
Appeal Decision

Site visit made on 3 October 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/D2510/W/19/3231589

Bibby Car Park, Quebec Road, Mablethorpe LN12 1LU

- 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 Asa Bibby (Bibby's Ice Cream Parlour) against the decision of East Lindsey District Council.
 - The application Ref N/110/00480/19, dated 18 December 2018, was refused by notice dated 10 May 2019.
 - The development proposed is the erection of an ice cream kiosk.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description provided by the appellant contains aspects which are not development. The description on the Council's decision notice includes all the elements necessary to describe the development and is more succinct, and therefore I have used this in the banner header above. I have not included reference to the development being retrospective, as that is not in itself development. However, I was able to see on my site visit that the appeal kiosk has been erected and therefore I have determined this appeal on that basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The development sits in an area that is not densely developed, with much of the immediate area being used for surface car parking. This gives the surrounding area a pleasant open character and appearance. Due to the absence of built development in the areas immediately adjacent to the site and its positioning in close proximity to the public highway, the structure occupies a prominent position within the street scene. Whilst I note that there are developments of substantial scale close to the site, including the Dunes Complex opposite, the appeal development sits somewhat independently of these due to the presence of the car parks and the intervening public highway. The building is a tall structure and as a result of its height and general bulk, it has resulted in significant harm to the character and appearance of the surrounding area.

5. The kiosk comprises of a brightly clad front elevation with the bare metal of the shipping container forming both side elevations and the rear elevation. Above the container is a surround to which advertisements are attached. These features combined give the development a garish appearance, in terms of the visual clutter of the front elevation and signage, and the bare metal of the other elevations. This creates a poor visual appearance and one which has caused significant harm to the character and appearance of the surrounding area.
6. For these reasons, I conclude that the development has caused significant harm to the character and appearance of the surrounding area. This is contrary to the design guidance of Policy SP10 of the East Lindsey Local Plan Core Strategy 2018, which seeks to protect character and appearance.

Other Matters

7. The appellant refers to previous development on the site which has now been removed. Whilst I note the photographic evidence of this that has been provided, I am required to assess the current development primarily on its own merits. For the reasons stated, I find that the development has caused harm to the character and appearance of the area and the evidence of the previous development does not outweigh this harm. I also note that letters of support for the development have been received, however these too do not outweigh the harm that has been caused.

Conclusion

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

Graham Wraight

INSPECTOR