



Appeal Decision

Site visit made on 22 July 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/Y2003/W/20/3249385

15 St. Pauls Road, Scunthorpe, DN16 3DL

- 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 Miall against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1897, dated 6 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is a change of use of garage to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the residential character and appearance of the area;
 - Whether adequate provision is made for the living conditions of the occupiers of the self-contained unit, having regard to the availability of garden space, privacy and outlook; and,
 - Whether the proposed developed would result in a satisfactory impact on the living conditions of the existing occupiers of No. 15 St. Pauls Road, having regard to the availability of parking and garden space.

Reasons

Character and appearance

3. The appeal property comprises a detached single-storey building set to the rear of No. 15 St. Pauls Road, and adjacent to No. 14 Powells Crescent, and is set within a residential area. The building would appear to be currently in use as a garage, with access obtained from St Pauls Road via a driveway running along the side of the existing dwelling.
4. The proposed alterations to the garage building would be low-key and of themselves would not result in any adverse impact on the character and appearance of the area. However, the creation of a residential unit in the form proposed would be uncharacteristic of existing development within the vicinity.
5. The surrounding area is predominated by two-storey semi-detached dwellings with private rear gardens of a generous scale. Whilst there is some variety in

detailed design of properties, the sub-division of the rear garden of No. 15 St Pauls Road would result in an uncharacteristically small plot for both the existing dwelling and the proposed development, which would not adhere to the prevailing spatial character of the area. The overall appearance of the proposal would result in a cramped overdevelopment of the appeal site which would appear particularly obtrusive in the street scene when considered in the context of existing development within Powells Crescent.

6. For these reasons, I conclude that the proposed development would result in an adverse effect on the spatial character and appearance of the area. There would be conflict with Policy CS5 of the North Lincolnshire Core Strategy 2011 (the Core Strategy), and saved Policies DS1 and H8 of the North Lincolnshire Local Plan 2003 (the Local Plan). These policies seek to ensure that new development creates high quality townscapes which consider the relationship between any buildings and spaces around them and how they interact with the surrounding area, and that the design and layout of development should reflect or enhance the character, appearance and setting of the immediate area.

Living conditions – future occupiers

7. The proposed plot is shown as incorporating amenity space between the revised boundary with the curtilage of No. 15 St Pauls Road and the south-west elevation of the proposed unit, and additionally on a small parcel of land to the rear of the pavement on the boundary with No. 14 Powells Crescent.
8. Whilst there is no dispute between parties that the residual external space on the appeal site would total 83m², it is quite clear that this calculation would also include the parking space and area where the bins would be stored. Furthermore, the area adjacent to No. 14 Powells Crescent would not be private as it would be set only behind a low brick wall to the rear of the pavement, and its value and usability would therefore be severely compromised.
9. The remaining amenity space, although limited in area, would provide sufficient outdoor space for domestic activities commensurate with the size of the proposed unit. The submitted plans also show the area as being separated from surrounding gardens and the proposed parking area by existing and proposed boundary treatments. However, the space would be directly overlooked from the first-floor rear windows of No. 15 St Pauls Road, as would be the full height glazed windows and doors to the living/dining room. Whilst a degree of mutual overlooking of neighbouring gardens is to be expected in a suburban context, in this instance the proximity and position of the neighbouring upper windows looking directly towards the sole private amenity space and windows to the main habitable room would result in an unacceptable erosion of privacy for future users and occupiers.
10. I have also considered the concerns expressed over the availability of outlook for future occupiers of the unit. However, whilst I would accept that the outlook from the living/dining room would be reduced due to the position and proximity of boundary fencing, I am not persuaded that any reduction would be so significant as to be unacceptable. I am satisfied that the bedroom windows facing towards Powells Crescent would possess an adequate level of outlook across the property forecourt.

11. Whilst the outlook for future occupiers of the proposed unit would be acceptable, the living conditions of future occupiers would be compromised through the impact on the privacy and quality of the amenity space and internal accommodation. This would therefore conflict with Policy CS5 of the Core Strategy and saved Policies DS1 and H8 of the Local Plan, which address the relationship and interaction between buildings and spaces, seeks to ensure that development provides a high standard of layout, and maintains amenity between neighbouring land uses including the effects of overlooking.

Living conditions – existing occupiers

12. From my observations, I accept that the existing access arrangements to the side and rear of No. 15 St Pauls Road would inevitably have to change as a consequence of the sub-division of the plot. However, there is no evidence before me to indicate that the property would not retain its existing access to the front, or the ability to provide an adequate level of off-street parking for the size of dwelling.
13. With regards the retained garden to No. 15 St Pauls Road, I would agree with the Council's contention that the residual garden space would be substantially reduced and more limited in its size. However, having observed the layout of the rear garden of the property on the opposite side of Powells Crescent, it is entirely conceivable that a re-modelling of the curtilage could provide sufficient private space to the rear and partially to the side of the dwelling to reasonably meet the requirements of existing occupiers. I am not therefore persuaded that the residual available garden would be unacceptable in its size or quality.
14. For these reasons, the impact on the living conditions of the existing occupiers of No. 15 St. Pauls Road, having regard to the availability of parking and garden space, would be acceptable. The proposal would therefore in this respect accord with Policy CS5 of the Core Strategy and saved Policies DS1 and H8 of the Local Plan, which address the relationship and interaction between buildings and spaces, provides a high standard of layout, and maintains appropriate amenity.

Other Matters

15. The appellant has drawn my attention to a development which it is contended is similar to the appeal proposals albeit that it is not nearby. However, even if the example property was significantly larger with less amenity space as has been contended, I have not been provided with the detailed location, circumstances or background of the case from which to draw any reasonable comparison, and in any event I have determined the appeal proposal on the basis of the planning merits of the case.

Conclusion

16. The provision of an additional unit of accommodation would make a limited contribution towards the supply of housing in the local area, with the local economy also having the potential to have some limited benefit during the construction and from any expenditure from future occupiers.
17. Nevertheless, whilst acknowledging the above benefits, and that there would not be an unacceptable effect on the living conditions of the existing occupiers of No. 15 St Pauls Road, the proposed development would have an adverse

effect on the character and appearance of the area, and would not provide satisfactory living conditions for future occupiers.

18. As a consequence, I have not found the development to be in accordance with the Development Plan. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.

19. For the above reasons, the appeal is dismissed.

Martin Seaton

INSPECTOR