



Appeal Decision

Site visit made on 24 August 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2021

Appeal Ref: APP/Y2003/W/21/3272713

24 Manton Lane, Hibaldstow, DN20 9DX

- 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 Eddy Mawer against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/24, dated 6 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is a detached dormer bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal follows an earlier approval for substantially the same development, which has now been implemented. This proposal seeks to change the approved materials for the building and the driveway surfacing. The Council have made clear from their submissions that it is only the altered driveway surfacing that is unacceptable, and my Decision is accordingly focussed.

Main Issue

3. The main issue is the effect of the proposed driveway surfacing on the living conditions of occupiers of adjoining properties with specific regard to noise and disturbance.

Reasons

4. Saved policies in the North Lincolnshire Local Plan, 2003 (the Local Plan) require that new housing development does not result in loss of amenity to existing dwellings, and that no nuisance arises from the movement of vehicles to and from proposed development.
5. The extant planning permission for the detached dormer bungalow on the site requires that the driveway, which, owing to the location of the dormer bungalow to the rear of its neighbours, is relatively long and close to them, be finished in tarmac. This is to ensure that no nuisance, by way of noise, arises from the use of the driveway.
6. Whilst I note the proposed use of tarmac for the first section of the driveway, the substantial part of it, including the turning point would be finished in gravel. This is reasonably likely to be noisier in use, particularly during turning manoeuvres, than the approved tarmac surfacing. Given the proximity of properties on Manton Lane and Ellis Way to the driveway, I consider that this could give rise to undue and unacceptable noise and disturbance arising from

its use. I note the existence of, and intention to retain, hedging. Whilst this would reduce the noise somewhat, I do not consider that it would do so to such a degree as to entirely remove the harm I have found.

7. I note the examples given of other gravel driveways in the area and I was able to see these during my site visit. However, I do not consider that these are directly comparable to the appeal proposal, having different relationships both to the properties they serve and their neighbours.
8. I therefore find that the proposed driveway surfacing would be harmful to the living conditions of occupiers of adjoining properties with specific regard to noise and disturbance. It would therefore conflict with saved policies DS1, H5 and H7 of the Local Plan, which seek to ensure that new housing development does not result in loss of amenity to existing dwellings, and that no nuisance arises from the movement of vehicles to and from proposed development.

Other Matters

9. It is clear from their submissions that it is only the driveway materials which the Council finds unacceptable, and this is clearly reflected in their Decision Notice and my Main Issue above. Whilst I have the power to issue a split decision on an appeal, this power is discretionary, and I am not obliged to use it. I do not consider that the parts of the proposal which are acceptable are physically and functionally clearly severable from that part which is not. Nor do I consider that such a split decision would be clearly and easily defined with reference to the submitted drawings. As such I do not consider that a split decision would be appropriate in this case.

Conclusion

10. For the reasons given above I conclude that insofar as it relates to the materials for the driveway, the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be dismissed.

S Dean

INSPECTOR