



Appeal Decision

Site visit made on 1 November 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/B2002/W/22/3300236

62 Wisteria Drive, Healing, North East Lincolnshire DN41 7JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Pardeep Sarkanika against the decision of North East Lincolnshire Council.
 - The application Ref DM/0047/22/FUL, dated 13 January 2022, was refused by notice dated 6 April 2022.
 - The development proposed is a detached dwelling and new vehicular access.
-

Decision

1. The appeal is dismissed.

Main Issues

The main issues of the appeal are:

- The effect of the proposed development on the living conditions of No. 62 and 64 Wisteria Drive in relation to outlook.
- The effect of the proposed development on highway safety; and
- The effect of the proposed development on surface water drainage/flood risk.

Living conditions

2. The host property of No. 62 Wisteria Drive is positioned to be side fronting to the host street and as a result, the rear elevation of the property provides direct outlook onto the appeal site and there are several windows located within the rear elevation at both ground floor and first floor level which are large enough to provide for clear and open views.
3. The two-storey side elevation of the proposed dwelling would be located within very close proximity to the rear elevation of No. 62 and would run the full length of it. This close relationship coupled with the extent of the projection and overall height would appear imposing and overbearing to existing occupiers of No. 62 and outlook from inside the property would be severely restricted and visually oppressive as a result of this.
4. The overall layout, height, and footprint generally reflects the positioning of other dwellings in the area. However, the majority of nearby properties have a side-by-side relationship where outlook is not so severely restricted and cannot therefore be comparable to the appeal site where the windows on the rear elevation of the host property would directly face the proposed dwelling resulting in an uninviting outlook.

5. In terms of the relationship with No. 64 Wisteria Drive, the positioning of the proposed dwelling would be close to the shared boundary. However, this relationship is not uncommon within such a setting as evidenced by other nearby dwellings and it is important to note that whilst close to the shared boundary, the position of No. 64 is a further distance away. I observed onsite, the positioning of windows within the rear and side elevation of No. 64 and whilst the appeal site would be visible, this would be at an angle given the position of No. 64 and the window positions where most of the views from the property and garden are away from the appeal site. Additionally, the detached garage serving No. 64 further restricts views and I am therefore content that the proposed development would not appear as a prominent addition.
6. I accept that the proposed development is set back further than No. 64. However, it would not be largely different from the relationship of other properties located along Wisteria Drive and thus not appearing as dominant. I note the comments made regarding overlooking and loss of light due to the setback nature of the development. Based on my observations onsite, I have no reason to disagree with the Council that any impact would not be adverse in this regard.
7. I conclude that although the proposed development would not comprise the living conditions of No. 64 Wisteria Drive, it would unacceptably harm the living conditions of the existing occupiers of the host property at No. 62 in relation to outlook. As such, in respect of this issue, it would be contrary to Policy 5 of the North East Lincolnshire Local Plan which, amongst other things, seek to protect neighbouring land uses from visual intrusion.

Highway safety

8. At my site visit, I noted the speed reduction measures which currently exist along Wisteria Drive including the 30mph speed limit and speed humps. The Council accept that the actual speed is more reflective of 20mph and I have no reason to disagree with this based on my observations onsite where while only a snapshot in time, I saw that the few vehicles passing the site were travelling at a relatively low speed.
9. An acceptable level of visibility is apparent on site despite the alignment of the road and neighbouring property and whilst the required visibility splays cannot be achieved even taking into account the lower speed of 20mph, vehicle speeds are already low given the residential setting and imposed speed limit. This, together with the presence of nearby speed humps would further reduce speeds within close proximity to the site.
10. Moreover, vehicle movements upon exiting the driveway are also likely to be at a very low speed given the nature and there is a sufficient level of visibility for approaching vehicles and pedestrians to be able to stop without causing severe safety implications.
11. I note concerns regarding disruption on the road during busier times including school times and the increase of parking on the street and in turn further obstructions. However, the proposed development relates to a single residential dwelling where the level of traffic/movements generated would not be so significant to comprise the safety of the local highway network nor result in a severe impact. Additionally, off-street parking would be provided which would deter on street parking and whilst I cannot control situations where

individuals may choose to park on street, I am content that given the small-scale nature of the proposals, any on street parking would not be substantially different to that of the existing situation or lead to a harmful impact.

12. I also note concerns regarding the difficulty of movements when exiting existing driveways located opposite the site. However, this relationship is not uncommon within such a setting as evidenced by other nearby dwellings and again the movements and general activity associated with a development of this size would not be so significant as to adversely impact the safety of the local highway network.
13. I conclude that the proposed development would not harm highway safety. As such, in respect of this issue, it would not be contrary to Policy 5 of the North East Lincolnshire Local Plan which, amongst other things, considers the suitability and sustainability of access and traffic generation.

Flood risk

14. The site is located within a high flood risk area in relation to surface water. The Council's Drainage Officer response sets out that levels must not be raised, and all surface water needs to be dealt with on site. Whilst I appreciate the concern in this regard, such matters could be dealt with via a planning condition relating to a scheme for the sustainable provision of surface water drainage. Such a condition could be imposed were the appeal to be allowed.
15. I conclude that the proposed development would be acceptable with regard to surface water drainage and would comply with Policies 5 and 34 of the North East Lincolnshire Local Plan which, amongst other things, considers the suitability and sustainability of flood risk.

Other matters

16. I note that the proposed development would deliver housing within a sustainable location which would be a benefit. However, the modest contribution of one property would not be sufficient to outweigh the harm identified having regard to the effect on living conditions.

Conclusion

17. Although the development does not harm highway safety and matters relating to surface water flood risk could be resolved by way of a planning condition, the proposed development would harm the living conditions of the existing occupiers of the host property in relation to outlook and thus conflicting with the development plan as a whole. There are no other considerations that individually or cumulatively outweigh this harm and development plan conflict. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR