



Appeal Decision

Site visit made on 27 August 2019 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/Y2003/W/19/3229132

Birchwood House, High Street, Barrow Upon Humber DN19 7AA

- 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 Bob Johnson against the decision of the North Lincolnshire Council.
 - The application Ref PA/2018/1238, dated 22 June 2018, was refused by notice dated 23 January 2019.
 - The development proposed is erection of a detached chalet bungalow and detached garage including part demolition of existing garage".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Barrow upon Humber Conservation Area.

Reasons for the Recommendation

4. Birchwood House is a terraced dwelling, located within a predominantly residential area, within the Conservation Area. There is a vehicular access to the side of Birch Cottage/Birchwood House that leads to a detached garage and a large garden area. This garden area is mostly screened by trees and vegetation to the side and rear, and by the garage to the front.
 5. The proposal seeks the construction of a detached chalet bungalow and a detached garage to the rear of the main dwelling, within the rear garden, with a vehicular access taken from High Street. Part of the existing detached garage would be demolished to facilitate access to the proposed development.
 6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
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7. The character of this part of the Conservation Area, along High Street, is largely defined by the close-knit dwellings which have a frontage onto the street and create a sense of enclosure to the street scene. The two/three storey dwellings have generally large, deep gardens to the rear, which insulate the historic core from later phases of development and provide an open, green setting to the buildings. Whilst there are some small outbuildings and a bungalow to the rear of the houses, a matter to which I will turn later, there has historically been little significant development at the rear of the frontage dwellings. Therefore, the pattern of development and the open space are features that make a significant positive contribution to the character and appearance of the Conservation Area.
8. The proposed bungalow and its detached garage would be located behind the frontage development and would occupy a significant proportion of the garden area, thus reducing the open space and disrupting the established pattern of development. I note that careful consideration has been given to the scale of development to ensure that the bungalow would be lesser in height and mass than the two storey or higher properties set immediately against High Street frontage. In that regard the appellant has had regard to comments made in a previous appeal decision¹. However, whilst I also recognise that public views of the bungalow would be limited, the proposal would fail to preserve elements of the Conservation Area that make a positive contribution to its significance.
9. My attention has been drawn to a relatively modern development comprising new and converted buildings at Papist Hall Mews although the layout and circumstances of these dwellings, does not appear to be directly comparable to the appeal proposal. The nearby bungalow, 'Conisburgh', has a similar relationship to the street to that of the appeal proposal. However, that building, which I understand was constructed before current policy guidelines, does not reflect the character of the area and is not necessarily a good example of development to follow. Whilst I acknowledge the presence of the outbuildings at the rear, they are generally small ancillary buildings, not directly comparable with the proposed development. A new dwelling in this location would have a considerably greater impact on the character and appearance of the area.
10. Whilst tall trees at the rear of the plot may help define the extent of the Conservation Area, the absence of significant development makes a positive contribution to the area. I acknowledge that the appellant would be willing to include additional planting by way of a condition. However, this would not negate the harm I have identified.
11. Therefore, the scheme before me would constitute a form of development detrimental to the character and appearance of the Conservation Area. In terms of the approach set out in the Framework, given that the proposal would affect only part of the Conservation Area harm to the significance of the heritage asset would be less than substantial. This is not the same as a less than substantial objection. In such cases, harm should be weighed against the public benefit of the proposal in accordance with paragraph 196 of the Framework.
12. The development would contribute to the supply of housing within the area. However, given the limited scale of the development the benefits of one

¹ Application ref: PA/2010/0452 & APP/Y2003/A/10/2136004

additional house would not outweigh the harm to the Conservation Area that I have identified.

13. For the above reasons, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and as such would not meet the statutory requirements of the Act. Furthermore, the proposal would be contrary to Policy HE2 of the North Lincolnshire Local Plan and Policy CS6 of the Core Strategy, which collectively state that, amongst other matters, development should be appropriate to its context, and protect and enhance historic assets.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR