



Appeal Decision

Site visit made on 9 July 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 September 2019

Appeal Ref: APP/Y2003/W/19/3227927

10 The Croft, Commonsides, Westwoodside DN9 2AP

- 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 Mr S Cherry, Cherry Tree Homes Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2018/1294, dated 26 June 2018, was refused by notice dated 17 January 2019.
 - The development proposed is demolition of existing house and construction of 5 detached houses with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A report prepared by the Historic Environment Officer of the Local Planning Authority (LPA) in relation to a separate planning application on the appeal site (ref PA/2019/392) was submitted by a third party in relation to this appeal. This provided additional information regarding the significance of the Isle of Axholme - Area of Special Historic Landscape Interest (AoSHLI) to that outlined in the planning application which is the subject of this appeal. On the basis that the information is a material consideration to this appeal, both main parties were informed of the report and given the opportunity to comment. I have had regard to the report in my determination of this appeal.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 after the LPA made its decision. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment upon the Framework as part of the appeal and I have therefore determined the appeal on that basis.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the setting of the Isle of Axholme AoSHLI and the existing building on the site; and

- The effect of the proposed development on the local highway network, with particular regard to highway safety.

Reasons

Character and appearance

5. The appeal site is located on the north side of Commonside, within the settlement boundary of Westwoodside. Commonside is generally characterised by well-spaced, ribbon development, of a medium density, often set back from the road which gives an open feel to the village. There is little consistency in terms of the size, design and materials of the properties along the road which gives variety to the streetscene.
6. To the north the site abuts, and is within the setting of, the Isle of Axholme AoSHLI. Within this landscape there are significant areas of medieval open strip fields and Turbaries, both of which are of considerable national importance. These attributes together with enclosed land and the overall settlement pattern of the area make it unique in the country. The Historic Environment Officer has indicated that the site is on the edge of a block of ancient open strip fields, and that it is the last remaining open plot on the north side of Commonside that preserves the original open strip form to the roadside and the visual link through the site to the open field beyond. In this respect the site acts as an important buffer and open setting to the ancient open strip fields and AoSHLI.
7. The site is the curtilage area associated with No 10 Commonside, which is a detached, two storey dwelling that sits in the south west corner of the plot. The building is said to date from the 19th century, is of traditional form and materials and would have been linked with the traditional farming methods of the area. On this basis the building contributes to the setting and significance of the historic landscape.
8. Policy LC14 in the North Lincolnshire Local Plan (2003) (Local Plan) relating to the AoSHLI advises that development will not be permitted which would harm the character, appearance or setting of the historic landscape, or any of its features. In addition, it states that a high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.
9. Given the identified importance of the AoSHLI within the Local Plan and the age and historical association of the existing building to the landscape, I consider that both have a degree of significance (as defined in the Framework) and represent non-designated heritage assets.
10. Paragraph 189 of the Framework states that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. The appellant contends that a heritage statement was never requested by the LPA and no additional information has been submitted as part of this appeal. This is contested by a third party, who states

that a heritage statement was requested by the LPA. Be that as it may, this matter is not determinative in my consideration of this appeal and I have assessed the proposed development on the information submitted by the main parties and the report submitted by a third party referred to earlier.

11. I acknowledge the variety of buildings along Commonside and accept that the architectural style and materials of the proposed buildings would not be wholly out of keeping with the wider context of the site. However, the introduction of five detached, two storey dwellings of the size, scale and massing proposed would significantly and detrimentally reduce the open nature of the site and hinder and detract from views out to the adjacent open landscape.
12. The properties to plots one, two and three would infill the whole width of the site leaving little space between them apart from the access route to the rear. This would cause the buildings to appear cramped on the streetscene and not reflect the well-spaced nature of the adjacent buildings along the road. Furthermore, the introduction of two substantial dwellings in plots four and five to the rear of the site would intrude into the existing open setting of the adjacent ancient open strip fields of the AoSHLI. Overall, the proposal would be a considerable over development of the site.
13. The proposed development would also involve the loss of the existing building. It is clear that the building, which is currently vacant, is dilapidated and in a poor state of repair. Furthermore, I note the photographic evidence of structural defects which was submitted by the appellant as part of the application. However, there is no detailed information before me to confirm that the building is completely structurally unsound. On this basis, the proposed development would comprise the unjustified loss of a non-designated heritage asset.
14. Paragraph 197 of the Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As I have set out, the site acts as an important open space or buffer to the historic landscape beyond and the existing building contributes to the historic significance of the landscape. The level of intrusion of the proposed development into the space and the unjustified loss of the existing building would mean that the loss of significance to these non-designated heritage assets would be considerable.
15. Accordingly, I conclude that the proposed development would be harmful to the character and appearance of the area, with particular regard to the setting of the Isle of Axholme AoSHLI and the existing building on the site. Consequently, it would conflict with policy CS5 in the North Lincolnshire Local Development Framework Core Strategy (2011) (Core Strategy) which amongst other things ensures the delivery of quality design which is appropriate for its context. It would also be contrary to policies DS1 and LC14 of the Local Plan, which amongst other things, state that development should not have an adverse effect on features of acknowledged importance, on or surrounding, a site and conserve the significance of the AoSHLI, as outlined above. It would also conflict with the heritage protection aims of the Framework.

Local highway network

16. Commonsides is a relatively narrow road running through the village with a single pavement on the northern side adjacent to the appeal site and a 30mph speed limit. The site is located just after a slight bend in the road when travelling east. To the west of the site is a brick built barn which sits at the back of the pavement.
17. The proposed development comprises three access / egress points onto Commonsides, two onto the frontages of plots one and three, and one allowing access further into the site to plots two, four and five. I note that the LPA Highways Department was consulted on the application and, following submission of a revised scheme, had no objections to the proposal subject to conditions.
18. I acknowledge the highway safety concerns of the LPA and the representations by local residents, and accept that the proposed development would generate an increase in the number of vehicles entering and leaving this part of Commonsides. Given the location of the site, the number of houses proposed and the location and number of access / egress points over the pavement and onto the road, I agree that there is potential for the proposed development to have an impact on the local highway network and highway safety for both existing and future residents. However, in the absence of an objection from the LPA Highways Department and any clear substantive evidence to confirm the form and extent of any impact, I am unable to conclude any harmful effect.
19. The LPA has cited policy CS5 of the Core Strategy, and policies DS1 and LC14 of the Local Plan in the reasons for refusal. These policies relate to the design of new development and the Isle of Axholme AoSHLI and not to transport or highway safety. Therefore, it is not appropriate to apply these policies in this instance. Instead, I have had regard to the provisions in section 9 of the Framework. Accordingly, I conclude that the proposed development would not have a harmful effect on the local highway network, with particular regard to highway safety. As such it would not conflict with paragraphs 108(b) and 109 of the Framework, which ensures safe and suitable access for all users to development sites and states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Balance

20. The appellant contends that the LPA can only demonstrate a 3.9 year housing land supply and is therefore unable to meet its short term housing needs. They also highlight that small sites such as this can make an important contribution to the housing requirement of the area. The stated shortfall has not been disputed by the LPA.
21. In accordance with footnote 7 of paragraph 11(d) of the Framework, the lack of five year supply of deliverable housing sites renders the policies which are most important in determining the proposal to be out-of-date. This would indicate that planning permission ought to be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against

the policies of the Framework as a whole. In this case, although the proposal relates to non-designated heritage assets these are not included in the list of areas or assets of particular importance stated in footnote 6. It is therefore necessary for me to balance the benefits of the proposal against any adverse impacts in the light of the 'tilted balance' set out in paragraph 11(d)ii of the Framework.

22. I have found that the proposed development would be harmful to the character and appearance of the area with particular regard to the setting of the non-designated heritage asset of the Isle of Axholme AoSHLI and the non-designated heritage asset of the existing building on the site. However, I have found no harm in relation to impact on the local highway network, with particular regard to highway safety. In these regards the proposal would be contrary to CS5 of the Core Strategy and policies DS1 and LC14 of the Local Plan. I have found these policies to be generally consistent with the relevant aims and requirements of the Framework and whilst they can restrict development, I attach considerable weight to them and the harm that arises in this case from the conflict I have found with them.
23. In relation to the benefits of the proposal, it would provide five additional family dwellings with some economic and social benefits derived from their construction and occupation. I also recognise that the site is located within an existing settlement and residential area with access to local services and facilities. Substantial weight attaches to the addition of five units to the housing stock. However, in my judgement, the adverse impacts of the proposed development on the character and appearance of the area and heritage significance would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Other Matters

24. I note the representations made by a third party regarding the impact of the dwelling on plot five on the living conditions of the occupants of No 3 Grange Court. I agree with the LPA that there would be some harm in terms of overshadowing and overbearing impact. However, as I am dismissing the appeal for other reasons, I have not considered this matter any further.
25. I acknowledge that the proposed development would not be at risk of flooding, would not give rise to any drainage issues and there is no evidence to suggest that there would be harm to any ecological interests. However, these are neutral considerations in the balance.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR