



Appeal Decision

Site visit made on 16 February 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/Y2003/W/20/3263858
33, Well Street, Messingham DN17 3RT

- 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 and Mrs Lowis against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/1132, dated 20 July 2020, was refused by notice dated 17 September 2020.
 - The development proposed is residential development - one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal relates to an outline proposal. The submitted planning application form cites that all matters were reserved for future consideration. However, the appeal submission confirms that access to the site would be via an existing driveway which serves the host dwelling and the decision notice refers to that access. As no other means of access was drawn to my attention, the appeal is examined on that basis.
3. It is evident that there are some erroneous references within the Council's evidence that have no relevance to the particular appeal proposal. These have had no bearing on the examination of this appeal.
4. Since the appeal was lodged the national Housing Delivery Test results have been published and I have considered main parties views on these. It is evident that these results do not influence how this appeal should be examined.

Main Issues

5. The main issues are:
 - whether or not the appeal proposal would be appropriate in this location, with particular regard to the character and appearance of the area; and
 - the suitability of the proposed access, with particular regard to the living conditions of neighbouring residents.

Reasons

Character and appearance

6. The appeal site forms part of the generous rear garden of an existing dwelling, No 33, Well Street. The site is located towards the edge of the built-up form of Messingham. Properties here vary in age, size, height, design and positioning within their plot. However, a consistent characteristic of this part of the settlement is the less dense pattern of development, including larger gardens. This provides a greater sense of space and greenery than further along the street, as the settlement transitions into its surrounding countryside context.
7. The rear gardens of surrounding properties converge around the appeal site. With the exception of some single storey garden buildings and structures in the surrounding gardens, the internal views across these are relatively open. This contributes towards the important sense of space between dwellings that is characteristic of the area. This sense of space is also evident from Well Street itself, particularly upon approach into the settlement where views of the built mass of the appeal proposal would be evident.
8. The siting of a dwelling here would interrupt the openness and sense of space when viewed from within surrounding gardens and also from Well Street. Regardless of the varied credentials of the area, the presence of a dwelling within this site would unduly diminish the important character that I have identified.
9. This adverse impact could not be overcome by the imposition of a planning condition to restrict the height or positioning of the proposed dwelling within the plot.
10. It has been advanced that there are other dwellings within the area which set a precedent for tandem development. However, those examples related to larger schemes or are set within different contexts. They are not sufficiently comparable with the appeal proposal to justify the imposition of the harm that has been identified.
11. For these reasons, the appeal proposal would be inappropriate in this location, with particular regard to the character and appearance of the area. The harm that would be incurred would be significant.
12. Policy CS1 of the North Lincolnshire Local Development Framework Core Strategy (June 2011) (the Core Strategy) confirms that Messingham is a rural settlement. Development in such locations will be limited and should, amongst other things, be in keeping with the character of the settlement.
13. Policy CS5 of that plan states all new development should be well designed and appropriate for their context, contributing to a sense of place. The relationship between buildings and the spaces around them and how they interact with each other, as well as the surrounding area, requires consideration. Policy CS8 of the Core Strategy supports small scale infill development.
14. Policy H7 of the North Lincolnshire Local Plan (May 2003) (the Local Plan) states that backland and tandem development will be permitted providing that

amongst other things, it would not affect the character of the area in which it is located by unacceptably increasing the density of development in that area.

15. Policy LC7 of the Local Plan states that in regard to development within rural settlements special attention will be given to protecting the scenic quality and distinctiveness of local character. Development that does not respect this will not be permitted. Policy DS1 of the Local Plan states a high standard of design is expected and poorly designed development will be resisted. Development is required to reflect or enhance the character and appearance and setting of the immediate area.
16. Given the harm that I have found, with the exception of Policy CS8, the appeal proposal would conflict with these policies.

Living conditions

17. Access to the appeal proposal would be via an existing private driveway which serves the existing host dwelling. This would mean that all pedestrian and vehicular traffic to the appeal site would pass down the side of both the host dwelling and No 31, Well Street.
18. That neighbouring dwelling is separated from the appeal site by its own driveway. The detached garage within its own rear garden would provide some further physical relief.
19. There are existing windows which would face either directly or obliquely onto the driveway that would serve the appeal site. However, the increased numbers of vehicles and pedestrian traffic that could be generated from an additional dwelling would not be significant. Therefore, the appeal proposal would not generate a level and frequency of noise and disturbance that would impinge upon the current living conditions of neighbouring occupants to a degree that would be unacceptable.
20. For these reasons, the proposed access would be suitable, with particular regard to the living conditions of neighbouring residents.
21. Policy H7 of the Local Plan states that backland or tandem development will be permitted provided that there is no adverse effect on the amenities of any residential premises, including the level of nuisance resulting from the movement of vehicles to and from the proposed development. Policy DS1 of the Local Plan requires no unacceptable loss of amenity in terms of noise or other nuisance. In the absence of unacceptable harm, there would be no conflict with the development plan in that regard.

Other Matters

22. The small contribution that the appeal proposal would make to housing land supply and delivery would attract limited weight given housing land supply position and the results of the recent Housing Delivery Test.

Conclusion

23. The appeal proposal would give rise to significant harm to the character and appearance of the area which would conflict with the development plan. There are no matters before me that would out-weigh that conflict with the development plan when taken as a whole.

24. For the reasons given, the appeal should be dismissed.

C Dillon

INSPECTOR