

DEVELOPMENT MANAGEMENT
APPEALS LIST - 20TH OCTOBER 2023

APPLICATION NUMBER & SITE ADDRESS	APPEAL REFERENCE & STATUS	OFFICER & PROCEDURE
DM/0046/22/TPO 24 Park Avenue Grimsby North East Lincolnshire DN32 0DQ	AP/020/22 INPROG	Paul Chaplin Fast Track
DM/0285/22/FUL Land Off Torbay Drive Waltham North East Lincolnshire	AP/002/23 INPROG	Richard Limmer Informal Hearing
DM/0719/22/FUL Land At Grimsby Road Waltham North East Lincolnshire	AP/009/23 INPROG	Richard Limmer Written Representation
DM/1002/22/FUL 1, 3, 4, 5, 6 And 7 Anita Grove (former Tynedale, Cheapside) Waltham North East Lincolnshire DN37 0BW	AP/011/23 INPROG	Bethany Loring Written Representation
DM/0124/23/FUL 16 Osborne Street Cleethorpes North East Lincolnshire DN35 8LB	AP/013/23 INPROG	Owen Toop Written Representation

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DM/0123/23/FUL 3 Beckhythe Close Grimsby North East Lincolnshire DN33 2ES	AP/014/23 INPROG	Becca Soulsby Written Representation
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DM/0778/22/FUL Plot 80 Humberston Fitties Humberston North East Lincolnshire	AP/015/23 INPROG	Emily Davidson Written Representation
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DM/0696/19/FUL Land East Of Midfield Road Humberston North East Lincolnshire	AP/016/23 INPROG	Richard Limmer Informal Hearing
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DM/0795/22/FUL The Barns Killingholme Road Habrough North East Lincolnshire	AP/017/23 INPROG	Jonathan Cadd Written Representation
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DM/0240/21/FUL Land At Roundhill And Fairfield Plantations Ravendale Road Hatcliffe North East Lincolnshire	AP/018/23 INPROG	Richard Limmer Written Representation
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Appeal Decision

Site visit made on 19 September 2023

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/B2002/W/23/3316052 156 Fairway, Waltham, Grimsby DN37 0PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Kay McGregor against the decision of North East Lincolnshire Council.
 - The application Ref DM/0605/22/FUL, dated 22 June 2022, was refused by notice dated 10 November 2022.
 - The development proposed is change of use from residential garden to residential development (bungalow site) with proposed erection of retirement dwelling (2 bed bungalow) and construction of new crossover and drainage connections with new boundary fence to separate existing property at 156 Fairway Waltham DN37 0PX.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - the effect of the proposal on the living conditions of the occupiers of No. 69 Grimsby Road, with particular regard to outlook; and
 - the private rear garden space of the future occupiers of the proposed dwelling.

Reasons

Character and appearance

3. The appeal site is situated in the side garden of 156 Fairway. The host property on the appeal site is a single storey bungalow which is unique in this vicinity due to its location on a corner plot. Consequently, this site has a large front and side garden visible from public vantage points. The appeal site itself is highly visible on Fairway from within the street scene. In the wider vicinity of Fairway there are several other bungalows which also have large front garden spaces. Two storey semi-detached dwellings are also present on both Fairway, Grimsby Road and Danesfield Avenue. These properties also benefit from relatively spacious front gardens.
4. The proposed development is a single storey bungalow with a sub-division of the existing site and a new access point created from Fairway. The sub-division of the host plot to enable the proposed development would create a site which

would be smaller than the other bungalow developments located on Fairway. The creation of the proposed plot would not reflect the pattern of development within the street. This would appear cramped and incoherent with the local character and appearance of Fairway.

5. Furthermore, the proposal would sit forward of the building line of the adjacent property of 154 Fairway and other properties along this street scene. This would result in a building which is visible along Fairway and would appear incongruous as it would not follow the existing building line. I do note that this would match a similar building line set by the host dwelling and this is noted by the appellant. However, whilst the host dwelling in its existing form does sit further forward than the properties on Fairway, there is a step in the host property which matches and continues the building line of 154 Fairway.
6. Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 to 2032 (NELLP) promote good design requirements with regard to the density of development, the site and wider context, amongst other things. As a result of the siting of the proposed dwelling and the subdivision of the host plot, the development would create a small plot which would appear cramped with the proposal sited within it. Furthermore, the siting of the development would bring the proposed dwelling forward of the building line and would therefore result in a poor appearance when viewed in connection with the wider character and locality.
7. Consequently, taking the above into account, I conclude that the development would form an incongruous and prominent feature in the street scene that would have a harmful effect on the character and appearance of the surrounding area. The proposal would therefore conflict with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013 to 2032 (NELLP) which, amongst other things, seek to promote good design with regard to the density of development, the site and wider context.

Living conditions of the occupiers of No. 69 Grimsby Road

8. The proposed dwelling would be situated within a close distance of the neighbouring boundary of 69 Grimsby Road. 69 Grimsby Road has a large rear garden space which is surrounded by a timber fence. The development would be sited along the boundary at a close distance away. The design of the proposal includes a roof design which would appear considerably high when viewed from the rear of 69 Grimsby Road. The proposed development would extend its built form immediately adjacent to and along a significant proportion of the garden boundary with No 69 Grimsby Road. The height and extent of the development would be clearly visible by the neighbouring occupiers. The consequence is that the proposal would be significantly overbearing and increase the sense of enclosure along this boundary.
9. I note that the appellant states that a large proportion of the rear elevation of the proposed dwelling would be approximately 2.4 metres away from the neighbouring boundary. However, in my view it is the contribution of the height of the proposed roof, the length of the proposed dwelling along the boundary and the proximity to the boundary which collectively would contribute to an overbearing effect on the occupiers of No. 69 Grimsby Road.
10. Consequently, taking the above into account, I conclude that the built form of the development adjacent to the garden boundary would have an unacceptable

effect on the living conditions of the occupiers of No. 69 Grimsby Road. The proposal would therefore conflict with Policy 5 of the NELLP which, amongst other things, seeks to reduce the impact of development proposals on neighbouring land uses.

Living conditions of future occupiers

11. The proposal would create a front garden area which would be similar to other properties along Fairway by means of its proposed size. A small patio area towards the rear of the property would also be created. I note that the appellant suggests that the provision of a small patio would benefit a future elderly occupier as it would be a more manageable area to maintain. However, I consider that this private rear amenity space size would be limited as a functional private amenity space for everyday outdoor activities due to its small area and outlook onto the rear boundary fence.
12. I note that the front garden of the proposed dwelling would offer a reasonable amount of amenity space. However, this would not offer future occupiers of the proposed dwelling a private space as it would be publicly visible. Therefore, this space would be limited in its use for future occupiers.
13. Policy 5 of the NELLP has regard to the effect of development on users by reason of its size, scale and density. Therefore, I consider that the proposal would create an arrangement which would be unacceptable to the living conditions of the future occupiers of the proposed dwelling by reason of the size of the private rear amenity space. As such, the proposal would conflict with the NELLP.

Other Matters

14. I note that comments have been raised by a third party with concerns that the proposal could result in additional noise, dust and could invade their privacy. As this appeal is being dismissed for other reasons, I do not need to explore these matters further.

Conclusion

15. The proposed dwelling conflicts with the development plan taken as a whole in respect of its effects on the character and appearance of the surrounding area, the living conditions of neighbouring dwellings and the living conditions of the future occupiers of the proposed dwelling. There are no material considerations to indicate a decision otherwise than in accordance with the development plan and for this reason, I conclude that the appeal should be dismissed.

J Smith MRTPI

INSPECTOR