



Appeal Decision

Site visit made on 16 July 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/Y2003/W/25/3360396

Cosgrove Guest House, 33-35 Wells Street, Scunthorpe, North Lincolnshire DN15 6HL

- 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 Bharat Singh against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/713.
 - The development proposed is described as the extension to hotel to provide additional bedrooms over two stories.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the development on the character and appearance of the area;
 - ii) the effect of the development on the living conditions of the occupiers of neighbouring properties with particular regard to overshadowing, light, privacy, overlooking, overbearing and outlook;
 - iii) the effect of the development on the living conditions of future occupiers with particular regard to outlook and light; and,
 - iv) whether appropriate replacement tree planting, to compensate for the loss of a TPO tree, can be achieved.

Reasons

Character and Appearance

3. The Cosgrove Guest House is a two-storey, end terrace building. The building includes outriggers to the rear which are a mix of two-storey and single-storey. A large hardstanding area is located to the rear which is surrounded by boundary walls or close board fencing.
4. The terraced row in which the appeal site is located appear to be predominantly residential in use, although a convenience store occupies the ground floor of one of the properties. The buildings in the terraced row are similar in form, and include part two/part single storey outrigger projections to their rear, with adjacent gardens or yards. For all buildings in this row, the part of the building which fronts Wells Street is dominant with the projections to the rear appearing visually subservient in

scale. This provides some sense of uniformity in form and general character to the buildings. A vehicular alleyway runs to the rear of the terrace, linking West Street with Gurnell Street. From the alleyway the rear elevations are visible. Two storey development is generally set back, while only single storey elements are positioned closer to the alleyway. This provides a clear visual hierarchy in built form to this group of buildings.

5. No.31 Wells Street lies adjacent to the appeal site and is within the immediate visual context. No.31 is a detached building located at the junction of Wells Street and West Street. This building has been extended with a two-storey addition to the rear. While the extension is large, the extended building does not occupy the depth of the plot, remaining set back from the rear alleyway. As such, No.31, as extended, does not impede views over the rear gardens and yards from West Street.
6. The development includes a two-storey rear extension which would project along the length of one side boundary, almost in its entirety. The bulkier part of the extension would be sited very close to the rear boundary, occupying the whole width of the site. This would also be over two storeys. The length, width, height and site coverage of the extension would result in a development which would be of significant scale. This would appear visually disproportionate to the host building, and would fail to provide any visual hierarchy or meaningful sense of subservience. The overall scale of development and lack of subservience would contrast significantly with the established form and pattern of rearward projections in the immediate grouping.
7. The scale of the extension, along with its close proximity to the street, would result in a form of development which would appear visually overwhelming and dominant from the rear alleyway. Furthermore, the scale of the development would erode the generally open views across the rear yards when viewed from West Street. In this context, the extension would appear markedly at odds with the surrounding built form and pattern of development in the area.
8. I acknowledge the extension which has been completed at No.31. As I have observed above, this building remains well set back from the alleyway to the rear. As such there remains a visual containment of two-storey built form towards Wells Street. Furthermore, No.31 is located on a corner plot and represents a bookend to this group of buildings. The appeal development would result in two storey development which would occupy the depth of the plot, and would project significantly beyond the rear building line of No.31. In addition the overall scale of the appeal building would be significantly larger than that which has been created at No.31. Therefore, I do not consider that the extensions at No.31 would enable the appeal development to satisfactorily integrate into the townscape. The use of render to No.31 does not alter my conclusion on this matter.
9. I have also had regard to other developments in the block of buildings to the south of West Street. This block is within the wider visual context of the appeal site. The two-storey additions to those buildings are set away from the rear service alleyway which is, to some extent, similar to the arrangement to the established pattern surrounding the appeal site. The only exception to this is the building at the junction of Wells Street and Chapel Street which has a relationship with two streets. I do not

find any of these buildings to be directly comparable to the appeal scheme which, in any event, I have considered on its merits.

10. I note the design concerns raised by Humberside Police. I consider that a scheme of security measures would go some way to addressing these concerns as highlighted by the appellant. Therefore, if I were minded to approve the scheme then I would have sought a package of security measures by way of planning condition.
11. For the reasons given above, the development would have a harmful effect on the character and appearance of the area. Therefore, the development conflicts with Policies DS1 and R14 of the North Lincolnshire Local Plan 2003 (the LP) and Policy CS5 of the North Lincolnshire Local Development Framework Core Strategy 2011 (the CS). Together, amongst other things, these require development to achieve a high standard of design which reflects the character of the immediate area. Development should also be compatible with its surroundings in terms of siting and scale.
12. However, I do not consider that the development would conflict with Policy DS5 of the LP as this Policy relates to development at residential properties rather than guest houses (which is covered by Policy R14). Furthermore, Policy DS3 of the LP relates to designing out crime and I consider that such matters could be controlled by condition. Therefore, I do not consider that the development would conflict with this policy either.

Living conditions - neighbours

13. No.37 Wells Street (No.37) is a residential property which shares a boundary with the appeal site. To the rear of No.37 is a small private garden area enclosed by a fence. This area is positioned next to the rear elevation and to the side of the outrigger. This area does not share a boundary with the appeal site, and is set away from the location of the proposed development. Beyond the fence enclosing the garden area is space for off-street parking. This is accessed from the rear service alleyway. This parking area does share a boundary with the appeal site. The existing boundary is defined by a low brick wall. The low boundary and absence of prominent development adjacent to the area, ensures that the space has a generally open character.
14. The appeal scheme proposes two-storey development along the majority of the boundary with No.37. The length and height of the extension, which would be positioned on the site boundary, would lead to a significant amount of mass and built form immediately adjacent to the parking area. This would result in an unacceptable sense of enclosure on neighbouring land with the development appearing unduly overbearing to users of this space.
15. I accept that this area does not form part of the existing garden for No.37, which may be more sensitive to the effects of the development. I also agree with the appellant that the private garden area itself would not be adversely affected by the development through overshadowing or overbearing. However, the parking area is part of the residential curtilage for that property and is clearly used for domestic purposes. While it may not be used as frequently or intimately as the enclosed garden area it is residential space which can be affected by development. Due to the proximity and scale of the development the degree of change in character in

this space would be significant, with the development resulting in an oppressive sense of enclosure on residential land. I consider that this would affect the occupants living conditions to an unacceptable degree.

16. Openings within the rear façade of No.37 are provided well away from the location of the proposed development with a two-storey outrigger positioned in between. The spacing and intervening development means that the extension would not result in an unacceptable loss of light to internal spaces. Furthermore, it would not result in a poor outlook from the property as any views of the extension from internal spaces are likely to be limited.
17. The extension includes numerous bedroom windows within the rear elevation. These windows would face towards the single storey children's centre on the opposite side of the rear service alleyway. This building has windows which face towards the appeal site. The proposed ground floor windows within the extension would not have direct views into that building due to a tall close board fence which is scheduled for retention.
18. However, it is likely that there would be views from the proposed first-floor windows. While some overlooking from these windows may arise, the affected façade of the children's centre has an existing outlook onto the vehicular service alleyway. Therefore, there are publicly available views into and from that building, at very close distance, as existing. I consider that this existing relationship lessens the sensitivity of that elevation of the children's centre. Given the children's centre use, which is not residential, and its existing relationship with the street, I am not persuaded that the development would have an unacceptable effect on occupiers of that building through loss of privacy or overlooking.
19. For the above reasons, I find that the development would not result in adverse effects on the living conditions of the occupiers of neighbouring buildings by reason of loss of light, overshadowing, loss of privacy, overlooking or loss of outlook. However, the development would have a harmful effect on the living conditions of the occupiers of No.37 by reason of overbearing on external spaces. Therefore, the development would conflict with Policies DS1 and R14 of the LP, and Policy CS5 of the CS. These, amongst other things, require that neighbouring residential amenity is not detrimentally affected by development and seeking to ensure that development considers the relationship between any buildings and the spaces around them.

Living conditions - Future occupiers

20. Bedroom 13, as existing, has a single window within the rear elevation which serves the bedroom area. The proposed plans, show this window to be retained. However, its retention would enable direct views into a new bedroom within the extension and vice versa. This would result in significant privacy concerns. It is assumed that this is an error on the plan.
21. Nonetheless, if the extension was carried out, bedroom 13 would not be served by any other external opening. In addition, the proposed new bedrooms which are positioned immediately to the rear of existing bedrooms 5 and 13 are not shown to have any window serving them. Consequently, the future occupiers of existing bedroom 13, along with two new bedrooms, would have no outlook and would not

be served by any source of natural light. This would result in an oppressive and poor internal living environment for the occupiers of those rooms.

22. Consequently, the development would provide a poor internal living environment which would have a harmful effect on the living conditions of future occupants of the development by reason of poor outlook and lack of light. Therefore, the development would conflict with Policies DS1 and R14 of the LP, and Policy CS5 of the CS. These, amongst other things, require that development is well designed and that development which is poorly designed should be refused

Replacement Tree

23. A Tree Preservation Order¹ (the TPO) covers this area. The TPO indicates that two trees were sited within the rear yard of the appeal site. These were T1 and T2 of the TPO, both of which were lime trees. The rear yard of the appeal site is currently clear of vegetation and those protected trees have therefore been removed at some point in the past. It is not clear which of these removed trees the Council seeks replacement for. Nonetheless, the removal of a tree covered by the TPO, and the requirement to provide a replacement, does not appear to be disputed by the appellants.
24. The proposed ground floor plan² includes details of the proposed external spaces. This indicates that a tree would be provided in a narrow gap between a marked parking space and the boundary wall with No.31. No further detail of the tree planting was provided at application stage. However, the appeal has been supported by a "Planting Specification"³ (the PS).
25. The PS indicates that a tree pit of 4.5m x 4.5m x 1.9m⁴ would be provided. This is an area of excavation which is not insignificant. I note that the ground floor plan shows that there are underground utilities crossing the yard. The submitted plans do not show the extent of the required tree pit. Therefore the relationship between the tree pit and underground utilities, site boundaries, parking areas and adjacent buildings cannot be established. Without further information, I am not clear whether the required tree pit can be achieved in the location shown. I am also unclear whether the proposed tree should be positioned centrally within the tree pit. If this is the requirement, then I am not persuaded that a tree in the location shown on the plan, which is very close to the boundary with No.31, could be satisfactorily delivered in that location. Should it be necessary to move the tree elsewhere within the site then this may have implications on the functionality of the car park.
26. The PS indicates that the proposed replacement lime tree would be a silver birch. It is understood from the PS that this species was chosen due to its ability to tolerate urban environments⁵. While I have no information to dispute this, I note the position of the tree would be very close to the extended building at No.31. This may limit the potential for canopy growth. Furthermore, I have no information to demonstrate what the likely future canopy cover would be and whether it would satisfactorily maximise visual amenity as a replacement TPO tree.

¹ Tree Preservation (Town Centre No.4) Order 1984

² Ref: C1160 A1 / 106 rev A

³ Prepared by Key Tree Solutions (Ref: WSS01-25), dated 02 February 2025

⁴ Section 3 of the PS

⁵ Section 6 of the PS

27. While I acknowledge that the proposed tree pit system may provide the best chance for survival in an urban environment, I am not persuaded that I have sufficient information to be satisfied that a tree, in the location shown, could be satisfactorily delivered.
28. For the above reasons, I have insufficient information to be satisfied that the proposed replacement tree would adequately compensate for the loss of a tree which was the subject of a TPO. Therefore, the development conflicts with LC12 of the LP and CS16 of the CS. These, amongst other things, seek the protection of trees and for schemes to provide appropriate landscaping and planting.

Conclusion

29. For the reasons given above the appeal should be dismissed.

D Cleary

INSPECTOR