
Appeal Decision

Site visit made on 18 August 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/Y2003/D/20/3252625
98 High Street, Burringham DN17 3LY

- 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 Harpham against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1622, dated 23 September 2019, was refused by notice dated 3 March 2020.
 - The development proposed is a replacement garage and garden room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of adjacent dwellings, with particular reference to outlook.

Reasons

Character and appearance

3. The appeal dwelling has a rear garden of substantial length, which extends towards a boundary which is shared with the river side area of the River Trent. A public pathway runs close to this boundary and is positioned at an elevated height in relation to the rear garden level of the appeal dwelling, meaning that the proposed development would be clearly visible from the public domain. Outbuildings are common in the garden areas of nearby dwellings, but for the most part they are limited in their size and general scale.
4. The appeal proposal would have both a substantial footprint and height. Its scale would mean that it would dominate the surroundings in which it would be located and it would be out of keeping with the more modest structures that are found in the garden areas of dwellings close to the site. A large gable would be sited immediately adjacent to the rear boundary and would have a dominant visual impact when viewed from the pathway that runs past the appeal site. These factors in combination mean that the proposal would cause significant harm to the character and appearance of the area.
5. The appellant refers specifically to other developments in the surrounding area which I was able to observe during my site visit. Whilst I acknowledge the presence of these examples, and that not all development along High Street takes a linear form with a road frontage, the presence of such a large

outbuilding as that proposed in the rear garden of a dwelling would not be in keeping with the prevailing scale and visual impact of development in the area, in particular in the area in closest proximity to the appeal site. Therefore, these other examples do not provide justification for a development which would cause the degree of harm to the character and appearance of the area that would result from the appeal development.

6. For these reasons I conclude that the proposed development would cause significant harm to the character and appearance of the area. The proposal would therefore fail to accord with Policy CS5 of the North Lincolnshire Core Strategy 2011 (CS) and Saved Policies DS1 and DS5 of the North Lincolnshire Local Plan 2003 (LP), where they seek to safeguard the character and appearance of areas. The reasons for refusal also refer to the Design Guidance for House Extensions Supplementary Planning Guidance 2003, however the proposed development does not fall within the scope of an extension as defined in that document, and therefore it is not directly relevant to the appeal proposal.

Living conditions

7. The proposal would run alongside the majority of the common boundary with 90 High Street. The height of its eaves would exceed the height of the existing boundary structures and the proposal would have a pitched roof above. For the most part the roof would pitch away from the common boundary, however there would be a substantial gable positioned along part of the boundary. A large part of the garden area of No 90 is located between the dwelling itself and the site of the proposed development.
8. Whilst there are some factors that mitigate against the impact that would arise upon No 90, principally as a result of the single storey nature of the proposal and the pitching of most of the roof away from the boundary, nonetheless the proposal would position a structure of substantial bulk and height along most of the common boundary with No 90. This would result in a harmful sense of enclosure when viewed from the garden of No 90, and in turn cause harm to the outlook from the garden.
9. The proposed development would not be close to other dwellings which adjoin the appeal site, and it would be located towards the end of the extensive rear garden of 100 High Street. Therefore, there would be adequate separation to ensure that there would not be harm to the living conditions of the occupiers of these dwellings.
10. For these reasons I conclude that the proposed development would cause harm to the living conditions of the occupiers of No 90 due to the harmful impact on the outlook from their garden area. The proposal would therefore fail to accord with Policy CS5 of the CS and Saved Policies DS1 and DS5 of the LP, where they seek to protect living conditions.

Other Matters

11. The appellant refers to permitted development rights which may allow for the construction of an outbuilding in the rear garden of the appeal dwelling. However, the height of the appeal proposal exceeds that of an outbuilding which could be built in the same location as the appeal proposal under permitted development rights. An outbuilding of lesser height would have a

less significant impact both upon the character and appearance of the area and on the living conditions of the adjoining occupiers at No 90. Therefore, its impact would not be similar, or worse, than that which would result from the appeal proposal. I am also not persuaded that a building built under permitted development rights would inevitably be of a less attractive appearance than the appeal proposal. Collectively and individually therefore, these considerations do not outweigh the harm that I have found.

12. The appellant has also drawn attention to the presence of previous buildings in the location of the proposed appeal development, which were subject to water damage from the river and which have for the most part been removed from the appeal site. Whilst an aerial photograph has been provided which shows the buildings and there is some evidence of the structures remaining on the appeal site, their impact in their current form is not comparable to that which would result from the appeal development. Therefore, this consideration does not offer support in favour of the proposed development.
13. The appellant has made reference to a number of matters relating to the Council's processing of the planning application. However, I must determine the appeal based upon the planning merits of the case and therefore that is the approach I have taken in reaching my conclusions.

Conclusion

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

Graham Wraight

INSPECTOR