



Appeal Decision

Site visit made on 8 October 2024 by L Clark MSc MRTPI

Decision by John Morrison BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/Y2003/W/24/3344767

77-79 High Street, Wootton, North Lincolnshire DN39 6RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Graham Boag against the decision of North Lincolnshire Council.
 - The application Ref is PA/2022/2217.
 - The development proposed is described as 'outline application for the demolition of an existing workshop and erection of a residential development of three dwellings with associated access'
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Decision

1. The appeal is allowed and outline planning permission is granted for development described as 'outline application for the demolition of an existing workshop and erection of a residential development of three dwellings with associated access' at 77-79 High Street, Wootton, North Lincolnshire DN39 6RR in accordance with the terms of the application, Ref PA/2022/2217 and subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application is for outline planning permission with all matters reserved. I have treated the proposed block plan showing such as indicative. In addition, the proposed development is described as 'outline planning permission for three dwellings, including demolition of existing workshop, with all matters reserved at 77-79 High Street, Wootton, DN39 6RR' on the decision notice. This is not fundamentally different from that which was on the application form and quoted above. I am also unaware that a change of description was agreed between the main parties. I have proceeded accordingly.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the area and b) the living conditions of the future occupiers of the proposals and the existing neighbouring occupiers of the appeal site.

Reasons for the Recommendation

Character and Appearance

5. The appeal site sits between and to the rear of buildings that front the High Street in a largely residential area. It comprises a vacant single storey building with the steel structure of another attached to the rear. There is also a large industrial building to one side. The land levels of the site rise slightly to the rear. The surrounding residential properties are of varying designs and layouts within close proximity to one another. There is some depth to local development and varying set backs from street frontages.
6. Given the shape of the appeal site and the upward end of the number of units proposed, any detailed design is more likely than not to include a dwelling within the rear portion of the site in a back land position. Such an arrangement is not uncommon in the area, particularly how units facing Cherry Lane sit, in character terms, behind those on the High Street. Plot and thus garden sizes are also mixed in their size and precise location relative to the unit they serve. Any proposed dwellings would most likely be smaller than some of the others closest but the variety in scale in the wider area, coupled with the aforementioned lack of uniformity for plot sizes, would ensure any future scheme would not appear unduly cramped.
7. The proposals would not therefore harm the character or appearance of the area, subject to a suitably designed scheme that would be acceptable in terms of matters reserved which is within the gift of the Council to consider at the appropriate time. As such, there would be no conflict with Policies DS1, H5 and H7 of the North Lincolnshire Local Plan 2003 (LP) and Policy CS5 of the North Lincolnshire Core Strategy 2011 (CS) which are concerned with development reflecting the character and appearance of an area amongst other things.

Living Conditions

8. The appeal site is situated between the gardens of several residential properties and the rear of others. It is mainly bordered by fencing with some neighbouring mature trees. The existing single storey building to the front of the site forms the boundary with the garden of No 75 High Street.
9. The reason for refusal uses ambiguous language with regard to living conditions however it appears to be more substantive around the potential for the cramped nature of the site. However, I consider there to be sufficient space within the site to accommodate three dwellings without causing harm to the living conditions of the future occupants of the dwellings. There could be adequate space to provide parking and a meaningful garden for each property.
10. The shape of the site and the subsequent distance between its boundaries and the closest dwellings could allow for the provision of up to three units without being near enough to lead to an unacceptable loss of outlook to the occupants of the closest properties. Further details relating to window positions and layout to boundaries could be provided as part of the reserved matters application.
11. The proposed development would not therefore cause harm to the living conditions of the future occupants of the proposals or those of existing neighbours. It would thus meet the requirements of Policies DS1, H5 and H7 of

the LP and Policy CS5 of the CS which are concerned with protecting neighbouring amenity amongst other things.

Other Matters

12. The appeal site is within the Wooton settlement boundary and therefore the principle of the proposed development is acceptable in planning terms. In addition, land ownership is a private civil matter and outside of the scope of this appeal to resolve.
13. There is an existing access that serves the site. Parking, visibility and access are matters that are to be considered at a later date. I have no technical basis upon which to conclude that the enlargement of the existing access would not be appropriate to serve the site. Further, I have no compelling evidence before me to indicate that the existing single storey building has any historical value or that there is any evidence of any protected species using it.

Conditions

14. Conditions relating to timescales and details for reserved matters are necessary given the scheme seeks outline planning permission. I have imposed a plans condition for clarity, but I have not conditioned the proposed block plan as this shows an indicative layout concerning matters which are reserved. A condition relating to the requirement for an assessment for the potential for land contamination is necessary given the previous use of the site. Other recommended conditions relating to materials, boundary treatments, planting, vehicular access, driveways and parking are not necessary as they should be provided as reserved matters and are thus covered by the specific conditions already imposed.

Conclusion and Recommendation

15. For the reasons given above, the appeal scheme would comply with the development plan and there is nothing sufficiently compelling to suggest otherwise. I therefore recommend that it be allowed subject to the conditions set out.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions set out below.

John Morrison

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout and scale "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing no RD:4753-02C.
- 5) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii) iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- iv) i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
- v) ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.