for vehicles exiting the site. The appellant refers to an existing vehicular access and driveway adjacent to the gable wall of No 1 Low Cross Street, I would disagree with the appellants assessment somewhat, as it was apparent on my site visit there is a wooden pedestrian gate attached to picket fencing and a hedge, which would only give pedestrian access to the rear gardens. It was also clear from the condition of the grassed areas and vegetation that this area had not been utilised by any vehicle. I also consider there is a continuation of low pavement from Low Cross Street, where kerb stones directly abut the highway, than the suggested existing dropped kerb for vehicular access.
12. As such, two new vehicular accesses would be created to facilitate the proposals. One would serve No 1 Low Cross Street, and another would serve the proposed dwelling. They would be located within close proximity to each other and the junction of Low Cross Street and The Slack. The Slack is narrow and winding which makes it difficult for vehicles travelling in opposite directions to pass easily and the new accesses would be positioned awkwardly on the bends.
13. The proposed access for the new dwelling would be severely restricted by existing vegetation and fencing in third party ownership. In this instance, the new vehicular access for the proposed dwelling, would have severe restricted visibility. I therefore, consider the location of the accesses to be a dangerous situation for pedestrians and other road users, as their views would be impeded from the road layout. With such restricted visibility it would be unlikely that road users would have a clear view of vehicles manoeuvring from driveways, to the detriment of their highway safety.
14. As part of the application, two parking spaces were proposed for the new dwelling within the site. I agree with the Council that the parking and turning arrangements would be tight and difficult to use, due to the restricted space within the site and angles of the driveway. As a result, vehicles would have restricted manoeuvrability for safe ingress and egress on to The Slack, which would result in vehicles having to reverse out onto the highway which, combined with the restricted visibility, would not be in the best interests of highway safety.
15. For the reasons outlined above, I conclude that the appeal proposals would have an unacceptable harmful and significant impact on highway safety. The development would not therefore accord with the highway safety aims of the National Planning Policy Framework, 2018 (The Framework), Paragraphs 108 (b) and Paragraph 109; Policies CS2, CS5 of the North Lincolnshire Local Development Framework, Core Strategy, (2011), and Saved Policies DS1, H7, T2 and T19 of the North Lincolnshire Local Plan, (2003). These policies all aim

to prevent development which is unacceptable to road safety and that development should provide satisfactory and adequate access.

Other Matters

16. The appellant has provided copies of correspondence with the Council relating to the application and pre-planning advice (PP-07111410). I note the appellants comments and frustration with no/limited response from the Council, but I have given these limited weight as I have no evidence of the pre-planning advice scheme or the Council's response to it and have dealt with the appeal proposal I have before me.
17. The appellant has referred to flooding and a flood risk assessment being submitted with the application. I have considered representations from LLFA Drainage Team and the Environment Agency, which both raised no objections to the development. These are matters which do not affect my findings on the main issues.
18. A Contamination Screening Assessment has been submitted as part of the appeal from the appellant, this was requested by the Council's Environmental Health Officer during the application. The assessment identifies the existing land use is domestic with no activities carried out in relation to contamination at the site. However, this is a completely separate matter from the main issues discussed, and does not serve to mitigate against the harm I have identified.

Conclusion

19. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Karen Taylor

INSPECTOR