



Appeal Decision

Site visit made on 22 November 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/Y2003/W/22/3301249

**Land Adjacent to The Magna Charta Inn, Barrow Road, New Holland
DN19 7PH**

- 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 Nick Hammond of Hammond Homes Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/2165, dated 24 November 2021, was refused by notice dated 5 May 2022.
 - The development proposed is erect nine dwellings with associated parking, landscaping and boundary treatments.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the surrounding area.

Reasons

3. The site forms part of the wider grounds of the Magna Charta Public House, which sits on the junction of Barrow Road and Peploe Lane. The surrounding area is characterised by predominantly two storey dwellings. Indeed, various detached, semi-detached and terraced two storey properties are in place near to the site. Notably, there are also bungalows in proximity to the site, including one immediately adjacent and one directly opposite. There is no prevailing architectural style, with development in the area appearing to have taken place incrementally. While the public house itself appears as a prominent building, this is more due to its depth which is clearly visible in the street scene due to its corner location and the adjacent open land.
4. The appeal properties would be substantial in their scale and massing due to the three storey nature of the development and would appear unduly dominant and prominent when viewed along Barrow Road and Peploe Lane as a result of this. This would be exacerbated along Barrow Road due to the site's positioning in proximity to single storey dwellings, particularly the bungalow situated directly adjacent to the site. Overall, the appeal proposal would appear incongruous and poorly related to surrounding development.
5. There are other buildings within New Holland and distanced from the site which have three storeys or are of a different scale to the dwellings that immediately surround the site. However, these would not in themselves justify taller

development anywhere within the settlement. I therefore attach limited relevance to this consideration.

6. My attention has been drawn to planning permissions that have previously been granted at the site, both in 2013. The first¹ relates to a terrace of three dwellings to the northern portion of the site adjacent to Peploe Lane, whilst the second² relates to the larger southern portion of the site and to the erection of six dwellings across two separate terraces. Although I have not been provided with the full details of these other schemes, it is my understanding that the approved layouts and building heights are reflected by the appeal scheme.
7. The first permission relating to the northern portion of the site has been lawfully commenced and remains extant. The appellant has stated this would be implemented if the appeal were not allowed and I have no reason to dispute this. It therefore represents a realistic fallback position to which I attach considerable weight. However, the same situation does not apply to the second permission as the time limit for beginning works has expired and lawful commencement has not been demonstrated. Thus, it does not offer an implementable fallback position.
8. It must be noted that a significant period of time has passed since 2013. While I acknowledge that the most relevant development plan policies remain the same as those which informed the previous decisions on the site and it is my understanding that the physical makeup of the area has changed little, it is important to note that the National Planning Policy Framework (July 2021) (the Framework), which constitutes an important material consideration being the Government's principal national planning policy document, has evolved appreciably since the version that was in place when the previous decisions were made.
9. The Framework makes it clear that creating high quality places is fundamental to what the planning process should achieve and emphasises the importance of delivering beautiful buildings and places. Thus, especially given the nature of the adverse effects I have identified above, the second 2013 permission does not offer robust or persuasive justification for developing the southern portion of the appeal site as proposed. This finding applies even whilst acknowledging the realistic potential for a single terrace of three-storey dwellings to be constructed to the rear of the public house under the extant permission.
10. For the above reasons, whilst I attach considerable weight to the fallback position that applies to the northern portion of the site, the appeal proposal, when considered as a whole, would cause unacceptable harm to the character and appearance of the area. The scheme conflicts with North Lincolnshire Local Development Framework Core Strategy adopted June 2011 (CS) Policy CS5 and North Lincolnshire Local Plan adopted May 2003 (LP) Policies DS1 and H5 which seek to create a positive and strong identity through the creation of high quality streetscapes which take account of existing built heritage and are of a scale and height in keeping with the character of the immediate environment.

Other Matters

11. The site is within Flood Zone 2/3a and the Council has not raised any concerns with regard to the sequential and exceptions tests set out in the Framework. I

¹ PA/2011/1076

² PA/2013/0018

have no reason to disagree with this. The dwellings have been designed with non-habitable ground floor rooms to account for flood risk which I acknowledge is an appropriate innovation. Nevertheless, for the avoidance of doubt, this approach does not in itself justify development of a full three storey height.

12. The Council's reason for refusing planning permission does not allege harmful effects from the development upon the living conditions of surrounding residents. Whilst available outlook would be altered in some instances, having factored in the separation distances that would be achieved and the intended position of the window openings, I have no reason to find that harm would be caused to the living conditions of neighbouring occupiers through any undue loss of outlook, privacy or light. I also acknowledge the lack of any objections to the proposal from statutory consultees. Nevertheless, these matters weigh neutrally in the decision making process.
13. The site is within the settlement boundary of New Holland which is identified as a Rural Settlement. The appeal proposal would contribute nine units of housing as well as associated economic benefits that come from development. Whilst the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land, the additional units would not make a noticeable difference to the authority-wide housing supply situation. I thus attach moderate weight, in cumulative terms, to the scheme's benefits. Such benefits would not outweigh the considerable harm that I have identified would be caused to the character and appearance of the area.

Conclusion

14. For the reasons given above, the appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate that a decision should be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

J Downs

INSPECTOR