



Appeal Decision

Site visit made on 20 February 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/Y2003/W/23/3328469

23 Springbank, Brigg, North Lincolnshire DN20 8PL

- 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 Raby against the decision of North Lincolnshire Council.
 - The application Ref PA/2023/1023, dated 18 May 2023, was refused by notice dated 17 August 2023.
 - The development proposed is a three bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:-
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on the living conditions of neighbouring residents in terms of overlooking, overshadowing, overbearing impact and loss of outlook.

Reasons

Character and appearance

3. The appeal site is located to the rear of 23 Springbank but has been subdivided from the main property. I understand that historically there has been a garage on the appeal site, an outbuilding for 23, and various vehicles have been parked on the site. At the time of my site visit, the land was vacant and a little overgrown. Access to the site is taken separately from the host dwelling, off South View Avenue.
4. The area is residential in nature, made up primarily of traditional brick built semi-detached dwellings. There are a set of apartments located in the locality to the appeal site.
5. The existing properties on the same row generally have long back gardens. The subdivision of 23 Springbank has reduced that garden length so it already appears anomalous and when combined with the proposed appeal dwelling sitting in that rear area, incongruous from other development, I find that it would undoubtedly have a material impact on the character and appearance of the area as it would be sat outside the linear pattern of development.

6. The proposed property would be sat in a site that is not a sufficient size to accommodate the new build and all accoutrements that come with development, being short of amenity space. The appellant raises the issue of amenity spacing in the London Plan. This is not London, this is a residential estate in Brigg, North Lincolnshire where the locality is for larger gardens, and reasonable amenity space for families. The two cannot be utilised in the same context.
7. On this issue, I find conflict with Saved Policies DS1, H5, and H7 of the North Lincolnshire Local Plan (2003) (the LP) and policy CS5 of the North Lincolnshire Core Strategy (2011) (the CS) which, amongst other matters, expect development to reflect the character, appearance and setting of the immediate area.

Living conditions

8. The location of the proposed dwelling at the rear of 23 Springbank, given the separation distance between the rear of the existing property and the appeal proposal, would appear overbearing and dominating to the occupiers of that property, irrespective of whether there would be any fenestration on the elevation of the proposed dwelling, given the existing window positions on 23 Springbank, causing harm to the living conditions of that property.
9. As the proposed dwelling would be to the south of both 21 and 23 Springbank, the proposed scale and height would put those properties in shade for a considerable part of the day. Without any sunlight path analysis to prove that this would be a significant issue, the overshadowing would cause harm to living conditions of both properties.
10. I do not consider that a loss of privacy would be an issue to both prospective and existing residents to a level that would cause material harm to the living conditions of those properties, whilst the level of overlooking from 21 and 23 Springbank from first floor level into the limited rear private amenity area of the proposed appeal dwelling would cause material harm to the living conditions of that dwelling, were it to be constructed, given the relative location of the properties and the angle of existing windows from 21 and 23 Springbank.
11. As a result, overall, I find there would be material harm to the living conditions of new and existing residents, in terms of the overbearing nature of the new development, the overshadowing caused if the dwelling were to be constructed, and the overlooking of the new dwelling by the existing dwellings.
12. As such, I find conflict with Saved Policies DS1, H5, and H7 of the LP and policy CS5 of the CS which, amongst other matters, expect development not to cause unacceptable loss of amenity through overlooking or overshadowing.

Other Matters

13. I note the comments of the appellant regarding other development that has been approved, but the context of those examples and the current scheme is totally different. The Council can now demonstrate an up-to-date housing supply position, which therefore renders the supply argument unusable.

Conclusion

14. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Paul Cooper

INSPECTOR