



Appeal Decision

Site visit made on 28 June 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/Y2003/W/22/3295212

The Croft, 10 Commonsides, Westwoodside DN9 2AP

- 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 Mrs Nicky Senior against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/582, dated 29 March 2021, was refused by notice dated 22 October 2021.
 - The development proposed is described as 'demolition of existing house and construction of 2 no detached dwellings with associated garages'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Nicky Senior against North Lincolnshire Council. This is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including the setting of the Isle of Axholme Area of Special Historic Landscape Interest (AoSHLI) and the existing building on the site; and
 - The effect of the proposed development on highway safety.

Reasons

Character and Appearance

4. The appeal site is the garden of an existing dwelling which, the Council confirms, is within the development boundary of Westwoodside and has referred to this being defined by Policy CS3 of the North Lincolnshire Local Development Framework Core Strategy (2011) (Core Strategy), with part of the site overlapping the AoSHLI. The surrounding area features a mix of attached and detached properties of varying sizes and appearance, typically well-spaced. A footpath runs along the north side of the street, where houses generally sit close to the road. The appeal site provides a notable gap in the built frontage along the north side of the street, albeit this is currently dominated by a high hedge and trees. Whilst there is no footpath on the south side of Commonsides, houses are set back from the road and there is a wide grass verge, providing a sense of space to the street scene.

5. Paragraph 12.26 of the North Lincolnshire Local Plan (2003) (Local Plan) explains that the AoSHLI includes significant areas of medieval open strip fields and turbaries, which the Historic Environment Officer (HEO) clarifies are areas of historic peat cutting. Both are of considerable national importance. These attributes together with enclosed land and the overall settlement pattern of the area make it unique in the country. Local Plan Policy LC14 in turn relates to the AoSHLI and amongst other things requires a high standard of design and siting in new development, reflecting the traditional character of buildings and the character of the landscape. The site is on the edge of a block of ancient open strip fields and is the last remaining open plot on the north side of Commonside that preserves the original open strip form to the roadside and the visual link through the site to the open field beyond. In this respect the site acts as an important buffer and open setting to the ancient open strip fields and AoSHLI.
6. The site is the curtilage area associated with No 10 Commonside, which is a detached, two storey dwelling that sits in the south west corner of the plot. The building is said to date from the 19th century, is of traditional form and materials and would have been linked with the traditional farming methods of the area. On this basis the building contributes to the setting and significance of the historic landscape.
7. Given the identified importance of the AoSHLI within the Local Plan and the age and historical association of the existing building to the landscape, both have a degree of significance as defined in the National Planning Policy Framework (NPPF) and can reasonably be considered as non-designated heritage assets.
8. The proposed dwellings would infill most of the existing gap in the frontage of the appeal site. This would leave relatively little space between for a shared private driveway extending to the rear and setbacks either side from the site boundaries. The overall scale and depth of the dwellings is also notably greater than those either side and opposite the appeal site. Whilst the frontage is currently overgrown with trees and hedges, the proposal would dominate this part of the street scene and substantially close the gap between existing dwellings, permanently removing the buffer to the historic landscape beyond. The introduction of 2 large, detached garages at the rear of the site, one of which would be isolated away from its host dwelling, and an expansive shared driveway leading to both, would result in additional vehicles and domestic paraphernalia to the rear of the site. This would further infringe on the limited views through from the street and on the setting of the AoSHLI. It is also noted in the representations before me that, whilst the HEO acknowledges two plots on the street frontage would be acceptable, they ultimately recommend refusal of the appeal proposal due to its size, scale and massing and the resulting effect on the character, appearance and setting of the AoSHLI.
9. I acknowledge that the appellant has evolved the scheme having taken account of the previous appeal decision on this site. That proposal was for 5 dwellings (Ref: APP/Y2003/W/19/3227927). However, that does not alter my conclusions as set out above on the merits of what is before me.
10. In relation to this main issue, the proposal would have a harmful effect on the character and appearance of the area, including the setting of the Isle of Axholme Area of Special Historic Landscape Interest (AoSHLI) and the existing building on the site. The proposed development would therefore conflict with policies CS5 of the Core Strategy and saved policies DS1 and LC14 of the Local

Plan. These policies, amongst other things, seek to ensure the delivery of quality design which is appropriate to its context and that development does not have an adverse effect on features of acknowledged importance on, or surrounding, a site and conserves the significance of the AoSHLI.

Highway Safety

11. The proposed development features a single vehicular access onto Commonsides located centrally within the frontage of the site. Whilst Commonsides has been described as a rural road in the reason for refusal, its prevailing character is more suburban with numerous residential accesses and a 30mph speed limit. The road in the vicinity of the site features a shallow bend, and currently the frontage of the site is largely obscured by vegetation.
12. The concerns of the Council in refusing the application due to a perceived failure to demonstrate safe access and egress are noted. However, the Council's Highways department was consulted and did not raise any objections in respect of the effect of the proposal on highway safety, subject to various planning conditions. While the proposal would result in a new access into the site and a modest increase in traffic movements, there is no compelling evidence before me to challenge the opinion of the Council's Highways department or to otherwise demonstrate that safe access and egress could not be achieved, subject to the recommended conditions.
13. In relation to this main issue, I therefore conclude the proposed development would not have a harmful effect on highway safety. The proposal would therefore comply with saved policies T2 and H5 of the Local Plan. These policies seek to ensure all development provides satisfactory access, and new housing development has an adequate and appropriately designed access which will not create any traffic or road safety hazards.

Other Matters

14. The scheme would result in the delivery of one additional housing unit, and the replacement of a currently vacant unit, which would positively contribute to the local housing supply. Furthermore, it is located within an existing settlement with a degree of access to local services and facilities and therefore, in principle, is a suitable location for residential development. Some economic and social benefits would therefore occur through construction and occupation. However, this contribution is limited.
15. The condition survey of the existing building demonstrates that it is dilapidated and in a poor state of repair. There are limitations to this evidence which does not include detailed proposals or a financial appraisal for the renovation and therefore retention of the non-designated heritage asset. Comments have also been made about the current condition of the site, including problems with vermin, litter, anti-social behaviour and health and safety. Overcoming these matters could provide positive effects from redevelopment of the site. However, any benefits in these respects have limited weight.
16. It may be the case that the proposal would not have an adverse impact on drainage, protection of trees, or environmental protection, subject to the use of planning conditions where necessary. However, the absence of harm with respect to other relevant matters is a neutral consideration.

17. The appellant has commented that Haxey Parish Council do not object to the proposal. The representations before me from the Parish Council do not explicitly support or object to the proposal, however some concerns are raised. In any event, the absence of a formal objection from the Parish Council would not in itself weigh in favour of the proposal.

Conclusion

18. Overall, these other matters and the conclusion on the second main issue do not outweigh my conclusion on the first main issue.
19. For the reasons given above I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR