



Appeal Decision

Site Visit made on 21 December 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2021

Appeal Ref: APP/B2002/W/20/3258291

43 Humberston Avenue, Humberston, Grimsby, DN36 4SW

- 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 Mr Thomas Culshaw against the decision of North East Lincolnshire Council.
 - The application Ref DM/1166/19/OUT, dated 9 December 2019, was refused by notice dated 26 June 2020.
 - The development proposed is an outline application for the erection of two bungalows and garages with access to be considered.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two bungalows and garages at 43 Humberston Avenue, Humberston, Grimsby, DN36 4SW in accordance with the terms of the application, Ref DM/1166/19/OUT, dated 9 December 2019, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The application is submitted in outline form with only the matter of access for consideration. Therefore, whilst a plan has been submitted suggesting how the proposed dwellings could be accommodated on the site, this has been provided for indicative purposes only.
3. I have amended the description of the development stated on the appeal form and decision notice to remove reference to amended plans, as these are not a form of development.

Main Issues

4. The main issues are the effect of the proposed development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of adjacent dwellings.

Reasons

Character and appearance

5. The appeal site consists of part of the substantially sized rear garden area of 43 Humberston Avenue. Within the immediate surroundings, there are other examples of dwellings having been constructed to the rear of the original dwellings that front onto Humberston Avenue, including in the rear garden areas of the adjacent dwellings. Whilst Abbots Grange takes the form of a more traditional cul-de-sac layout, the arrangement of the dwellings that share

the side boundary with the appeal site gives the appearance of two dwellings positioned behind a dwelling which fronts onto Humberston Avenue. Therefore, the character and appearance of the area in which the appeal site is located is formed to a great degree by the positioning of dwellings to the rear of those properties which face directly onto Humberston Avenue and by the layout of the dwellings on Abbots Grange.

6. The indicative plans submitted show that the proposed construction of two new dwellings on the appeal site would result in an arrangement that would be broadly consistent with the layout of the adjacent dwellings on Abbots Grange. The size of the resultant plots for both of the proposed dwellings and of the existing dwelling would also be generally consistent with those of the properties which are found on Abbots Grange. Whilst the backland development which has taken place to the rear of the dwellings to the other side boundary consist of only single new dwellings, nonetheless, the appeal proposal would not appear out of character within the area in which it is located, due primarily to the arrangement of dwellings on Abbots Grange.
7. For these reasons I conclude that the proposed development would not cause harm to the character and appearance of the area. Accordingly, the proposal would accord with Policy 5 of the North East Lincolnshire Local Plan 2018 (LP), where it seeks to safeguard the character and appearance of areas.

Living conditions

8. The indicative plans submitted suggest that the proposed dwellings could be positioned and designed so to minimise any impact on the existing dwellings adjacent to the appeal site. In particular, as bungalows and based on the roof structure shown on the indicative plans which show roofs pitching away from the common boundaries, I am satisfied that dwellings could be designed that would not have a harmful impact on outlook or cause an unacceptable loss of light.
9. Whilst 1b Abbots Grange has a number of windows facing the appeal site, for the reasons stated the dwelling proposed to be located closest to it could be of a scale and positioning that would not cause harm to the living conditions of the occupiers of this property, or to those of the dwelling to the other side boundary at 41a Humberston Avenue. The positioning of windows would be established at reserved matters stage, but again the dwellings could be designed so that no harm would arise from overlooking onto existing dwellings.
10. The proposal would result in an increase in movements along the side of the host dwelling and 41 Humberston Avenue, in addition to new movements to the rear of these dwellings. However, given the context and the positioning of a number of dwellings in rear garden areas and the wider Abbots Grange development, together with the fact that there would be movements associated with only two new dwellings, there would not be harm to living conditions from the movements of vehicles. Any noise generated by the use of the proposed dwellings by their occupiers would be domestic in nature and would not be inappropriate in a residential area.
11. The indicative plans demonstrate that both the size of the dwellings proposed and their garden areas would be adequate to provide acceptable living conditions for their future occupiers.

12. For these reasons I conclude that the proposed development would not cause harm to the living conditions of the occupiers of the existing adjacent dwellings. Accordingly, the proposal would accord with Policy 5 of the LP, where it seeks to protect living conditions.

Other Matters

13. My attention has been drawn to an appeal decision at 87 Humberston Avenue (APP/B2002/W/17/3187041) and a copy of that appeal decision has been provided. However, I do not have specific details of the circumstances of that particular case and it related to three new dwellings and not two. It has also been suggested that development which has taken place to the rear of both 69 and 71 Humberston Avenue consists only of one dwelling and that this should be considered to be a more appropriate form of development for the area. However, I am required to determine this appeal primarily on its own merits, based upon the proposal that is before me and the context in which the proposed development would be located. This therefore is the approach I have taken.
14. Reference has been made to flooding on the appeal site and the impact upon existing drains, but I have not been provided with any evidence that the site is susceptible to flooding or that adequate drainage could not be provided as part of the proposed development. Furthermore, the Council's Drainage Officer does not raise an objection to the proposal, and further details of drainage can be secured by way of a planning condition.
15. There is no evidence before me to suggest that the proposed development would have a harmful impact on the efficiency of the broadband network in the area. Likewise, the site consists predominantly of mown grass and there is no evidence to suggest that ecological interests would be harmed as a result of the proposed development.
16. The Council considers that the protection of the trees of merit on and adjacent to the site, including those subject to a Tree Preservation Order, could be secured via the details submitted at reserved matters stage and by way of the submission of an up-to-date tree protection plan, and I concur that this would satisfactorily address this matter.
17. Whilst layout is a reserved matter, the indicative plans that have been provided show that adequate parking provision could be achieved on the site. In the event of an emergency, the proposed access would allow for vehicles to attend the proposed dwellings. The increase in traffic movements associated with two new dwellings would not have a material impact on the efficiency of the highway network or on highway safety in the vicinity of the site or within the wider surrounding area.
18. It has been suggested that the Council has met its housing targets and therefore it is questioned whether further dwellings are needed. I have no information before me in relation to housing supply, but irrespective of the position this does not preclude the granting of permission for further new dwellings.

Conditions

19. Conditions relating to the submission of the reserved matters, the relevant time period for submitting these and for carrying out the development, and a

condition confirming the approved plans, are necessary to provide certainty. Given that there are established trees on and adjacent to the site, some of which are protected, a condition requiring that an up-to-date tree protection plan be submitted is also necessary.

20. A drainage condition is necessary to ensure that the development meets the required standards and a condition requiring that a construction management plan be submitted is required to protect the living conditions of the occupiers of the adjacent dwellings during the construction period and to ensure that the efficiency of the highway network is not compromised during that time. A condition relating to water re-use and recycling is necessary to meet the requirements of Policy 34 of the LP.
21. The Council has suggested a separate condition requiring details of the housing mix be submitted, however this will be evident from the details provided at reserved matters stage and therefore an additional condition is not necessary. A condition relating to the layout of the access driveway and parking areas is also not necessary as such details would be provided at reserved matter stage.

Conclusion

22. For the reasons given above I conclude that the appeal should, subject to conditions, be allowed.

Graham Wraight

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The reserved matter of landscaping shall include an up-to-date tree protection plan.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: RD:4430-01 and RD:4430-03 Revision D (where it refers to the matter of access only).
- 6) No development shall commence until a scheme for the sustainable provision of surface water drainage (following infiltration tests) and a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. There must be no raising of the existing ground levels. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation of any dwelling.

7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Contact details of the person with responsibility for the implementation of the Construction Method Statement;
- The expected number, types and size of vehicles during the entire construction period;
- The proposed daily hours of operation during the construction period;
- Details of on-site parking provision for construction related vehicles;
- Details of on-site storage areas for materials, if required;
- Details of expected delivery schedules and how this will be managed to eliminate waiting on the public highway (i.e. call ahead or pre-booking scheduling system), if required;
- Details of wheel washing facilities (locations, types etc.); and
- Measures to control the emission of noise and dust during construction

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

8) Prior to the first occupation of any of the dwellings hereby permitted, details of how water will be reused and recycled on site shall be submitted to and approved in writing by the local planning authority. Once approved, the details shall be adhered to at all times following the first occupation of any dwelling.