



Appeal Decision

Site visit made on 18 June 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/B2002/W/25/3358825

Behind 'Poplars Close', accessed off Station Road, New Waltham DN36 4NY

- 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 Mr Biju Chacko of Chacko Builders Ltd against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0304/24/FUL.
 - The development proposed is four new bungalows in former garden land, accessed from 'Poplars Close'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would make adequate provision for the retention of existing trees and delivery of appropriate landscaping;
 - whether the proposed development would include suitable provision for surface water drainage;
 - whether the scale, appearance and layout of the proposed development would be acceptable, having regard to the character and appearance of the area and the living conditions of both future occupiers and neighbouring residents; and
 - whether the proposed access, parking, and internal layout would be acceptable in terms of highway safety and functionality.

Reasons

Trees and landscaping

3. The appeal site comprises a narrow strip of undeveloped land situated within a predominantly residential area. It is bound by a variety of housing types, including bungalows along Toll Bar Avenue to the east, larger detached dwellings with generous gardens and mature landscaping at Simpsons Fold Court to the west, and a recently completed development of two-storey detached houses at Poplars Close to the south. The site lies within the defined development boundary of New Waltham.

4. Policy 42 of the North East Lincolnshire Local Plan 2013–2032, adopted 2018 (the NELLP) requires development proposals to retain and protect trees and hedgerows that contribute to amenity, biodiversity, and landscape value. It also expects proposals to be accompanied by a landscaping scheme that complements the site's character and responds to its landscape context, as well as a site-specific landscape appraisal proportionate to the scale and impact of the development.
5. The site contains a number of trees and hedgerows that make a positive contribution to local character and biodiversity. An Arboricultural Report (the AR) complete with tree survey was submitted with the application, which explains that its purpose is to provide detailed, independent advice on the trees present in the context of potential development. My observations during the site visit confirmed the general accuracy of the AR.
6. The proposed site layout illustrates that the development would retain some good-quality specimens, including a mature oak tree. However, it would also result in the loss of several healthy trees, including some forming part of identified groups.
7. The appellant argues that the AR and proposed landscaping scheme provide sufficient detail to assess the impact on trees. They maintain that most of the trees to be removed are low-quality (Category C), and that retained specimens would be protected during construction. They also suggest that landscaping and tree protection measures could be secured through planning conditions.
8. However, whilst the appellant proposes to address these matters following the granting of planning permission, the proposal does not clearly demonstrate that tree retention has been prioritised in the design process. The absence of a formal Arboricultural Impact Assessment based on the proposed site layout raises questions about the scale of actual impacts on trees. Furthermore, there is no evidence that alternative layouts were explored to reduce tree loss. Although a landscaping scheme could eventually deliver visual and ecological benefits, it would take time to establish and does not address the initial requirement to retain existing landscape features. This reactive approach would not align with the requirements of Policy 42, which seek to ensure that tree retention and landscape integration be considered from the outset.
9. Accordingly, whilst the appellant has provided some arboricultural information and committed to landscaping improvements, I conclude that the extent of tree removal has not been fully justified. The proposal therefore fails to meet the requirements of NELLP Policy 42, which emphasises the proactive retention and protection of landscape features in development proposals. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Surface water drainage

10. The approved surface water drainage strategy for the adjacent Poplars Close development comprises a piped system that runs through the appeal site leading to a surface water body to the north. The proposed development would follow a similar alignment, with the access road broadly tracing the route of the existing drainage infrastructure.
11. The appellant contends that the proposed development could connect into this existing system, subject to capacity calculations. They argue that the drainage

strategy used for Poplars Close demonstrates a viable solution and that any necessary technical details could be secured through a planning condition, as was the case for the earlier scheme.

12. However, Policy 34 of the NELLP requires that development proposals demonstrate the provision of appropriate and sustainable systems for the collection and treatment of surface water. This includes ensuring that new development does not overload existing infrastructure, and that water management is integrated into the design from the outset.
13. In this case, whilst the appellant has identified a potential drainage route, there is no substantive evidence before me, such as a drainage strategy or capacity assessment, to confirm that the existing system could accommodate the additional surface water flows generated by the proposed development. Although the suggestion that further details could be secured by condition is noted, it remains unclear whether any necessary mitigation measures, such as on-site attenuation, could be incorporated into the current layout without requiring significant amendments. This uncertainty undermines confidence in the deliverability of the proposed drainage solution. Whilst the appellant refers to the approved strategy for Poplars Close as a precedent, each proposal must be assessed on its own merits, and in the absence of site-specific evidence, I am not persuaded that the existing system could reliably support the additional demand.
14. Accordingly, I conclude that insufficient evidence has been provided to demonstrate that the proposed development would incorporate an appropriate and sustainable surface water drainage solution. The proposal would therefore fail to meet the requirements of Policy 34 of the NELLP, and would also conflict with the relevant provisions of the Framework, which collectively seek to ensure that new development is supported by adequate drainage infrastructure and does not increase flood risk.

Scale, appearance and layout

15. The proposed development consists of four single-storey dwellings, each with detached garages and private gardens. The dwellings would be arranged along the eastern side of a new access road, with their rear elevations facing properties on Toll Bar Avenue.
16. Policy 5 of the NELLP requires that development within defined boundaries be assessed for its suitability and sustainability, having regard to factors such as scale, density, and impact on neighbouring land uses. NELLP Policy 22 further requires a high standard of sustainable design that responds to the site's context and promotes a strong sense of place.
17. The appellant argues that the proposed layout reflects the varied character of the surrounding area and that the scale and form of the dwellings are compatible with nearby development, particularly the bungalows to the east. However, the Council considers the proposal to represent an over-intensification of the site, raising concerns about the proximity of the dwellings and associated infrastructure to neighbouring properties, especially those on Toll Bar Avenue, which already have limited private amenity space. The Council contends that the resulting layout would appear cramped and overbearing, with insufficient space for meaningful landscaping or tree retention, and would fail to provide a high standard of amenity for both existing and future occupiers.

18. Notwithstanding my earlier conclusions regarding tree retention, and recognising the site's constrained width, the proposed dwellings are single-storey and would not result in direct overlooking. The separation distances between buildings and the use of solid boundary treatments would help to mitigate privacy concerns. Although some garden areas are narrower than others, all plots would be provided with a reasonable amount of private amenity space, and the overall density of development would not appear out of keeping with the surrounding context, which is characterised by a mix of plot sizes and housing types.
19. I note the Council's concerns regarding the relationship between the proposed dwellings and existing boundary features, particularly where windows face nearby solid structures. However, the affected rooms are generally served by additional windows that provide a more open outlook. As such, I am not persuaded that the dwellings would fail to provide suitable living conditions for future occupiers.
20. For the reasons given above, I conclude that the scale, appearance and layout of the proposed development would be compatible with the character and appearance of the area and would not be harmful to the living conditions of either future occupiers or neighbouring residents. It would therefore accord with the aims of Policies 5 and 22 of the NELLP, the aims of which have previously been set out. It would also accord with the relevant provisions of the Framework, which have similar aims.

Highway safety and functionality

21. The development proposes an extension of the adopted road from Poplars Close to serve Plots 1, 2, and 3 via a shared surface, with Plot 4 accessed via a short section of private drive. The Council's formal decision cited concerns regarding the width of the service strips, the lack of detail relating to vehicle tracking for emergency and refuse vehicles, and the location of bin collection points. However, the Highway Authority raised no objection to the proposed access arrangements, subject to conditions, and confirmed that the development would not result in an unacceptable impact on road safety or the operational efficiency of the public highway.
22. Although the submitted plans do not include vehicle tracking details, the turning head and carriageway widths appear sufficiently spacious and comparable to those in the adjacent Poplars Close development, which has been deemed acceptable. The Highway Authority requested tracking details to confirm manoeuvrability for fire appliances and refuse vehicles, but did not consider this omission to be a reason for refusal, instead recommending that such details be secured by condition.
23. Similarly, although a bin collection point is not explicitly shown for Plot 4, which is served by a private drive, there appears to be sufficient space adjacent to the shared surface to accommodate this without requiring changes to the layout.
24. The Highway Authority also confirmed that a 1.8 metre service strip, as illustrated on the proposed site layout, would be acceptable. Although the Council's officer report suggests a 2 metre strip would be required, the reasons for this have not been substantiated. I note that the Poplars Close development appears to also be served by a 1.8 metre service strip, and I have not been provided with any compelling reason why a wider strip would be necessary in this case.

25. Policy 22 of the NELLP requires that development proposals demonstrate a high standard of sustainable design, including safe and efficient access, appropriate parking provision, and consideration of the site's context. In this case, the proposed access, parking, and internal layout are consistent with the surrounding development and appear capable of accommodating the needs of future residents and service vehicles.
26. As the statutory consultee on these matters, the Highway Authority's lack of objection, combined with its view that outstanding details could be secured by condition, carries significant weight and provides reassurance that the development would not compromise highway safety or functionality.
27. Accordingly, I conclude that the proposed access, parking, and internal layout would be acceptable in terms of highway safety and functionality. In respect of this issue, the proposal would therefore comply with the relevant provisions of Policy 22 of the NELLP and those of the Framework, which have similar aims.

Other Matters

28. The proposed development would be sustainably located within a defined settlement and would make efficient use of the land, contributing to the supply of housing in accordance with the objectives of the Framework. Whilst these considerations weigh in favour of the proposal, they would not outweigh the significant weight that must be given to the previously identified conflicts with the development plan.

Conclusion

29. Although I have identified no harm in respect of the design of the proposal and highway safety, the issues concerning tree retention and surface water drainage would result in conflict with the development plan as a whole. There are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR