The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/Y2003/W/21/3288458
Briar Lodge, Silver Street, Barrow upon Humber DN19 7DN

- 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 James Pearson, Charworth Homes, against the decision of North Lincolnshire Council.
- The application Ref PA/2021/1306, dated 16 July 2021, was refused by notice dated 30 September 2021.
- The development proposed is demolition of existing dwelling and construction of seven new dwelling houses, including a new entrance, site access road and associated landscaping.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issues

3. The main issues are:

    - The effect of the proposed development on the character and appearance of the surrounding area;
    - Whether the proposed development would provide a satisfactory standard of accommodation for its future occupiers, with particular regard to the proposed private garden areas of plots 2 and 3; and
    - Whether there is sufficient information to demonstrate that the on-site trees have been properly considered and the effect of the proposed development on off-site trees.

Reasons

Character and appearance

4. The appeal site comprises an L shape with Briar Lodge fronting onto Silver Street and is surrounded by residential development. The site is currently overgrown, rough grassland and contains a number of trees. The surrounding area is predominantly characterised by detached properties, which vary in design and size, situated within spacious plots. There are also examples of

smaller plots, cul-de-sac arrangements as well as semi-detached and terraced properties within the vicinity of the site.

5. Plots 1-3 would be detached properties and plots 4-7 would be semi-detached properties. I have had regard to the appellant's plot analysis. Nonetheless, the scheme would have a greater visual connection with Silver Street rather than other roads within Barrow.

6. In comparison to the predominant character of the surrounding area, the dwellings would have small gardens and would be built close to their boundaries. Due to a combination of the siting of the dwellings, number of dwellings, plot sizes, and gaps between the plots, the scheme would appear cramped within the site. The density of the proposed development would not be in keeping with the immediate surrounding area. Thus, the proposal would be poorly designed as it would appear at odds with the established character of the area which is primarily characterised by properties located on spacious plots.

7. For these reasons, the proposed development would be visually harmful to the character and appearance of the surrounding area. Consequently, the scheme would conflict with Policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan (2003) (LP) and Policies CS5 and CS7 of the North Lincolnshire Local Development Framework: Core Strategy (2011) (CS). These policies seek, amongst other matters, to ensure that proposals reflect or enhance the character and appearance of the area and that the density of new development is in keeping with the character of the area. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which states developments should be sympathetic to local character.

Living conditions

8. Trees outside of the appeal site would overhang plots 2 and 3. The appellant proposes to reduce the canopy of the trees which overhang into the site. The Council does not have any policies or guidance specifying appropriate levels of private amenity space for dwellings.

9. Although each plot would have a similar size garden and they are comparable to garden sizes within Barrow, the amount of useable space is also an important consideration. Based on the evidence presented, particularly trees T2 and T4 would cause shade and overshadow a large proportion of plots 2 and 3's rear gardens. This would limit the functionality of the private garden areas. Due to the size of the gardens and trees, the proposed private amenity space proposed for plots 2 and 3 would be inadequate. Thus, the development would result in poor quality accommodation and would fail to provide an acceptable standard of amenity for future occupiers.

10. In this regard, the appellant has referred to a recently approved development in Barrow. Based on the information presented, that development cannot be directly compared with the scheme before me because of the site's context and style of development. In any event, each application must be considered on its own merits.

11. For these reasons, the proposed development would not provide a satisfactory standard of accommodation for its future occupiers, with particular regard to the proposed private garden areas of plots 2 and 3. Consequently, the scheme

would conflict with Policies DS1 and H5 of the LP and CS5 of the CS. These policies seek, amongst other matters, to promote a high standard of design and ensure new developments create attractive private spaces that complement the built form. It would also conflict with the Framework which states developments should create places with a high standard of amenity for future users.

Trees

12. There are a number of trees within and adjacent to the site which are not protected by TPO's or located in a conservation area. The trees within the site are primarily situated close to the site boundary.

13. The Arboricultural Method Statement and the Arboricultural Impact Assessment are clear that they should be read in conjunction with the Arboricultural Report. This report sets out information relating to the trees size, condition, quality and value. The proposed development would result in a large number of trees being removed in order to facilitate the development. Groups G1 and G2 are effectively hedgerow trees which explains the high stem count. The quality and value of those trees to be removed have been categorised as low-quality.

14. The trees to be retained overhang the site. The documents, particularly the Arboricultural Method Statement, details how the off-site trees would be protected. The Tree Protection Plan also sets out the root protection areas. Conditions could be attached relating to landscaping works and to ensure that the trees are protected, throughout the construction period, as set out in the relevant reports.

15. I have no substantiated evidence before me to demonstrate that the development would adversely affect the health and longevity of the off-site trees. I am satisfied that sufficient information has been submitted to demonstrate that the on-site trees have been properly considered and the proposed development would not have an unacceptable impact on off-site trees.

16. Accordingly, although the proposed development would result in the loss of a large number of trees, it would not conflict with the aims of Policies DS1 and LC12 of the LP. These seek, amongst other matters, to ensure wherever possible the retention of trees and particular regard will be given to the amenity value of trees within built up areas. It would also not conflict with paragraph 131 of the Framework which states trees make an important contribution to the character and quality of urban environments, can help mitigate and adapt to climate change and existing trees should be retained wherever possible.

Other matters

17. A Grade II listed building, Welholme, is located close to the appeal site. The Council raise no concerns in respect of the effect of the development on the setting of the listed building, and I have no substantive reason to consider otherwise. Given the distance between the appeal site and listed building as well as the intervening built development and road, I am satisfied that the scheme would have a neutral effect on the heritage asset and would preserve the special interest of the listed building. This is a neutral consideration and does not weigh in favour of the appeal.

Conclusion

18. As set out above, I have found that sufficient information has been submitted to demonstrate that the on-site trees have been properly considered and the proposed development would not have an unacceptable impact on off-site trees. However, the proposed development would be visually harmful to the character and appearance of the surrounding area and would not provide a satisfactory standard of accommodation for its future occupiers to which I attach significant weight.

19. The development would provide social, environmental and economic benefits and would contribute to the mix of housing to meet the local housing needs. However, due to the scale of the development, these benefits would be modest and would not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations that outweigh this conflict.

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L M Wilson

INSPECTOR