



Appeal Decision

Site visit made on 1 October 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/Y2003/W/19/3234553

9 Haig Avenue, Scunthorpe, DN16 1DZ

- 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 Miss J Hughes against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/560, dated 25 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is described on the application form as the construction of 2 No. dwellings on land adjacent 9 Haig Avenue, Scunthorpe.
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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 Issues

3. These are the effect of the proposal upon: (1) the character and appearance of the street scene; (2) the living conditions of existing and future occupants, having regard to outlook and amenity space; and (3) highway safety, having regard to parking provision.

Reasons for the Recommendation – *Character and Appearance*

4. Haig Avenue is characterised by semi-detached dwellings set back from the highway with driveways to the side and low boundary treatment to the front. The proposed development would not reflect the rhythm and spacing of dwellings within the street scene. The scheme would fill the majority of the plot and would appear cramped.
5. The proposed design would also be out of keeping with properties within the street scene. The gabled fenestration and under-croft walkway would not reflect the character and appearance of existing properties. The new dwellings would appear as an incongruous feature due to their design and limited gaps to the side.
6. The appellant considers the use of modern materials would distinguish the new dwellings to the existing buildings. Whilst in some situations contrasting designs can be acceptable, in this instance for the reasons given above the scheme would be visually harmful to the character and appearance of the

street scene. Consequently, it would conflict with Policies H5 and H8 of the North Lincolnshire Local Plan (2003) (LP), CS5 of the North Lincolnshire Local Development Framework Core Strategy (2011) (CS) and the National Planning Policy Framework (the 'Framework').

Living Conditions

7. The proposal would be situated between two existing semi-detached dwellings. No. 7 and 9 both have side facing windows close to the boundary. The appellant states the side window of no. 7 serves a kitchen.
8. The proposal would result in a two-storey building, approximately 8.6 metres in depth, being located adjacent to the boundary shared with no. 7 and close to the boundary shared with no. 9. The scheme would dominate the outlook from the side windows and impact the amount of light which would reach these windows due to the height and depth of the proposal located in proximity to no. 7 and 9's side windows.
9. The new dwellings would not project beyond the rear elevation of no. 7 and only a limited amount would project beyond the rear elevation of no. 9. Thus, the scheme would not have an unacceptable impact upon the gardens of the neighbouring properties.
10. The development proposes a shared garden area to the rear which would measure approximately 2.9 m in depth. The appellant considers the size of the garden to be acceptable as the need for private outdoor amenity space is on the decline.
11. The proposed garden would serve both the 1-bedroom and 2-bedroom unit. A small garden may be acceptable to some future occupants; however, to provide a high standard of amenity for future occupiers a suitable and adequate space needs to be provided. The size of the proposed shared garden is considered inadequate for two dwellings.
12. The appellant states that it can be shown by a light report that there would be no harm to the neighbouring properties, but it has not been submitted. In any event, for these reasons above, I find that, based on the evidence submitted, the proposed development would result in the living conditions of existing and future occupants being significantly adversely affected by a loss of outlook and inadequate outdoor amenity space. Consequently, the proposal would conflict with Policies DS1, H5 and H8 of the LP, Policy CS5 of the CS and the Framework.

Highway Safety

13. The drawings show vehicular parking to the front of the dwellings with a depth of 4.5 metres. The Council require a length of 5 m to ensure that parked vehicles would not impinge upon the existing footway.
14. Framework Paragraph 109 states developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
15. The site is located close to a bend in a residential area. There is a footway either side of the road. At my site visit Haig Avenue had low level of traffic flow

and there was ample space for on-street parking. I acknowledge that this was only a snapshot during the day and there may well be more on-street parking and traffic flow at other times, including the evening.

16. The shortfall in the depth of the parking spaces would not be substantial. The footway is wide and there is unrestricted on street parking. Should a car impinge onto the footway then there would be sufficient space for pedestrians to move along the footway unimpeded. There is no substantive evidence before me to suggest that the scheme would result have an unacceptable impact on highway safety.
17. For the reasons above, and based on the evidence submitted, the proposal would provide adequate parking and not raise any other concerns in relation to highway safety. Consequently, it would accord with Policies T2, T19 and H8 of the LP and with the Framework.

Other Matters

18. The appellant states the vehicle parking spaces could be omitted from the scheme and additional garden space could then be provided. Proposals cannot be amended through the appeal process. The proposed amendment would be materially different and result in a fundamental change depriving those who should have been consulted.
19. The appellant considers the Council is not determining planning applications consistently and refers to other developments which have been approved. The circumstances of these cases are unknown to me. In any event, these other developments are not strong enough reasons to outweigh the harm identified above and I must determine this appeal upon its individual merits.
20. Similarly, whilst the scheme has been designed to provide low cost affordable housing, located close to amenities, and there have been a lack of objections, these are not considerations that outweigh the harm caused by the development.

Conclusion and Recommendation

21. I have found that the proposal would not have an adverse effect upon highway safety, but the residential development would harm the living conditions of existing and future occupants and would cause harm to the character and appearance of the street scene. I therefore recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR