



Appeal Decision

Site visit made on 1 May 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/Y2003/W/23/3328135

14 Greenhill Road, Haxey, North Lincolnshire DN9 2JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Karen Robinson against the decision of North Lincolnshire Council.
 - The application Ref is PA/2022/1374.
 - The development proposed is the erection of 2 detached properties to the rear of No. 14 Greenhill Road and associated private driveway.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 detached properties to the rear of No. 14 Greenhill Road and associated private driveway, at 14 Greenhill Road, Haxey, North Lincolnshire, DN9 2JE in accordance with the terms of the application Ref PA/2022/1374, and the plans submitted with it, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The new North Lincolnshire Local Plan was submitted for public examination in November 2022. It has not yet been adopted and the parties have not relied upon its emerging policies. I have therefore assessed the proposal based on the adopted development plan.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with particular reference to the preservation of the setting of the listed building; and
 - on highway safety and on the road network.

Reasons

Character and Appearance

4. The site forms the garden to No. 14 Greenhill Road, albeit the approved alterations made to that building and its immediate garden area, and the appeal site clearance, present a functional separation¹. The site is unusually shaped and lies behind the rear elevations of several 1 and 2 storey dwellings, with its main extent being somewhat removed from its host. It includes direct access onto Greenhill Road via a gravelled driveway, and comprises low scrub vegetation to the rear plus some trees near to the boundaries. The proposal is for two 2-storey dwellings within the rearmost part, plus access and parking.

¹ PA/2022/1278 and PA/2022/1021, approved December 2022.

5. No. 14 Greenhill Road is a grade II listed building under the same ownership. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed buildings. Section 16 of the Framework also requires that great weight should be given to the conservation of designated heritage assets. Policy HE5 of the North Lincolnshire Local Plan (LP) (2003) broadly aligns with this approach, identifying that proposals which damage the setting of a listed building will be resisted.
6. No. 14 is a mid to late 18th century house, with a later 18th/early 19th century addition. A 20th century extension is not included in the listing, but this has recently been incorporated within the ongoing alterations and amendments, which externally have increased the overall cohesion of the architecture and facades. The building's significance lies in its prominent contribution to the streetscene, including due to its form and traditional materials, and being one of the oldest properties of the village. The appeal site forms part of its setting as its garden area, albeit the appellant considers that the land was never historically joined. On the evidence before me I find the appeal site contributes to the ability to appreciate the significance of No. 14, both visually in separating it from surrounding dwellings, and to a limited extent in understanding its historical development.
7. The driveway would retain the separation from the dwelling to the north, and so would not affect this significance. The dwellings would be predominantly unseen from the road frontage, and would be set well back from the listed building. However, although the site's overall domestic context would be retained, their built form and associated parking and other domestic paraphernalia would reduce its openness, and would impact some views of the listed building from the rear. The use of the garden land would also create some harm to the historical understanding of the building and its setting. Overall, this harm would be limited, but nonetheless categorised as less than substantial harm to the significance of a designated heritage asset. As such, I give this harm great weight, as advised by the Framework paragraph 205.
8. Turning to the proposal's wider impact on character and appearance, the dwellings would not be readily apparent in views from the streetscene, and the domestic scale of the driveway would have a neutral impact on the streetscene. The dwellings would be set back within the site, with a backland layout sitting well within the wider development on all sides. Although surrounding properties predominantly directly face the streets, there are other examples of backland development within the immediate vicinity.
9. I find that 2 dwellings would not appear cramped and would be of a scale to fit comfortably within the site, with sufficient space to accommodate gardens and parking. Although the North Lincolnshire Core Strategy (CS) (2011) Policy CS7 identifies an appropriate density of at least 30-35 dwellings per hectare within rural settlements, this is specified in order to be in keeping with the character of the area. This would not be achieved with a higher site density. Indeed, the LP Policy H7 specifically supports backland and tandem development where amongst other matters, it would not affect the general quality and character of the area in which it is located by unacceptably increasing the density of development in that area.

10. The dwellings would be a traditional architectural form. Walls would be ivory render at the base with brick above, with pantile roofs, which would be appropriate to the local vernacular. Interested parties consider that the dwellings should be bungalows, albeit partly due to overlooking concerns, which I address below. However, I find their massing would not be untoward within the context of the 2 storey dwellings to the east, west and south-west.
11. Overall, the proposal would not harm the character and appearance of the area. It would comply with the LP Policies H5 and H7, and the CS Policies CS1, CS2, and CS7. Together and amongst other matters including those identified above, these require developments to have a high standard of design, and be in keeping with the scale and character of the settlement and the immediate environment. The proposal would also comply with the need to achieve well designed places as set by the Framework paragraph 135.
12. However, although the proposal would also comply with some aspects of the LP Policy DS1 and the CS Policy CS5, which also reiterate the need for a high standard of design and to be appropriate in the context, it would conflict with other elements within those policies and also with the LP Policy HE5. These require the retention and restoration of the historic setting of listed buildings, and for developments to have no adverse effect on surrounding listed buildings or the relationship with the built heritage.

Highway Safety and the Road Network

13. The Council considers that there would be an insufficient visibility splay on exiting the private road into Greenhill Road, and interested parties also objected relating to traffic hazards. I note that there was no objection from the Highway Authority on this basis. Detailed plans of the proposed junction design have not been provided.
14. My site visit identified no high boundary treatments blocking visibility to the right, and so it was not apparent to me that there would be any highway safety issues in that direction.
15. To the left, visibility is fully blocked until close range due to the No. 14 gable. Oncoming vehicles should be on the other side of the carriageway, and therefore would be seen before the exiting manoeuvre was complete. However, parked cars may force oncoming vehicles from the left into the near side of the carriageway, and pedestrians would also have no visibility into the driveway until directly adjacent.
16. Notwithstanding this, I expect vehicle speeds on Greenhill Road to be relatively low due to its residential nature, and its curve and narrowness including from parked cars. Furthermore, the site driveway junction is relatively wide, such that its detailed design could ensure that the exiting vehicle would be slightly set away from No. 14. This would give time to react in order to avoid conflict. A conditions could be imposed to require detailed design of this junction and visibility splays. I also note that no safety incidents have been suggested relating to the use of this access during the construction works for No. 14.
17. The Council also considers that the cumulative impact of vehicular movement on the private road would be harmful, although has not specifically identified who would be harmed by this intensification. However, movements from 2 dwellings plus parking for No. 14 would be minimal, and I do not find that the

adjacent properties would be unduly harmed in the context of the existing overall traffic along Greenhill Road.

18. I also note parking issues raised by interested parties. The proposal would provide sufficient parking such that on-street parking would not be increased.
19. Overall, the proposal would not cause harm to highway safety or the road network, and would comply with the LP Policies H5, H7, DS1, and T2. Amongst other matters, these require development to have an adequate and appropriately designed access which will not create any traffic or road safety hazard, or an unacceptable proliferation of vehicular accesses, and to cause no unacceptable loss of amenity to neighbouring land uses including from vehicle movements. It would also comply with the Framework paragraphs 114 and 115, which require that safe and suitable access to the site can be achieved for all users, and for development to only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
20. The Council also cites conflict with the CS Policies CS1, CS2, CS5, and CS7, but I do not find these directly relevant to detailed matters of highway design.

Other Matters

21. The Framework Paragraph 208 advises that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.
22. I find that the proposal would not directly provide enabling development for works to the listed building. Those works were undertaken through separate permissions, and there is no legal agreement binding the finances of the 2 projects. However, the financial and marketing evidence, and the reasons given for separating out the appeal proposal from the original intent of their being formal enabling works, give me no reason to disbelieve that the profit would contribute towards the listed building works. Those works were identified as having a financial deficit, which the proposal would bring to a break-even point.
23. The 2 dwellings would therefore allow for the long-term conservation of the listed building. This was at real risk of being lost due to its very poor condition, with no prospective owners coming forwards for many years. The Council's Conservation Officer identified that it had reached a stage where it was at risk and needed to be refurbished, and was also satisfied with the financial and marketing evidence. As such, its preservation and enhancement for future generations is a clear public benefit. I find this to be a material consideration to which I give great weight.
24. The Framework seeks to significantly boost the supply of homes, and the dwellings would be within a settlement with local facilities. However, the public benefits from 2 additional dwellings would be a very small-scale contribution. There would also be very small social and economic benefits from their construction and occupation. I give minor weight cumulatively to these benefits.
25. Interested parties objected due to overlooking into neighbouring properties and gardens. However, there would be no first floor side windows from habitable rooms. The separation distances from the first floor front and rear windows would be such that I do not find any undue impact on privacy. At closest range

there would be additional overlooking into the gardens, but these are already subject to some level of overlooking from other existing properties. A condition could also require details of boundary landscaping to further mitigate for any impact. The Vineries would be impacted to some extent by overshadowing into some of the garden area for part of the day, but I do not find that this would be unduly harmful.

26. I also note interested party objections relating to other aspects such as impact on wildlife, and the site's clearance and removal of some trees. However, I do not find these to be significant matters within my determination.

Conditions

27. I have attached the statutory condition to limit the lifespan of the planning permission, and one to specify the approved plans to provide clarity for the terms of the permission. I have imposed all of the Council's suggested conditions, which were also agreed by the appellant, subject to slight amendment to reflect paragraph 56 of the Framework and the Planning Practice Guidance.
28. Conditions relating to surface water disposal and contamination are necessary in order to ensure that water run-off is appropriately managed, and that any contamination is appropriately identified and remediated.
29. The requirement for details of hard and soft landscaping and construction materials will ensure that the development protects the local character and the setting of the listed building, minimises overlooking into neighbouring properties, and improves biodiversity. Requiring the bathroom window to be obscure glazed will protect the living conditions of existing and future residents.
30. Details of the access and parking areas, and their retention for such, are necessary to ensure highway safety.

Planning Balance and Conclusion

31. The only harm identified would be the less than substantial harm which would be caused to the significance of a designated heritage asset. I conclude that this harm would be outweighed by the public benefits of the proposal. As such, the proposal would comply overall with the Framework section 16 on conserving and enhancing the historic environment.
32. Therefore, while the proposal would be in some conflict with part of the development plan, I find the material considerations to weigh in its favour to the extent of outweighing this conflict and the harm. I therefore allow the appeal.

L N Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PA_002_E_PR_SLP Rev E Proposed Location Plan
 - PA-102-A-0-GA-PP Rev 0 Proposed Plans
 - PA-103-A-0-GA-PE Proposed Elevations
 - PA_100_A_EX_SLP Rev A Existing Site Location Plan
- 3) No development shall commence until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved details shall be implemented, and shall then be retained for the lifetime of the development.
- 4) No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - a) a survey of the extent, scale, and nature of contamination;
 - b) an assessment of the potential risks to:
 - i) human health;
 - ii) property (existing or proposed) including buildings, livestock, pets, trees, and service lines and pipes;
 - iii) adjoining land;
 - iv) groundwaters and surface waters;
 - v) ecological systems; and
 - vi) archaeological sites and ancient monuments.
- 5) If any contamination is identified under condition 4, no development shall commence until a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. No development shall commence until the site has been remediated in accordance with the approved measures and timescale, and a verification report has been submitted to and approved in writing by the Local Planning Authority.

- 6) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to, and approved in writing by the Local Planning Authority.
- 7) Prior to any above ground works, full details of both hard and soft landscape works and implementation programme shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include the proposed materials and finished levels or contours, the car parking layout, and the means of enclosure. The soft landscaping details shall include plans for planting and full written specifications and schedules of plants. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, in accordance with the agreed implementation programme. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub, or plant of the same species and size as that originally planted, shall be planted at the same place.
- 8) Prior to any above ground works, details of the materials to be used in the construction of the external walls, fenestration, and roof of the development hereby permitted, and scale drawings of the fenestration, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 9) Prior to any above ground works, details of the vehicular junction with Greenhill Road, the driveway, and the parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) the proposed method of forming access from the highway, including no loose material placed within 10 metres of the adopted highway;
 - b) the method of construction;
 - c) the provision of drainage features;
 - d) the provision of bin collection facilities;
 - e) the provision of any lighting; and
 - f) the provision of street name plates that shall include the words 'Private Drive'.

Prior to the first occupation of the development, these approved details shall be implemented, and shall then be retained for the lifetime of the development.
- 10) The access, turning, and parking areas shall be retained free of obstruction other than for the parking of vehicles according to the details approved under condition 9, for the lifetime of the development.
- 11) The first floor bathroom window is to be obscure glazed and only high opening for the lifetime of the development.

END OF SCHEDULE