



Appeal Decision

Site visit made on 22 July 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2020

Appeal Ref: APP/Y2003/W/20/3252055

2 Temperance Avenue, Messingham, DN17 3SF

- 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 Paul Elsome (on behalf of Withane Property Services Limited) against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1844, dated 1 November 2019, was refused by notice dated 16 March 2020.
 - The development proposed is the erection of a detached 3 bedroom house on land that forms part of the existing plot of 2 Temperance Avenue, Messingham, Scunthorpe, DN17 3SF. Existing single storey garage located on the same land at No.2 Temperance Avenue will be demolished to make way for the proposed development dwelling and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached 3 bedroom house on land that forms part of the existing plot of 2 Temperance Avenue, Messingham, Scunthorpe, DN17 3SF. Existing single storey garage located on the same land at No.2 Temperance Avenue will be demolished to make way for the proposed development dwelling and associated works at 2 Temperance Avenue, Messingham, DN17 3SF in accordance with the terms of application Ref PA/2019/1844, dated 1 November 2019, subject to the conditions set out in the Annex.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the proposal would safeguard the living conditions of the neighbouring occupiers of No. 38 Northfield Road, having regard to outlook.

Reasons

Character and appearance

3. The appeal site is located within a predominantly residential street, albeit close to the junction with Northfield Road and the commercial and retail uses flanking either side of Temperance Avenue at this point. The existing site is a parcel of land set to the side of No. 2 Temperance Avenue and is occupied by existing single storey garage and hardstanding.

4. The proposed dwelling would occupy a comparatively small site within the context of the area although I noted there to be some considerable variation in plot sizes within the wider area. I have also had regard to the varied character and appearance of existing development in the vicinity and the street, including in the separation distances between properties within the street and the form and layout of the more recent development to the south of Temperance Avenue.
5. In this context the proposed design, form and scale of the dwelling would further add to the existing variety observed within the street scene and would not appear obtrusive in this respect. Given the variety in the area, I do not consider that the proposal would appear as a cramped development and I have no further supporting evidence that it would represent an overdevelopment of the appeal site. In addition, the utilisation of materials and incorporation of design cues to match the adjoining dwelling at No. 2 Temperance Avenue, would assist in assimilating the proposed dwelling within the character and appearance of the street. I also agree that the removal of the existing single-storey garage and hardstanding would improve the visual appearance of the area.
6. For these reasons, the proposed development would not result in an adverse effect on the character and appearance of the area. The proposal would accord with Policy CS5 of the North Lincolnshire Core Strategy 2011 (the Core Strategy), and saved Policies DS1 and H5 of the North Lincolnshire Local Plan 2003 (the Local Plan). These policies seek to ensure the delivery of quality design, with new development creating 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 scale, character, appearance and setting of the immediate area.

Living conditions

7. The proposed dwelling would be located to the south of the curtilage of No. 38 Northfield Road, but not directly to the south of the dwelling itself. The rear of No. 38 is oriented broadly towards the west and there is no doubt that the erection of a dwelling on the appeal site would be experienced visually from the neighbouring bungalow and its garden.
8. I observed the rear elevation of the bungalow to be angled away from the appeal site, and the proposed dwelling would therefore only feature in the periphery of the outlook from the rear of the bungalow itself. Nevertheless, I accept that there would be a greater impact from its presence for users of the rear garden. However, given the existing timber boundary fence and critically the additional separation provided by the existing grassed access track, I am satisfied that any impact on the outlook of the neighbouring property due to the proximity of the proposed dwelling would not be overly dominant and would ultimately be acceptable.
9. For these reasons, the proposed dwelling would safeguard the living conditions of the neighbouring occupiers of No. 38 Northfield Road, having regard to outlook. The proposal would accord with saved Policies DS1 and H5 of the Local Plan, which seek to ensure that development considers the relationship between with surrounding buildings and does not result in any loss of amenity to existing dwellings.

Conditions

10. In addition to conditions related to the commencement of development and the identification of plans, I am satisfied that conditions securing the proposed parking provision and details of the prevention of surface water run-off would be reasonable and necessary in the interests of highway safety, and in the latter instance avoidance of surface water flooding.
11. A condition securing the use of the proposed external materials would be in the interests of the character and appearance of the area, whilst a condition requiring the approval of details of boundary treatment to the new property would be in the interests of providing appropriate screening and safeguarding the living conditions of neighbouring occupiers. In the event of the discovery of potentially contaminated material during the development, the submission of a written method statement detailing how it would be dealt with would be reasonable.

Conclusion

12. For the reasons given above, and subject to the conditions set out in the Annex, the appeal is allowed.

M Seaton

INSPECTOR

Annex

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Site Plan 6/6 dated 13.01.20;
Floor Plan 4/6 dated 13.01.20; and
Elevations 3/6 dated 13.01.20.
3. The dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and, once provided, the parking space(s) shall thereafter be so retained.
4. The external materials shall be made up of those described within section 7 of the planning application form unless otherwise agreed in writing with the local planning authority.
5. No development shall take place until details showing an effective method of preventing surface water run-off both to the highway from the development site and from the highway to the development site have been submitted to and approved in writing by the local planning authority. Once approved, these drainage facilities shall be implemented prior to the access and parking facilities being brought into use and be retained thereafter.
6. If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.
7. No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted in accordance with a programme to be submitted to and agreed in writing by the local planning authority before development is commenced, and once built/planted it shall be retained.