



Appeal Decision

Site visit made on 17 November 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/Y2003/W/20/3257482

60 Brigg Road, Messingham DN17 3QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Kelly Dawson against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/2095, dated 20 December 2019, was refused by notice dated 11 February 2020.
 - The development proposed is outline planning permission with all matters reserved for demolition of existing garage and erection of a detached dwelling located to the rear of 60 Brigg Road, Messingham, DN17 3QZ.
-

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.

Procedural Matters

3. The application submitted was in outline with all matters reserved for future consideration. A site location plan has been submitted which is illustrative of the appellant's intentions for siting of the proposed dwelling. I will proceed on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposal upon the character and appearance of the surrounding area;
 - Whether the proposal would provide acceptable living conditions for future residents of the proposed dwelling as well as residents of the existing dwelling, having regard to the provision of adequate outdoor amenity space and parking; and
 - The effect of the proposed development upon local amenity and highway safety, having particular regard to parking, access and turning facilities for the proposed dwelling.

Reasons for the Recommendation

Planning policy

5. All planning applications, or appeals, should be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is one such material consideration. Paragraph 11 sets out a presumption in favour of sustainable development. For decision taking that means approving applications that accord with the development plan without delay. If there are no relevant development plan policies, or if the policies that are most important for determining the application are out of date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
6. Under footnote 7 of paragraph 11 policies will be considered out of date in situations where a local planning authority cannot demonstrate a five-year supply of deliverable housing land. In this case, the appellant contends that the Council cannot demonstrate a five-year supply and the Council has failed to provide any information to counter that argument. In fact, the delegated officer report is silent on the issue and no statement was submitted by the Council in response to the appeal. Consequently, whilst the evidence before me is extremely limited, I am unable to conclude that the Council can demonstrate a five-year supply of housing land because it has failed to provide any information in respect of the matter.
7. It follows that the policies that are most relevant for determining the appeal should not be considered up to date and the balance at paragraph 11 should be applied. However, notwithstanding paragraph 11, the weight to be attached to any conflict with the development plan remains a matter for the decision maker and that may vary according to the nature of the case, having regard to the purposes of relevant policies and their consistency with the aims of the Framework. I shall return to that matter in the planning balance below.

Character and appearance

8. No. 60 is a two-storey semi-detached dwelling which is set within an extensive corner plot at the junction of Brigg Road with Knightsbridge Road. The surrounding area is residential, and the character of the area is derived from a mix of terraced and semi-detached dwellings which have a strong defined building line, with front amenity spaces and long gardens to the rear. This gives the appearance of a neat unified street scene.
9. The proposed new dwelling would be located in the area which comprises the grassed lawn, driveway and garage within the curtilage of no. 60. It is proposed to divide the plot into two. This would result in the loss of the green area which is an important feature adding to the soft landscaped appearance of surrounding area.
10. By virtue of being a corner plot, no.60 benefits from this relatively larger green amenity space that also provides a significant enhancement to the character of this part of the area. This is also mirrored by no.62 at the other side of the

junction with Knightsbridge Road. The loss of this visually pleasant green area would result in a cramped pattern of development that would be at odds with the established character of the area. It would be detrimental to the appearance of the street scene as a result.

11. As observed on my site visit, for the most part the gardens are free from substantial built development. The appellant has referred to an outbuilding being constructed at the back garden of adjoining no.58 as an example of a substantial structure in the back garden. However, in contrast with the proposed dwelling this structure is within an enclosed garden and is not visible on the street scene. It also is not a separate detached dwelling unlike the proposal, which would require its own amenity space, boundary treatment to segregate the garden and associated parking area. This same consideration also applies to any outbuilding which could be constructed under permitted development (PD) rights. There is a significant difference between a garden building and a new dwelling in those respects.
12. By virtue of the space constraint, the proposed dwelling would not relate with any properties in the area in either shape or form. Thus, it would not reflect the character of the surrounding area. I recognise that good design does not always entail replicating neighbouring development. However, as set out above, the proposed dwelling would not be of a similar scale to the surrounding properties and would not be set on a decent sized plot, unlike other properties in the area. It would also depart from the linear arrangement of dwellings in the area and would be an incongruous addition which would be visually harmful and detract from the character of the area.
13. Taking all the above points together, I find that the design, scale and layout of the proposed two-bedroom bungalow would harm the character and appearance of the host property and the surrounding area. Accordingly, there would be conflict with the aims and objectives Policies DS1 and H8 of the North Lincolnshire Local Plan (2003) (the 'LP') and CS5 of the North Lincolnshire Local Development Framework Core Strategy(2011) (the 'CS').

Living conditions

14. The proposed development would result in the substantial reduction and loss of garden area of no.60. In effect, two properties would exist in place of what was originally a single dwelling. The garden of the proposed dwelling would be of limited depth and there would be limited space sitting out, drying washing, outdoor play or for parking and turning. Also, given the enclosed nature of the space, the gardens could feel hemmed in by surrounding buildings and fences leading to a poor outlook and cramped feel for future residents.
15. The subdivision of the plot would lead to useable space associated with number 60 being diminished. The size of both gardens would be noticeably smaller than those of neighbouring properties and, parking facilities would now have to be constrained within this reduced space. Although the appellant refers to indicative plans that were presented to the Council at the pre-application stage to indicate how the site could be laid out to accommodate a dwelling and associated garden spaces, no such plans have been presented with the appeal. On the basis of the information provided, I am not satisfied that sufficient space would be available to accommodate the proposed dwelling and maintain practical and usable garden space for each property, with a reasonable outlook and sense of space. Consequently, the proposal would fail to provide adequate

outdoor living space with respect to the size of the garden. It would also significantly reduce the size of garden of the existing property which would be hemmed in by the existing and proposed fencing and boundary treatments.

16. Consequently, I am not satisfied that the proposal would provide acceptable living conditions for future residents of the proposed property, as well as existing and future residents of the existing property account of inadequate external space.
17. In the delegated report and reason for refusal the Council allege that the proposal would cause harm to the amenities of neighbouring residents. However, no detail is provided as to precisely what the Council's concerns are in that respect. It would be possible to condition any approval to ensure that it was a single storey dwelling with no first-floor windows overlooking neighbouring gardens and the height of any structure could be controlled to avoid any undue overshadowing or overbearing impact. Having regard to those points, and the lack of any detail from the Council as to the nature of its concerns, I am satisfied that the impact on neighbouring residents would be acceptable.
18. Accordingly, in view of the limitations of the external space, there would be conflict with the aims and objectives of Policies DS1 and H8 of the LP and CS5 of the CS.

Highway safety and local amenity

19. As the proposal would be unable to provide adequate parking and turning facilities, residents of both the proposed and existing dwelling might resort to parking and turning on the street. However, there are no restrictions in off road parking and the road is straight and doesn't appear busy or congested. No evidence of any existing on-street parking issues has been presented. Thus, some additional on-street parking would not necessarily lead to harm to highway safety.
20. Consequently, I find that the proposed development would not lead to an unacceptable effect upon parking condition in the area and highway safety. Accordingly, the proposed dwelling would not conflict with Policies DS1 and H8 of the LP in this regard.

Planning Balance, Conclusion and Recommendation

21. Policies DS1 and H8 of the LP and CS5 of the CS which seek, amongst other things, that new development should respects and reflects the form, scale, massing, design and detailing, materials, and nature of the local environment. They also seek to ensure that no unacceptable loss of amenity to neighbouring land uses should result from new development and amenity open space in the area should be retained, wherever possible and that new development takes into account the safety, health and security of residents, neighbours and the community.
22. In view of the above, the proposal would be contrary to the aims of the LP and CS with regards to character and appearance and living conditions with regard to outdoor living space. It would not be contrary to the aims of the LP with regards to parking and highway safety. Although the policies that are most important for determining the application are out of date on account of the lack of a demonstrative 5 year supply of housing land, the need to ensure good

design that reflects the character of the locality and development that provides acceptable living conditions for future residents is fully consistent with the aims of the Framework.

23. Consequently, I attach substantial weight to the aims of the relevant policies in those respects. I see no reason to depart from those fundamental standards of good development on account of the lack of a five-year supply of housing land.
24. The proposal would add to the stock of smaller accommodation but the weight I attach to that is limited on account of the small scale of the development. Having regard to all relevant considerations I conclude that the harm arising from the proposal would significantly and demonstrably outweigh the benefits such that the scheme would not amount to sustainable development, having regard to paragraph 11 of the Framework. It follows that there are no material considerations to outweigh the presumption in favour of the development plan.
25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR