
Appeal Decision

Site visit made on 27 August 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/B2002/W/25/3365414

22 The Curve, Welholme Avenue, Grimsby DN32 0HP

- 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 Laurence Hamilton against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0943/23/FUL.
 - The development proposed is a detached outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding at 22 The Curve, Welholme Avenue, Grimsby DN32 0HP in accordance with the terms of the application, Ref DM/0943/23/FUL, and the plans submitted with it.

Applications for costs

2. An application for costs was made by Mr Laurence Hamilton against North East Lincolnshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have not included the full description of development from the planning application form as it makes reference to the development being the retention of the building and that is not in itself development. However, I was able to see on my site visit that the appeal building has been erected and therefore I have determined this appeal on the basis that it is a retrospective proposal.
4. An Arboricultural Report (AR) has been submitted with the appeal, to attempt to address the reason for refusal set out on the decision notice. No amendments are proposed to the development itself, and the submission of the AR does not represent a fundamental change to the application that was made. The Council have had the opportunity to comment on this report during the appeal process. Interested persons have had the same opportunity, and I note that the only representation received in response to the planning application consultation raised visual concerns and not impacts upon the trees. In light of these considerations, I am satisfied that my acceptance of the AR would not cause procedural unfairness to any party who has an interest in the appeal.
5. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Wellow Conservation Area (CA).

Main Issue

6. The main issue is the effect of the development on trees.

Reasons

7. By virtue of being located in a CA, the trees are protected from works being undertaken to them without notification first being served on the Council. This provides a period of consideration as to whether the trees should be formally protected by a tree preservation order (TPO). The Council has clear concerns as to the adverse impact on the trees although they have not moved to place any formal TPO protection upon them. Nonetheless, the trees are mature specimens which are prominent within the street scene. As a result, they collectively contribute positively to the character and appearance of the CA and to that of the street scene, and their loss would be detrimental to both.
8. The appeal building is said by the appellant to have been constructed without excavation or trenching. This is collaborated by the AR submitted with the appeal, and from the visual inspection that was possible at my site visit there is nothing to suggest that this is not the case. The AR finds that this method of construction has successfully mitigated against what are deemed to be minor encroachments into the Root Protection Areas of four trees. The report further observes that the building has been in place for a duration exceeding two years and that there has been no discernible negative impact on the surrounding trees. I am satisfied on the basis of the available evidence that there has been no harm to the trees as a result of the appeal development.
9. The further concern raised in the reason for refusal is that the proximity of the development to the trees is likely to result in pressure to carry out excessive work to cut them back or even to remove them. However, whilst the crowns of two trees overhang the building there is a clearance between the lowest branches and the roof of the building which the AR deems to be adequate. The AR notes that the crown spreads of the two trees will be unlikely to significantly increase, that they will predominantly grow up and out, rather than down, and that as such there is little potential for the crowns to come into contact or close to contact with the building in future. The trees are also found to be in good condition and unlikely to drop significant branches onto the building.
10. The building does not provide habitable residential floorspace. Therefore, I do not consider it likely that a persuasive case could be made that works to any of the trees, or their removal, should be undertaken to reduce any shading effects that are caused on the building. The dropping of small branches, leaves, flowers and fruits will mean that the roof and gutters of the building will require regular maintenance, but not in a way that would be more onerous or more regular than would be expected to be encountered at any development that takes place near to trees. Furthermore, given that the building has a shallow mono-pitched roof and is single storey in height, there do not appear to be any great impediments to such regular maintenance taking place.
11. For these reasons I conclude that the development has not caused harm to the trees adjacent to it and that its retention will not lead to pressure to carry out excessive works to the trees or to remove them. In that respect the development has also therefore preserved the character and appearance of the CA. Consequently, the development accords with Policies 5, 22, 39 and 42 of the North

East Lincolnshire Local Plan 2018 where taken together they seek to protect natural assets and to conserve the historic environment.

Other Matters

12. The significance of the CA lies in historical and architectural terms as a high-quality Victorian expansion of the town of Grimsby. The wider site on which the appeal development is located contributes positively to this significance, albeit it has recently undergone substantial redevelopment in the form of additional modern housing development.
13. Although there is considerable screening provided by perimeter fencing along the frontage of the appeal site and also by the aforementioned trees, the appeal building is clearly visible in the street scene. It is likely that it will be more visible than at the time of my site visit during those months when deciduous trees are not in leaf. However, it is a building of limited scale and massing, is set back from the road frontage and its external facing materials are consistent with those of the boundary fencing, whose backdrop it appears in. Whilst I acknowledge the comments of the Heritage Officer, in my view the building has not for those reasons caused harm to the character or appearance of the CA or to its significance, or to the character and appearance of the surrounding area in general.
14. Claremont House is referred to as being a non-designated heritage asset. However, the small-scale appeal development is well separated from that building, whose visual setting at least has already been substantially changed by the recent larger residential development that has taken place immediately next to it. I am therefore satisfied that there has been no harm to the significance of this building as a result of the appeal development.

Conditions

15. The Council does not suggest that any conditions should be imposed. Given that it is a retrospective proposal, that matters relating to the trees have been addressed and that future maintenance requirements would not be onerous, I do not consider it necessary to impose any conditions. Whilst I note that the appellant suggests that further works could be carried out such as signage and log-roll edging, I do not consider that these works are needed to make the development acceptable in planning terms. Therefore, I do not make them subject to planning conditions.
16. Reference is made by the appellant to the installation of a water butt, but there is no evidence to suggest that the current drainage solution whereas water is directed from what is a very small roof area onto a sizeable landscaped area is unsatisfactory. Therefore, whilst the appellant may wish to install the water butt as they suggest, it too is not needed to make the development acceptable in planning terms and accordingly is also not the subject of a planning condition.

Conclusion

17. For the reasons given above, the appeal should be allowed

Graham Wraight

INSPECTOR