



Appeal Decision

Site visit made on 19 January 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/Y2003/W/20/3261469

1 Bramble Way, Brigg DN20 8FD

- 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 & Mrs G Readshaw against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/450, dated 17 March 2020, was refused by notice dated 12 May 2020.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at 1 Bramble Way, Brigg, DN20 8FD in accordance with the terms of the application, Ref PA/2020/450, dated 17 March 2020, subject to the conditions in the schedule attached to this decision.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a parcel of land adjacent to 1 Bramble Way, itself a relatively recent, reasonably high-density residential development accessed through an earlier area of housing on Almond Grove. The site is visible along Almond Grove, but lies against the backdrop of the houses on Bramble Way and in the context of housing of various types and ages, as well as glimpsed views of the depot to the rear of the site.
4. To my mind, it is Redcombe Lane which provides the clear visual break between Bramble Way and Almond Grove, not the appeal site. Furthermore, owing to its partly fenced and partly overgrown appearance, I do not consider that the appeal site is so open or landscaped as to provide an overall sense of openness, the loss of which would be harmful to the overall character and appearance of the area.
5. Although the proposal would be clearly visible from both Bramble Way and Almond Grove, I do not consider that this is in any way unacceptable or harmful. Existing houses on Bramble Way are visible from various locations, as indeed are those on Almond Grove and Redcombe Lane. The proposed dwelling would be consistent with the character, appearance, design and layout of the existing houses on Bramble Way, which is itself distinct from the design,

character and appearance of housing on other, earlier phases of development around the site.

6. Whilst I note the weight that the Council places on an appeal decision for a similar proposal from 2008, I only have excerpts from that decision, not the full details. I do not therefore consider that the quoted conclusions from that case preclude or conflict with mine. The proposal would undoubtedly give the site a more built up appearance, but I have assessed the proposal on its own merits, and do not consider that it would cause the harm alleged by the Council.
7. I note the comments of the Council that the fencing and enclosure does not benefit from planning permission, but they do not suggest that they are actively seeking its removal. Despite that, I do not consider that the proposal would cause any unacceptable loss of openness to the area around it.
8. As a result, I conclude that the proposal would not cause harm to the character and appearance of the area, and would therefore accord with Policies DS1 and H5 of the North Lincolnshire Local Plan, adopted May 2003, which seek, amongst other things to ensure that development is of a high standard of design that reflects the surrounding character and appearance, and is in keeping with the scale, form and nature of its surroundings.

Conditions

9. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and requiring compliance with the submitted plans, including the use of matching materials specified on them (2) in order to ensure the satisfactory appearance of the completed development.
10. The Council has suggested a number of conditions to be attached, should planning permission be granted. I am generally satisfied that they are necessary to ensure the satisfactory appearance of the completed development, to control any unforeseen contamination, to provide for and control parking and to properly deal with drainage matters. However, I have amended the wording of, and consolidated the conditions concerning drainage for clarity and brevity. The conditions meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.
11. The Council has requested a condition which appears to seek to keep the area close to the highway boundary clear of visual obstruction or growth. I do not consider that this condition is reasonable, or necessary. At present, vegetation or planting could be allowed to grow unchecked within the site, and any obstruction or growth which had highway safety implications would be dealt with under the relevant legislation. The same would apply for the appeal proposal. The Council has also requested that permitted development rights for the appeal proposal should be removed. However, I do not consider that there is clear justification for doing so, and as such, do not consider that such a condition would pass the tests of reasonableness or necessity.

Other Matters

12. I note the concerns raised by the Parish Council regarding the effect of flooding on the proposal. However, there is satisfactory technical evidence on this point, and neither the Council nor its consultees have any further objection.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the development hereby permitted shall be carried out in accordance with the following approved plans, including the material details thereon: Site Location Plan, 022019-01 Rev B, 022019-03 Issue 3, 022019-04 Issue 4.
3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [October 2019, 5108/01 by Siddie Grimley Hage Ltd, N Cullen]. In particular, finished floor levels shall be set no lower than 3.0m AOD. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.
4. 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.
5. 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.
6. No above ground works shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and from the highway onto the site have been approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.
7. The development shall be carried out in accordance with the submitted Drainage Statement and Proposed Block Plan, Drawing No: 022019- 4 Issue 4, prepared by JD Associates Ltd. The drainage scheme shall be implemented in accordance with the approved submitted details, shall be completed prior to the occupation and thereafter retained and maintained in accordance with the scheme for the life of the development.
8. Before the dwelling/building is first occupied the bathroom window in its northern wall shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

End of schedule of conditions