
Appeal Decisions

Site visit made on 6 August 2019

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal A Ref: APP/B2002/W/19/3224248

North East corner of the junction of Stephen Crescent with St Luke's Grove, Humberston, North East Lincolnshire

- 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 A. Mould and P. Burstall against the decision of North East Lincolnshire Council.
 - The application Ref DM/0928/18/OUT, dated 25 October 2018, was refused by notice dated 7 February 2019.
 - The development proposed is erection of a dwelling and garage.
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Appeal B Ref: APP/B2002/W/19/3224249

North West corner of the junction of Stephen Crescent with St Luke's Grove, Humberston, North East Lincolnshire

- 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 A. Mould and P. Burstall against the decision of North East Lincolnshire Council.
 - The application Ref DM/0929/18/OUT, dated 28 October 2018, was refused by notice dated 7 February 2019.
 - The development proposed is erection of 2 dwellings and garages.
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Decision

1. Appeal A is allowed and outline planning permission is granted for the erection of a dwelling and garage at the north east corner of the junction of Stephen Crescent with St Luke's Grove, Humberston, North East Lincolnshire in accordance with the terms of the application, Ref DM/0928/18/OUT, dated 25 October 2018, subject to the conditions in the attached schedule.
2. Appeal B is allowed and outline planning permission is granted for the erection of 2 dwellings and garages at north west corner of the junction of Stephen Crescent with St Luke's Grove, Humberston, North East Lincolnshire in accordance with the terms of the application, Ref DM/0929/18/OUT, dated 28 October 2018, subject to the conditions in the attached schedule.

Applications for costs

3. Applications for costs were made by A. Mould and P. Burstall against North East Lincolnshire Council in relation to both appeals. These applications are the subject of separate Decisions.

Procedural Matters

4. As set out above there are two appeals made by the same appellants. They are on separate sites, but on the same street and immediately opposite each other. They share very similar characteristics and were refused for identical reasons therefore it is appropriate to deal with them together.
5. The proposals are in outline form with all matters reserved for future consideration. Illustrative site layout plans have been provided and whilst not formally submitted for approval as part of the outline proposals, I have treated them as a useful indication as to how the sites could be developed.

Main Issue

6. The main issue in relation to both appeals concerns the effect of the proposed development on the character and appearance of the area with particular reference to the loss of open grassed land.

Reasons

7. The appeal sites comprise two areas of open grassed land on the corners of St Luke's Grove where it adjoins Stephen Crescent. The residential area has a uniform character comprising detached and semi-detached bungalows of similar design. Many properties have open plan front gardens with low fences or hedges, and the roads have wide footways with grass verges giving it a pleasant green character. The two grassed areas are opposite another large grassed area, which is not part of the proposals. Together all three areas have a positive effect on the street scene in the immediate area.
8. It is suggested that the sites have some local value in terms of social amenity and wellbeing. However there is no evidence before me regarding the use of these areas, and I did not see any indication on site that they are used as formal play areas. They are not identified in the North East Lincolnshire Local Plan as having any specific notation. Moreover, there is no evidence before me of any previous planning history or legal restriction to the public use or development of these areas.
9. The loss of the open grassed areas would not result in any significant harm to the social wellbeing of the area. Generous amounts of grassed open spaces would remain in the immediate locality including the triangular verges immediately adjacent to the sites and the large grassed area opposite the site, which would remain as a visual and social resource for the area. I note that there are playing fields a short distance away from the sites at St Christopher's Road.
10. An additional three dwellings would increase the housing density in the immediate area. Nevertheless, the illustrative plans provided indicate that one detached bungalow (Appeal A) and two semi-detached bungalows (Appeal B) could be satisfactorily accommodated within the plots, together with detached garages, and ample space remaining around them for gardens. The open plan and green character of the wider residential area would be retained if the plots were developed in this manner.
11. As such, neither of the proposals would result in any significant adverse harm to the character and appearance of the area. They comply with North East Lincolnshire Local Plan policies 5 and 22 which, amongst other matters, seek

for development proposals to achieve a high standard of design informed by a thorough consideration of the sites context, and to have regard to size, scale and density. It would also be in conformity with paragraph 127 of the National Planning Policy Framework in that the design would be sympathetic to local character and would maintain a sense of place.

Other Matters

12. As the proposals are in outline form only, future reserved matters applications would need to take into account the potential impact on living conditions such as loss of light and privacy. The submitted illustrative site plans indicate that dwellings could be sited on the plots with sufficient separation distances akin to others in the area, and without any significant harm to neighbours living conditions. A condition can ensure that the dwellings are single storey only.
13. Whilst I understand the neighbours' concern about disruption during the construction process, this would be temporary and could be mitigated by a suitable demolition and construction management plan, together with limits on working hours.
14. In terms of highway safety, I find no reason to conclude that the proposed dwellings would obstruct visibility or the small increase in vehicle movements would be harmful to highway safety. I note that the Highway Officer does not object to the proposals. All the nearby houses have off-street parking, and the openness of the corner grass verges adjacent to the sites would remain. I acknowledge the concerns that the existing street layout of the estate may be affected by issues relating to blind bends, speeding vehicles and parking (including for the nearby school). Nonetheless, these existing issues would not be unduly exacerbated by the proposals which have sufficient space for off street parking and the illustrative plans suggest appropriate access points.
15. Reference has been made to potential flooding and drainage issues in the locality. There is no evidence that the development would exacerbate any existing surface water drainage conditions, and a scheme for disposal of surface water can be controlled by condition.
16. Local concerns that there is enough housebuilding in the area and that there are already houses for sale on the estate would not justify withholding permission, and the contribution of 3 dwellings to the local housing supply would be a benefit.
17. Loss of view and loss of value have also been noted, however it is a well-founded principle that the planning system does not exist to protect private interests such as this.

Conditions

18. I have suggested identical conditions for Appeal A and Appeal B, apart from the approved plan condition for the avoidance of doubt. I have imposed standard conditions relating to the submission of reserved matters applications and the commencement of development.
19. I have undertaken some minor editing of the conditions proposed by the Council in the interests of precision and clarity. In the interests of minimising impact on the living conditions of neighbouring occupiers it is necessary to

include a pre-commencement condition in respect of the submission of a construction method statement and to limit the hours of construction.

20. As the surrounding area comprises predominately bungalows, a condition limiting the dwellings to single storey only would be prudent to preserve the character of the area as well as minimising impact on the living conditions of the immediate neighbouring occupiers.
21. Details of a surface water drainage scheme are required to ensure satisfactory drainage of the site to reduce the risk of flooding.
22. The Council suggest a condition requiring details of how water will be reused and recycled to accord with Policy 34 of the Local Plan. However this would not be necessary to make the development acceptable and the policy is not in the evidence before me.
23. In view of the above I conclude that both Appeal A and Appeal B should be allowed.

S Hunt

Inspector

Schedule of Conditions

Appeal A (APP/B2002/W/19/3224248) :

- 1) Details of the access, 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 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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: Location Plan ref. 1726.002 A.
- 5) The dwellings hereby permitted shall be restricted to single storey development only.
- 6) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for measures to control the emission of noise, dust and dirt during demolition and construction. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) Construction works and associated deliveries shall take place only between 08:00 and 18:00 Mondays to Fridays inclusive, and between 08:00 and 13:00 on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.
- 8) The development shall not be occupied until a surface water drainage scheme has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall be maintained and retained for the life of the development.

Appeal B APP/B2002/W/19/3224249 :

- 1) Details of the access, 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 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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: Location Plan ref. 1726.003 A.
- 5) The dwellings hereby permitted shall be restricted to single storey development only.
- 6) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for measures to control the emission of noise, dust and dirt during demolition and construction. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) Construction works and associated deliveries shall take place only between 08:00 and 18:00 Mondays to Fridays inclusive, and between 08:00 and 13:00 on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.
- 8) The development shall not be occupied until a surface water drainage scheme has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall be maintained and retained for the life of the development.

End of Schedule