



The Planning Inspectorate

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2 The Square
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<http://www.planning-inspectorate.gov.uk>

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
Church Square House
P O Box 42
Scunthorpe
DN15 6XQ
N Lincs

Your Ref: 2006/1369
Our Ref: APP/Y2003/A/07/2043020/WF
Date: 30 August 2007

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by Victoria Sylvester
Site at 31 Wendover Road, Messingham, Scunthorpe, DN17 3SN

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: complaints@pins.gsi.gov.uk

Yours sincerely

Ruthe Nattee

COVERDL1





Appeal Decision

Site visit made on 13 August 2006

by **George Arrowsmith** BA, MCD, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Date: 30 August 2007

Appeal Ref: APP/Y2003/A/07/2043020

31 Wendover Road, Messingham, SCUNTHORPE, DN17 3SN

- 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 Victoria Sylvester against the decision of North Lincolnshire Council.
- The application Ref 2006/1369, dated 31 August 2006, was refused by notice dated 19 October 2006
- The development proposed is a 2-storey extension to the side of the property.

Decision

1. The appeal is dismissed.

Issues

2. I consider that the main issues are whether the proposed extension would, (i) have an unacceptably overbearing impact on the neighbouring property to the east, or, (ii) be harmful to the street scene.

Reasons

2. The dwellings around the appeal property are detached and semi-detached bungalows and two-storey semi-detached houses. The dwellings on the opposite side of the road are bungalows while most on this side are two-storey.
 3. No 33, the two storey semi-detached house immediately to the east of the appeal property, has just one obscure glazed window in its facing elevation, which I understand from the neighbour's representations serves a landing. There is a car port between this elevation and the appeal site and a wall and panel fence on the boundary. Because of these relationships I am satisfied the proposed extension would not have any serious impact on No 33's side elevation.
 4. Extending the appellant's house to the boundary would have no discernable impact on the windows in No 33's main rear facing elevation and only a marginal impact on its conservatory. The effect on No 33's rear garden would be a little greater but it would not seriously reduce the amount of light the garden receives or even the outlook from it. I conclude that the extension would not have an unacceptably overbearing impact on the neighbouring property.
 5. I am more concerned about the visual impact of the proposal when seen from Wendover Road. At the moment the gaps between the semi-detached houses
-

contribute a degree of openness to this side of the street. Extending the appellant's house right up to the boundary would detract from this openness and would introduce a somewhat domineering element into the street scene. Moreover, once one two-storey extension to a boundary had been permitted it would be difficult to resist similar proposals at other properties. A series of such extensions would create a terracing effect, which would give the street a closed-in appearance at odds with its present relatively open character. The impact and significance of the extension would be increased because, as far as I could see, there are no other two-storey extensions to a boundary in the immediate vicinity. In my judgement the proposal therefore conflicts with the objectives of local plan policy DS5, which requires that extensions should be sympathetic in design and scale to the existing dwelling and its neighbours. For this reason I conclude that the appeal should fail.

George Arrowsmith

INSPECTOR

You can now use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcportal/casesearch.asp>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



The Planning Inspectorate

An Executive Agency in the Department for Communities and Local Government and the National Assembly for Wales

Challenging the Decision in the High Court

Challenging the decision

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

Grounds for challenging the decision

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

Different appeal types

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

Challenges to planning appeal decisions

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions and advertisement appeals.). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

Challenges to enforcement appeal decisions

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

Important Note - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

Frequently asked questions

“Who can make a challenge?” – In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land -other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this – see Further Information).

“How much is it likely to cost me?” - A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees – see ‘Further information’). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

“How long will it take?” - This can vary considerably. Although many challenges are decided within six months, some can take longer.

“Do I need to get legal advice?” - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

“Will a successful challenge reverse the decision?” - Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

“What can I do if my challenge fails?” - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

Contacting us

High Court Section
The Planning Inspectorate
4/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Phone: 0117 372 8962

Website

www.planning-inspectorate.gov.uk

General Enquiries

Phone: 0117 372 6372

E-mail: enquiries@pins.gsi.gov.uk

Complaints

Phone: 0117 372 8252

E-mail: complaints@pins.gsi.gov.uk

Cardiff Office

The Planning Inspectorate
Room 1-004
Cathays Park
Cardiff CF1 3NQ
Phone: 0292 082 3866
E-mail: wales@pins.gsi.gov.uk

The Parliamentary Ombudsman

Office of the Parliamentary
Commissioner for Administration
Millbank Tower, Millbank
London, SW1P 4QP

Helpline: 0845 0154033

Website: www.ombudsman.org.uk

E-mail:

phso.enquiries@ombudsman.org.uk

Inspection of appeal documents

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see ‘Contacting us’). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority’s copy of the file, which should be similar to our own.

Further information

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen’s Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: www.courtservice.gov.uk

Council on tribunals

If you have any comments on appeal procedures you can contact the Council on Tribunals, 81 Chancery Lane, London WC2A 1BQ. Telephone 020 7855 5200; website: <http://www.council-on-tribunals.gov.uk/>. However, it cannot become involved with the merits of individual appeals or change an appeal decision.



The Planning Inspectorate

An Executive Agency in the Department for Communities and Local Government and the National Assembly for Wales

Our Complaints Procedures

Complaints

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to explain things as clearly as possible. Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why and suggest who may be able to deal with the complaint instead.

How we investigate complaints

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Quality Assurance Unit to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

We therefore do our best to ensure that all complaints are investigated quickly, thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms.

When investigating a complaint we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.

What we will do if we have made a mistake

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. Minor slips and errors may be corrected under the terms of the Planning & Compulsory Purchase Act 2004 but we cannot amend or change in any way the substance of an Inspector's decision.

Who checks our work?

The Government has said that 99% of our decisions should be free from error and has set up an independent body called the Advisory Panel on Standards (APOS) to report on our performance. APOS regularly examines the way we deal with complaints and we must satisfy it that our procedures are fair, thorough and prompt.

Taking it further

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary Commissioner for Administration (often referred to as The Ombudsman), who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

Frequently asked questions

“Can the decision be reviewed if a mistake has happened?” – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

“If you cannot change a decision, what is the point of complaining?” – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

“Why did an appeal succeed when local residents were all against it?” – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds whether these views justify refusing planning permission.

“How can Inspectors know about local feeling or issues if they don't live in the area?” – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

“I wrote to you with my views, why didn't the Inspector mention this?” – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every bit of evidence.

“Why did my appeal fail when similar appeals nearby succeeded?” – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

“I've just lost my appeal, is there anything else I can do to get my permission?” – Perhaps you could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can submit a revised application to the council. Talking to its planning officer about this might help you explore your options.

“What can I do if someone is ignoring a planning condition?” – We cannot intervene as it is the council's responsibility to ensure conditions are complied with. It can investigate and has discretionary powers to take action if a condition is being ignored.

Further information

Every year we publish a Business and Corporate Plan which sets out our plans for the following years, how much work we expect to deal with and how we plan to meet the targets which Ministers set for us. At the end of each financial year we publish our Annual Report and Accounts, which reports on our performance against these targets and how we have spent the funds the Government gives us for our work. You can view these and obtain further information by visiting our website (see 'Contacting us'). You can also get booklets which give details about the appeal process by telephoning our enquiries number.

You can find the latest Advisory Panel on Standards report either by visiting our website or on the ODPM website - www.odpm.gov.uk/

Contacting us

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Website

www.planning-inspectorate.gov.uk

Enquiries

Phone: 0117 372 6372
E-mail: enquiries@pins.gsi.gov.uk

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Room 1-004
Cathays Park
Cardiff CF1 3NQ
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The Parliamentary Ombudsman

Office of the Parliamentary
Commissioner for Administration
Millbank Tower, Millbank
London, SW1P 4QP

Helpline: 0845 0154033
Website: www.ombudsman.org.uk
E-mail: phso.enquiries@ombudsman.org.uk

The Planning Inspectorate



Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk



For official use only
Date Received

DEVELOPMENT CONTROL SECTION

18 APR 2007

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name VICTORIA SYLVESTER

Organisation Name (if applicable) N/A.

Address 31 WENDOVER ROAD MESSINGHAM

NORTH LINCOLNSHIRE.

Postcode DN17 3SN

Daytime Tel 07833 198958

Fax N/A.

Email tori31@tiscali.co.uk

I prefer to be contacted by Email Post

B. AGENT DETAILS (if any) FOR THE APPEAL

Name

Organisation Name (if applicable)

Address

Postcode

Your Ref

Daytime Tel

Fax

Email

I prefer to be contacted by Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA NORTH LINCOLNSHIRE COUNCIL

LPA's application reference no. 2006/1369

Date of the planning application 050906

Date of LPA's decision notice (if issued) 191006.

K.

The Planning Inspectorate - Planning Appeal

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2 I
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D. APPEAL SITE ADDRESS

Address 31 WENDOVER ROAD MESSINGHAM
NORTH LINCOLNSHIRE

Signat
Name
On be

Postcode DN17 3SN **Note: Failure to provide the full postcode may delay the processing of your appeal.**

Is the appeal site within a Green Belt? YES NO



E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised (and agreed) while it was with the local planning authority for consideration, you may enter a description of the revised scheme.

TWO STOREY EXTENSION TO SIDE OF
PROPERTY
GROUND FLOOR - UTILITY, WET ROOM +
FAMILY ROOM
FIRST FLOOR - TWO BEDROOMS

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Size of the whole appeal site (in hectares) ~~0.02~~ 0.02 (26.2 x 9.25 = 242.35m² or 0.024 ha)

Area of floor space of proposed development (in square metres) 22 m²

Has the description of the development changed from that entered on the application form? YES NO

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **ONE** box only

- 1 Refuse planning permission for the development described in Section E. 1
- 2 Grant planning permission for the development subject to conditions to which you object. 2
- 3 Refuse approval of the matters reserved under an outline planning permission. 3
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5

OR

- 6 The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6

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Her Majesty
St Clements
2-6 Colegat
Norwich
NR3 1BQ

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views.

1 WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES
NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES
NO

If the answer to **1b** is 'YES' please explain

2 HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

THE REFUSAL LETTER DATED 19/10/2006 STATED THAT MY PROPOSALS WERE CONTRARY TO POLICIES DS1 AND DS5 OF THE LOCAL PLAN. IT ALSO STATES THAT MY PROPOSALS BY VIRTUE OF ITS DESIGN, SITING AND OVERALL BULK WOULD HAVE A DOMINEERING IMPACT ON N° 33 WENDOVER ROAD. IT ALSO STATES THAT MY PROPOSALS WOULD CONSTITUTE OVER DEVELOPMENT OF THE SITE.

MY PROPOSALS DO NOT CONTRIBUTE WITH THE 30° RULE WHICH DETERMINES THE ALLOWABLE HEIGHT OF AN EXTENSION DUE TO THE FACT THAT N° 33 WENDOVER ROAD HAS NO GROUND FLOOR WINDOWS ON ITS SIDE ELEVATION. IN MY OPINION NO LOSS OF LIGHT WOULD BE INCURRED DUE TO ASPECT (NORTH FACING REAR GARDEN)

OVERDEVELOPMENT OF SITE? ALL EXTENSIONS AIM TO PROVIDE ADDITIONAL FACILITIES FOR FAMILIES THE TOTAL AREA OF THE PROPOSED EXTENSION IS ONLY 40% OF THE EXISTING HOUSE AREA. I AM WELL AWARE OF A NUMBER OF SIMILAR EXTENSIONS WITHIN NORTH LINCOLNSHIRE THAT HAVE BEEN PASSED AND BUILT.

IN RESPECT TO OTHER ISSUES RAISED DURING THE CONSULTATION PHASE IN RELATION TO IMPACT ON STREETSCENE AND REDUCTION IN PARKING FACILITIES I REPLY AS FOLLOWS.

DETRIMENTAL IMPACT ON STREETSCENE - THE PROPOSED EXTENSION WILL NOT BE BUILT IN FRONT OR BEHIND THE EXISTING BUILDING OUTLINE.

H. GROUNDS OF APPEAL (continued)

THE FACING BRICKWORK AND ROOF TILES WILL MATCH THE EXISTING IN COLOUR / TEXTURE SO I CANNOT SEE HOW MY PROPOSALS WOULD DETRIMENTALLY IMPACT THE AREA.

REACTION IN PARKING - THE HOUSE FRONTAGE WILL BE UNCHANGED. AT PRESENT THERE IS 6.2 METRES CLEARANCE FROM FRONT OF HOUSE TO BOUNDARY WALL. 2 CARS CAN CURRENTLY PARK WITHOUT OVERHANGING THE BOUNDARY. THE FACT THAT TIM SOWERBUTTS NORTH LINCOLNSHIRE COUNCIL AND HIGHWAY CONTROL OFFICER HAS NO OBJECTIONS TO MY PROPOSALS FURTHER SUPPORTS MY OPINION / PROPOSALS.

DURING THE CONSULTATION PHASE OF MY ORIGINAL PLANNING APPLICATION CORRESPONDENCE WAS RECEIVED BY NORTH LINCOLNSHIRE COUNCIL OF WHICH I REPLIED TO. NOT AT ANY STAGE OF THE APPEAL WAS I CONTACTED OR GIVEN ADVICE IN RELATION TO MY PROPOSALS. I FEEL THAT COMMENTS RECEIVED CONTRIBUTED TO MY APPLICATION BEING REFUSED. EVEN IF I FEEL THAT I HAVE COMPLIED WITH PLANNING POLICIES WHEN DESIGNING MY EXTENSION.

FINALLY TO SUPPORT MY APPEAL FURTHER I WOULD LIKE TO BRING TO YOUR ATTENTION TO THAT PLANNING APPLICATION REF PA/2006/1561 - 7 SCHOOL DRIVE, MESSINGHAM. IN MY OPINION THE PROPOSALS SEVERELY IMPACT THE STREET SCENE BUT THE PARISH COUNCIL ONLY PASSED COMMENTS RATHER THAN OBJECT. IS THIS BECAUSE THE OWNER OF THE HOUSE IS A PARISH COUNCILLOR? (REFER TO P. 19a FOR FURTHER DETAILS)

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I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the enclosed *Guidance Notes* if in doubt.

Please tick **ONE** box only ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Address at which the notice was served	Date the notice was served

CERTIFICATES C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's Name	Address at which the notice was served	Date the notice was served

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J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1-6 below, **must** be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive **all** your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- | | | | |
|---|--|---|---|
| 1 | A copy of the original planning application sent to the LPA. | 1 | ✓ |
| 2 | A copy of the site ownership certificate and ownership details submitted to the LPA <u>at application stage</u> (this is usually part of the LPA's planning application form). | 2 | ✓ |
| 3 | A copy of the LPA's decision notice (if issued). | 3 | ✓ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | 4 | ✓ |
| 5 | A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. | 5 | ✓ |
| 6 | A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). | 6 | |

Copies of the following must also be sent, if appropriate:

- | | | | |
|----|--|----------------|---|
| 7 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:
① LETTER RECEIVED FROM MR ALLISON - 40 WINDOVER RD.
(SEE P. 7 OF ADD INTO/RESID DOCUMENTATION) | 7 | ✓ |
| 8 | Any relevant correspondence with the LPA. | 8 | ✓ |
| 9 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;

(b) all plans sent at outline application stage;

(c) the original outline planning permission. | 9a
9b
9c | |
| 10 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached. | 10 | |
| 11 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 11 | |
| 12 | If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. | 12 | |

PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
- 2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

Date 130409

Name (in capitals) VICTORIA SYLVESTER

On behalf of (if applicable) NID



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Registry/Scanning Team
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

- 4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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The Planning Inspectorate

Room: 3/12a
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8598
Switchboard: 0117-372-8000
Fax No: 0117-372-8181
GTN: 1374-8598

teamp8@pins.qsi.gov.uk
<http://www.planning-inspectorate.gov.uk>

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
Church Square House
P O Box 42
Scunthorpe
DN15 6XQ
N Lincs

Your Ref: 2006/1369
Our Ref: APP/Y2003/A/07/2043020/WF
Date: 23 April 2007

Dear Mrs Morton

**Town and Country Planning Act 1990
Appeal by Victoria Sylvester
Site at 31 Wendover Road, Messingham, Scunthorpe, DN17 3SN**

I have received appeal forms and documents for this site. I am the case officer. If you have any questions, please contact me.

Using e-mail and the internet

You can now use the internet to send us documents and check the information and the progress of this case at (www.planningportal.gov.uk/pcs). You can look at this case by typing in the above reference number where it says 'Case Ref on the 'Search' page and clicking on the search button.

The starting date

I have checked the papers and confirm that the appeal is valid. If I later find out that this is not the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with this appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you. Inspectors will not accept any documents from you or discuss the appeal at the site visit. Also,





The Planning Inspectorate

Room: 3/12a
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8598
Switchboard: 0117-372-8000
Fax No: 0117-372-8181
GTN: 1374-8598

teamp8@pins.gsi.gov.uk
<http://www.planning-inspectorate.gov.uk>

Mr & Mrs Rayner
33 Wendover Road

Messingham
SCUNTHORPE

South Humberside
DN17 3SN

Your Ref:

Our Ref:

APP/Y2003/A/07/2043020/WF

Date:

1 June 2007

Dear Sir/Madam

Town and Country Planning Act 1990

Appeal by Victoria Sylvester

Site at 31 Wendover Road, Messingham, Scunthorpe, DN17 3SN

Thank you for your letter making representations and asking the Inspector to look at the appeal site from your property.

I will make sure that the Inspector sees your request. However, it is for the Inspector to decide whether to accept your invitation. If it is accepted, the local planning authority (LPA) and the appellant or their representative will also have to be present throughout the visit.

The purpose of the site visit is to allow the Inspector to see the site before deciding the appeal. The Inspector can be asked to note particular physical features of the site or of the proposed development itself, but will not be able to discuss the merits of the case with anyone during the visit. We will send you details of the site visit as soon as they are made.

I am sending a copy of your letter and this reply to the appellant and the LPA.

Yours sincerely

Garry Thompson



Inspectors will not delay their decision to wait for any such documents. You must note the details of the following timetable because we will not send any reminders.

The following documents must be sent within this timetable.

By 7 May 2007

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

- i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within 6 weeks of the starting date, **by 4 June 2007**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned.
- ii) they may view the documents at your offices.
- iii) they can get a copy of our booklet 'Guide to taking part in planning appeals' either free of charge from you or through 'publications' on our website: (www.planning-inspectorate.gov.uk) and
- iv) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must send a copy of a completed appeal questionnaire and supporting documents to the appellant and me. This must include details of all the relevant development plan policies.

By 4 June 2007

Please send me 2 copies of your statement if the appeal questionnaire does not give full details of your case. The appellant must send 2 copies of any statement to me if they need to add details to the case made in their grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, as recommended in Annex 1(i) of DETR Circular 05/2000. Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments sent by interested people or organisations.

By 25 June 2007

You and the appellant must submit 2 copies of any final comments you and they have on each other's statement and on any comments from interested persons or organisations. You must not send your final comments instead of, or to add to your statement. No new evidence is allowed at this stage. I will send you a copy of the appellant's final comments at the appropriate time.

Using e-mail or post

If you send us your documents by e-mail, you only need to send us one copy of each. However, if you post your documents, please send us **2 copies** of everything and put the full appeal reference number on each copy.

Site visit

We will arrange for one of our Inspectors to visit the appeal site and, if it is decided that he or she should be accompanied by the main parties, we will send you details nearer the time. If an unaccompanied site visit can be made you should not approach

the Inspector, though if you were unwittingly to do so, the Inspector would politely identify him or herself. You will no doubt understand that it would be improper to engage in conversation.

Planning obligations - Section 106 agreements

A planning obligation - often referred to as a 'section 106 agreement' - is either:

- a legal agreement made between the LPA and a person 'interested in the land';
or
- a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation and want to be certain that it will be taken into account by the Inspector in reaching a decision, you must make sure that a signed and dated copy is submitted to the Inspectorate no later than 9 weeks from the start date. Completed obligations submitted after this date will be taken into account only at the Inspector's discretion as he/she will not normally delay deciding the appeal to wait for its receipt.

Please note that appeal files are normally only kept for one year from the date the decision is issued, following which they are destroyed. It is therefore important you ensure that if any Section 106 planning obligation is received from the appellant, **the original is always retained by yourselves**. If you should receive a copy instead, please contact the appellant so that it may be exchanged for the original.

Yours sincerely

pp Garry Thompson

102(BPR)

Application Number: PA/2006/1369

(please quote in all correspondence)

Case Officer: Tanya Eggett, Tel 01724 297486 (Mon-Wed)
(Email: tanya.eggett@northlincs.gov.uk)

27 April 2007

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990

Proposal: Planning permission to erect a two-storey side extension
Site Location: 31 Wendover Road, Messingham
Appellant: Victoria Sylvester
Inspectorate's Reference: **APP/Y2003/A/07/2043020/WF**
Appeal Start Date: 23/04/2007

I am writing to let you know that an appeal has been made to the Planning Inspectorate in respect of the above site. The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector. It follows the refusal of planning permission by this Council.

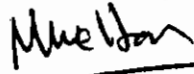
The arguments put forward in support of the appeal and the reasons for the Council's decision may be inspected in this office, preferably by prior appointment. Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Inspectorate and copied to the appellant, and will be taken into account by the Inspector deciding the appeal.

If you wish to make any representations on this appeal or withdraw or modify your earlier comments in any way you should write direct (sending three copies) to The Planning Inspectorate, Room 3/18a, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN not later than six weeks from the appeal starting date stated above, quoting the Inspectorate's reference number. If representations are not made within this period there is a risk that they may not be considered. The Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal. The Inspectorate will send a copy of the decision letter to you, provided you specifically ask for one. If you are not the owner of the premises you occupy, please try to bring the contents of this letter to the attention of the owner.

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pes. The Inspectorate may publish details of your comments, on the internet (on the Appeals area of the Planning Portal). Your comments may include your name, address, email address or phone number, Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Planning Inspectorate has also published an explanatory booklet 'A Guide to Taking Part in Planning Appeals' which describes the possible involvement third parties may have in planning appeals. If you would like a free copy please telephone or write to this office to request one or you can download a copy from the Planning Inspectorate's web site at www.planning-inspectorate.gov.uk

Yours faithfully



Mike Welton
Business Unit Manager, Development Control

Copies for information sent to:

Cllr J England
Conservative Group Office
Pittwood House
SCUNTHORPE

Cllr W Muir
Conservative Group Office
Pittwood House
SCUNTHORPE

Cllr T Foster
Conservative Group Office
Pittwood House
SCUNTHORPE

Councillor J Wardle
Chair of the Planning Committee
Conservative Group Office
Pittwood House
SCUNTHORPE

Councillor L R Long
Vice Chair of the Planning
Committee
Conservative Group Office
Pittwood House
SCUNTHORPE

Scunthorpe Telegraph
4/5 Park Square
Laneham Street
SCUNTHORPE
DN15 7JH

Mrs J Walker
Clerk to Messingham Parish Council
26 Brigg Road
Messingham
Scunthorpe
North Lincolnshire
DN17 3QZ

Land Charges Section

Letter sent to:

Mr & Mrs Rayner
33 Wendover Road
Messingham
SCUNTHORPE
DN17 3SN

The Owner/Occupier
29 Wendover Road
Messingham
SCUNTHORPE
DN17 3SN

The Owner/Occupier
40, 42 & 44 Wendover Road
Messingham
SCUNTHORPE
DN17 3SW

The Owner/Occupier
4 & 6 Ingleby Road
Messingham
SCUNTHORPE
DN17 3SS

QUESTIONNAIRE (Online Version)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

Appeal Ref:	APP/Y2003/A/07/2043020		
Appeal By:	Victoria Sylvester		
Address	31 Wendover Road Messingham SCUNTHORPE North Lincolnshire		
Postcode	DN17 3SN	Grid Reference: Easting	4895666
		Grid Reference: Northing	4045431

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, within 2 weeks of the 'starting date' given in our letter. You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1	Do you agree to the written representations procedure? <i>(An exchange of written statements, which will be studied by the Inspector, prior to visiting the site).</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	if NO, Do you wish to be heard by an Inspector at	
	a) a local inquiry? or	<input type="checkbox"/> YES <input type="checkbox"/> NO
	b) a hearing?	<input type="checkbox"/> YES <input type="checkbox"/> NO
	Note: If the written procedure is agreed the Inspector will visit the site <u>unaccompanied</u> by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.	
2	a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	If the answer to 2b is YES, please explain:	
	<input type="text" value="To assess the impact of the proposal on the neighbouring property"/>	
3	Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.	
	Name <input type="text" value="Lynda Morton"/>	Phone <input type="text" value="01724 297496"/>
4	Does the appeal relate to an application for approval of reserved matters?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
5	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA <input type="checkbox"/>

- 6 Did you give publicity to the application? YES NO
 – Article 8 of the GDPO 1995
 – Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990
 – Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990
- 7 Is the appeal site within an approved Green Belt or AONB? YES NO
 Please specify which
- 8 Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? If YES, please send details. YES NO
 Document provided
- 9 a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? YES NO
 If YES, please send details and, where necessary, give our reference numbers.
- b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details. YES NO
 Document provided
- 10 Is the site within a Conservation Area? If YES, please send a plan of the Conservation Area. (If NO, go to Q12.) YES NO
 Document provided
- 11 Does the appeal relate to an application for conservation area consent? YES NO
- 12 a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? YES NO
 I II* II
- b. Would the proposed development affect the setting of a listed building? YES NO
 Document provided
- If the answer to question 12a or b is YES, please send a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q14.) Date of Listing
- 13 Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? YES NO
- 14 a. Would the proposals affect an Ancient Monument (whether scheduled or not)? YES NO
 b. If YES, was English Heritage consulted? Please send a copy of any comments. YES NO
 Document provided
- 15 Is any part of the site subject to a Tree Preservation Order? YES NO
 If YES, please send a plan showing the extent of the Order and any relevant details. Document provided
- 16 a. Is the appeal site in or adjacent to or likely to affect an SSSI? YES NO
 If YES, please send the comments of English Nature. Document provided
- b. Are any protected species likely to be affected by the proposals? YES NO
 If YES, please send details. Document provided

17 Copies of the following documents must, if appropriate, be sent with this questionnaire:

- a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule. YES NO
Sch1 Sch2 col1
- b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? YES NO
- c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us. YES NO
 Document provided
- d. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) relating to the application site? YES NO
 Document provided
- e. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO; Applies
 Document provided
- f. Any representations received as a result of an Article 7 (or Regulation 6) notice; Applies
 Document provided
- g. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990; Applies
 Document provided
- h. Any representations received as a result of a notice published under Article 8 and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5); Applies
 Document provided
- i. Details of any other applications or matters you are currently considering relating to the same site; Applies
 Document provided
- j. **For all appeals, including those against non determination, you must provide details of all relevant development plan policies. Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan;** Applies
 Document provided
- k. Any supplementary planning guidance, together with its status, that you consider necessary; Applies
 Document provided
- l. Any other relevant information or correspondence you consider we should be aware of; Applies
 Document provided
- m. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. **You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.** Applies
 Document provided

18 a. Please include:

- i) a copy of the letter in which you notified people of the appeal;
- ii) a list of the people you notified; and
- iii) the deadline you gave for their comments to be sent to us.

Document provided

Document provided

Deadline

08 Jun 2007

b. Copies of the following documents must, if appropriate, be sent with the questionnaire.

- i) representations received from interested parties about the original application;
- ii) the planning officer's report to committee;
- iii) any relevant committee minute.

Applies

Document provided

Applies

Document provided

Applies

Document provided

19 For appeals dealt with by written representations only

Do you intend to send another statement about this appeal?

YES NO

If NO, please send the following information:-

a. In non-determination cases:

- i) what the decision notice would have said;
- ii) how the relevant development plan policies relate to the issues of this appeal.

Applies

Document provided

Applies

Document provided

b. In all cases:

- i) the relevant planning history;
- ii) any supplementary reasons for the decision on the application;
- iii) matters which you want the Inspector to note at the site visit.

Applies

Document provided

Applies

Document provided

Applies

Document provided

20 The Mayor of London cases only

Was it necessary to notify the Mayor of London about the application?

If YES, please send a copy of that notification.

YES NO

Document provided

Did the Mayor of London issue a direction to refuse planning permission?

If YES, please send a copy of that direction.

YES NO

Document provided

21 Council's Reference: PA/2006/1369

I confirm that I have sent a copy of this questionnaire form and relevant documents to the appellant or agent.

Signature Graeme Moore on behalf of North Lincolnshire Council Council

Date sent to us and the appellant 4 May 2007

Please tell us of any changes to the information you have given on this form.

NORTH LINCOLNSHIRE COUNCIL

Town and Country Planning Act 1990

APPEAL BY VICTORIA SYLVESTER

**AGAINST THE REFUSAL BY NORTH LINCOLNSHIRE COUNCIL TO GRANT
PLANNING PERMISSION TO ERECT A TWO-STOREY SIDE EXTENSION**

AT 31 WENDOVER ROAD MESSINGHAM

Local Planning Authority's Reference: PA/2006/1369

Planning Inspectorate's Reference: APP/Y2003/A/07/2043020/WF

(May 2007)

1. INTRODUCTION

1.1 This appeal is made in relation to a planning application that was refused by North Lincolnshire Council proposing a two-storey side extension to no. 31 Wendover Road, Messingham (Planning Ref. PA/2006/1369). The reason for refusal was:

“The proposed extension by virtue of its design, siting and overall bulk would have an domineering and overbearing impact on the adjoining neighbour to the east and constitute over development of the site. The proposal is therefore contrary to policies DS1 and DS5 of the North Lincolnshire Local Plan.”

2.0 APPEAL SITE

2.1 The site is a modest semi-detached dwelling located in the middle of the village of Messingham. The dwelling itself is one of a number of houses of the same type on Wendover Road, the dwellings appear to have been built in the late 1960's/early 1970's by virtue of the architectural style that is prevalent in the building.

3.0 CONSULTATIONS

3.1 All consultations that were received as part of the application have been forwarded to the inspectorate.

4.0 PLANNING POLICY

4.1 All relevant local plan policies were sent with the questionnaire.

5.0 COUNCILS STATEMENT OF CASE

5.1 The relevant policies have been presented within the questionnaire and the local planning authority considers that these policies secure the proper planning of the area. It is considered that these policies are the

main material consideration in the determination of the planning application. The proposal is contrary to these policies:

5.2 Policy RD1 (General Requirements) outlines the council's basic requirements and states that "A high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused." In the council's opinion the proposed extension would have an adverse impact on the amenity of the neighbouring property to the east and would also harm the character and streetscene of the area by virtue of introducing an unnecessarily large and overbearing dwelling in a suburban area.

5.3 Policy RD5 (Residential Extensions) states that: "Planning applications or residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours". The council would contend that the proposed scheme, once constructed would result in a dwelling that would dominate the streetscene and as such be out of character with the area.

6.0 COMMENTS ON APPELANTS CASE

6.1 The council feels that the appellants statement does not satisfactorily address the main reasons for refusal. In the appellants statement they state that the proposal meets the 30 degree angle test that is utilised to show if there will be any loss of light – this did not form part of the reason for refusal as the council recognises that the 30 degree rule cannot be applied by virtue of their being no side windows to the affected neighbouring property.

6.2 The appellant also argues that, as the proposed extension will be built along the existing building line that it does not create an overbearing and domineering building. However the council would contend that it is exactly for this reason that the proposal would create a domineering and overbearing dwelling which would dominate the streetscene and adversely affect the character of the area. Bearing in mind that the dwelling is currently a semi-detached dwelling, to allow this extension to the side would create a significantly larger dwelling which would in the councils opinion be out of character with the area and adversely affect the streetscene. The proposed building would be *the* dominant structure on the street and therefore clearly does not comply with policies DS1 and DS5 of the adopted North Lincolnshire Plan.

6.3 In the appellants final paragraph, the comment that a previous application has recently been approved, however the council would like to re-iterate the point that each case is decided on its own individual merits, and just because one person has been granted an extension, does not mean that another person will be granted theirs.

7.0 CONCLUSION

7.1 In conclusion, in the councils opinion the proposed extension would by virtue of its size and scale would result in an overbearing and dominant structure which would adversely affect the character and amenity of the streetscene in this area of Messingham. Therefore the council respectfully requests that the appeal be dismissed.

24th MAY, 2007

DEAR SIR/MADAM,

MY WIFE AND I RESIDE AT NO 33, WENDOVER ROAD. WE HAVE LIVED HERE SINCE THE HOUSE WAS BUILT, WHICH WAS 43 YEARS AGO. WE WISH TO EXPRESS OUR STRONG OBJECTIONS TO THE ABOVE PLANNING APPLICATION, SUBMITTED BY MISS, VICTORIA, SYLVESTER RESIDING AT NO 31 WENDOVER ROAD WE HAVE ALWAYS TAKEN GREAT PRIDE IN OUR PROPERTY AND THE SURROUNDING AREA. TENDED OUR GARDENS, AND MAINTAINED OUR PROPERTY TO THE HIGHEST STANDARDS. CONTRARY TO WHAT MISS SYLVESTER SAYS, IF THE BUILDING PROJECT GETS THE GO AHEAD, IT WILL BE AN OVERBEARING, DOMINEERING MONSTROSITY, AND WILL HAVE A DEVASTATING IMPACT ON OUR LIVES. IT WILL VIRTUALLY BLOCK OUT THE SUNLIGHT FROM THE SIDE AND REAR OF OUR PROPERTY, CONSEQUENTLY IT WILL BLOCK OUT THE LIGHT ON OUR LANDING, CONSERVATORY AND REAR GARDEN, IT WILL BE DARK AND DAMP, ESPECIALLY DURING THE WINTER MONTHS. IT WILL IMPEACH OUR PRIVACY DUE TO THE BEDROOM WINDOWS DIRECTLY OVERLOOKING US. SOME OF MISS SYLVESTER'S QUOTES IN HER APPEAL ARE VERY MISLEADING, SHE

STATES THAT WE HAVE NO GROUND FLOOR WINDOWS ON SIDE ELEVATION, SHE OMMITS TO MENTION OUR LANDING WINDOW, SHE ALSO STATES, ALL EXTENSIONS AIM TO PROVIDE ADDITIONAL FACILITIES FOR FAMILIES, SHE IS UNMARRIED WITH TWO YOUNG CHILDREN, MY WIFE AND I HAD THREE CHILDREN, WE MANAGED WITHOUT AN EXTENSION. SHE STATES THAT HER PROPOSALS WILL HAVE NO DETRIMENTAL IMPACT ON THE AREA, SHE MUST THINK THAT NO 33 IS NONE EXISTENT, NO THOUGHT FOR HER NEIGHBOURS. SHE STATES THAT SHE WAS NOT CONTACTED OR GIVEN ADVICE, NEITHER WERE WE CONTACTED OR GIVEN ADVICE. WE RECEIVED A LETTER FROM N.L.C PLANNING DEPARTMENT, INFORMING US ON MISS SYLVESTERS PROPOSED EXTENSION. WE REPLIED AND OBJECTED VERY STRONGLY TO MISS SYLVESTERS PROPOSED PLANS. AS DID MESSINGHAM PARISH COUNCIL. THANKFULLY NORTH LINCOLNSHIRE COUNCIL PLANNING COMMITTEE LISTENED TO OUR FEARS AND TREPIDATIONS AND IN THEIR WISDOM, REFUSED MISS SYLVESTERS PROPOSED PLANNING APPLICATION. SHE STATES THAT SHE IS AWARE OF A NUMBER OF SIMILAR EXTENSIONS WITHIN NORTH LINCOLNSHIRE, SURELY THAT STATEMENT IS IRRELEVANT.

DIFFERENT BUILDINGS HAVE DIFFERENT ASPECTS, SHE STATES THAT MR ALLISON, 40, WENDOVER ROAD HAS NO OBJECTIONS TO HER PROPOSALS, AGAIN IRRELEVANT, MR ALLISON LIVES IN A BUNGALOW ON THE OPPOSITE SIDE OF THE ROAD, TOWARDS THE WEST SIDE OF THE VILLAGE, IF MISS SYLVESTERS PLANS GOT THE GO AHEAD, IT WOULD NOT AFFECT HIM ONE iota. SHE STATES THAT MR TIM SOWERBUTTS NORTH LINCOLNSHIRE COUNCILS HIGHWAYS CONTROL OFFICER HAS NO OBJECTIONS TO HER PROPOSALS, MR TIM SOWERBUTTS DID NOT KNOW THE TRUE FACTS, THERE IS A GRASS VERGE IN FRONT OF OUR HOUSE, WE TENDED IT LIKE OUR OWN GARDEN OVER THE YEARS, MOWING ETC, WE NEVER EVER PARKED OUR CAR ON THE VERGE, WHEN MISS SYLVESTER MOVED INTO NO 31 WENDOVER ROAD 6 YEARS AGO, WITH PADDY HER THEN PARTNER, ALL THAT CHANGED. THEY AND THEIR VISITORS, STARTED USING THE GRASS VERGE IN FRONT OF OUR HOUSE AND THEIR OWN AS A CAR PARK AND WASH BAY, (GRASS VERGE RUINED) THEY ALSO OBSTRUCTED OUR DRIVEWAY ON OCCASIONS, PADDY MOVED OUT, WE HAD HIGH HOPES OF NO MORE PARKING ON GRASS VERGE, WE WERE WRONG, MISS SYLVESTERS

4

NEW PARTNER. BILLY MOVES IN, BILLY PARKS CARS ON GRASS VERGES. WE HAVE PHOTOGRAPHIC EVIDENCE. BILLY WORKS FOR NORTH LINCOLNSHIRE COUNCIL HIGHWAYS DEPARTMENT, ALONG WITH MR. TIM SOWERBUTTS. COULD THAT BE A CONFLICT OF INTEREST? LOOKING INTO THE VERY NEAR FUTURE, WE DREAD TO THINK WHAT WILL HAPPEN IF THE BUILDING GETS THE GO AHEAD, PROPERTY SOLD TO A FAMILY OF FIVE, ALL WITH A CAR EACH. NO DRIVE! WHERE WOULD THEY AND VISITORS PARK? IF PLANNING PERMISSION IS GRANTED, IT WILL BE BUILT OVER THE MAIN SEWER, WHICH RUNS THE FULL LENGTH OF 31 DRIVEWAY THERE WILL BE NO ACCESS TO THE REAR OF THE BUILDING. IF THERE WAS A HOUSE, FIRE AT THE FRONT OF THE BUILDING, HOW WOULD THE FIRE SERVICE GET TO THE REAR, THEY HAVE A MANHOLE AT THE REAR. IF THERE IS A BLOCKAGE, HOW WOULD THE DRAIN SERVICE PEOPLE GAIN ACCESS. THEY HAVE HAD TWO BLOCKAGES OVER RECENT MONTHS. NO ACCESS TO THE REAR. WHERE WILL THE WHEELIE BINS GO? I AM 73 YEARS OF AGE, AND MY WIFE AND I, HAVE RAISED THREE CHILDREN IN THIS HOUSE. WE HAVE LED A

5

PEACEFUL AND TRANQUIL LIFE OVER MANY YEARS AND I AM HOPING THAT WE CAN FINISH OUR LIFE TOGETHER IN THIS HOUSE THE SAME WAY. AFTER ALL THE YEARS WE HAVE LIVED HERE, WE DO NOT WISH TO GO OUT OF OUR FRONT DOOR, AND SEE WHEELIE BINS AND RUBBISH PILED UP, AND CARS PARKED ON GRASS VERGE. IF WE HAD WANTED THAT SORT OF LIFE, WE WOULD HAVE MOVED TO A RUN DOWN COUNCIL ESTATE. WE ARE HOPING SIR/MADAM, THAT YOU WILL FIND THE TIME FOR A SITE VISIT, SO THAT YOU CAN VISUALISE THE IMPACT THAT THE PROPOSED BUILDING WILL HAVE UPON US.

YOURS SINCERELY

MR & MRS. H. RAYNER.

33, WENDOVER ROAD,

MESSINGHALL,

SCUNTHORPE,

NORTH LINES.

DN17 3SN

INSPECTORATE REFERENCE. APA/Y2C03/A/07/2043020/WF



MESSINGHAM



CLERK: JACKIE WALKER
26 Brigg Road
Messingham
Scunthorpe DN17 3QZ

PARISH COUNCIL

Tel: 01724 764490
Fax: 01724 764115
E.Mail: Jackie.messinghampc@btinternet.com

31st May 2007

The Planning Inspectorate
Room 3/18a
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

11 JUN 2007

Dear Sirs,

INSPECTORATE REF: APP/72003/1/07/2043020/WF
Site: 31 Wendover Road, Messingham, Scunthorpe

Messingham Parish Council re-iterates their original objections to this application, being:

- Adverse impact on neighbouring property (33 Wendover Road)
- Detrimental impact on the street scene (the property is situated amongst semi-detached houses, all similar in design and layout)
- Reduction of parking facility within curtilage of the property (the proposed extension would eliminate the driveway to the side of the house and any garage facility).

The Parish Council also support the reasons submitted by North Lincolnshire Council for their refusal decision - "*The proposed extension by virtue of its design, siting and overall bulk would have a domineering and overbearing impact on the adjoining neighbour to the east and would constitute over development of the site.*"

Yours faithfully

MRS J WALKER
Clerk to Parish Council



The Planning Inspectorate

Room: 3/12a
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8598
Switchboard: 0117-372-8000
Fax No: 0117-372-8181
GTN: 1374-8598

teamp8@pins.gsi.gov.uk
<http://www.planning-inspectorate.gov.uk>

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
Church Square House
P O Box 42
Scunthorpe DN15 6XQ N Lincs

Your Ref: 2006/1369
Our Ref: APP/Y2003/A/07/2043020/WF
Date: 8 June 2007

Dear Mrs Morton

11 JUN 2007

Town and Country Planning Act 1990
Appeal by Victoria Sylvester
Site at 31 Wendover Road, Messingham, Scunthorpe, DN17 3SN

I enclose third party correspondence relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than **25 June 2007**. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Using e-mail and the internet

You can now use the internet to send us documents and check the information and the progress of this case at (www.planningportal.gov.uk/pcs). If you send us your comments by e-mail, you only need to send us one copy of each. However, if you post your comments, please send us 2 copies of everything and put the full appeal reference number on each copy.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours sincerely





The Planning Inspectorate

Room: 3/12a
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8598
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<http://www.planning-inspectorate.gov.uk>

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
Church Square House
P O Box 42
Scunthorpe
N Lincs DN15 6XQ

Your Ref: 2006/1369
Our Ref: APP/Y2003/A/07/2043020/WF
Date: 27 June 2007

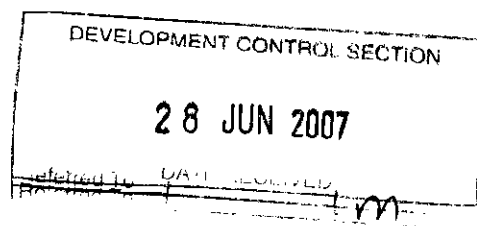
Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by Victoria Sylvester
Site at 31 Wendover Road, Messingham, Scunthorpe, DN17 3SN

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours sincerely

Garry Thompson



The Planning Inspectorate
Room 3/12a
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Victoria Sylvester
31 Wendover Road
Messingham
North Lincolnshire
DN17 3SN

Your Ref: APP/Y2003/A/07/2043020/WF
My Ref: Planning Application Ref: PA/2006/1369
Date: 19/06/2007

With reference to your letter dated 8th June, enclosing further statements from 3rd parties in relation to my recent planning appeal, I comment as follows: -

Messingham Parish Council letter dated 31st May 2007

As stated on my original appeal statement I totally disagree with all the comments made.

- The street scene would not be affected due to the fact that there are different types of properties not only on Wendover Road but surrounding areas. Dorma bungalows are situated opposite my property and a detached chalet property is situated at No27.
- Reduction of parking facilities - The proposals will still allow for 2No cars to be parked at the front of my property without overhanging the highway boundary.

Mr & Mrs Rayner letter dated 24th May 2007

- If Mr Allison of 40 Wendover Road's positive comments are irrelevant, then why would the council consult with him? Surely this means that it is relevant.
- The fact that the letter questions Mr Tim Sowerbutts professionalism is in itself scandalous. At the time of the original Planning Application I was not in a relationship with 'Billy'. Not at any time was 'Billy' mentioned in the original planning application or nor did he 'use his supposed contacts'.

The remainder of the letter and the comments made were of a very personal and offensive nature. Not at any time have I resorted to offending my neighbour and I will not begin to.

North Lincolnshire Council Statement

I have answered/queried all the reasons set out in this statement in my original appeal and these views remain so.

I trust this meets with your requirements. Look forward to hearing from you in due course.

Yours sincerely,

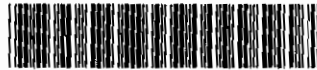

Victoria Sylvester

The Planning Inspectorate



Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

PLANNING APPEAL



For official use only
Date Received

DEVELOPMENT CONTROL SECTION

18 APR 2007

DATE RECEIVED

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name VICTORIA SYLVESTER

Organisation Name (if applicable) N/A.

Address 31 WENDOVER ROAD MESSINGHAM
NORTH LINCOLNSHIRE.

Postcode DN17 3SN

Daytime Tel 07833 198958

Fax N/A.

Email tori31@liscali.co.uk

I prefer to be contacted by Email Post

B. AGENT DETAILS (if any) FOR THE APPEAL

Name

Organisation Name (if applicable)

Address

Postcode

Your Ref

Daytime Tel

Fax

Email

I prefer to be contacted by Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA NORTH LINCOLNSHIRE COUNCIL

LPA's application reference no. 2006/1369

Date of the planning application 050906

Date of LPA's decision notice (if issued) 191006.

The Planning Inspectorate - Planning Appeal

D. APPEAL SITE ADDRESS

Address 31 WENDOVER ROAD MESSINGHAM
NORTH LINCOLNSHIRE

Postcode DN17 3SN **Note: Failure to provide the full postcode may delay the processing of your appeal.**

Is the appeal site within a Green Belt? YES NO

E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised (and agreed) while it was with the local planning authority for consideration, you may enter a description of the revised scheme.

TWO STOREY EXTENSION TO SIDE OF
PROPERTY
GROUND FLOOR - UTILITY, WET ROOM +
FAMILY ROOM
FIRST FLOOR - TWO BEDROOMS

Size of the whole appeal site (in hectares) ~~0.02~~ 0.02 (26.2 x 9.25 = 242.35m² or 0.024 ha)

Area of floor space of proposed development (in square metres) 22 m²

Has the description of the development changed from that entered on the application form? YES NO

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **ONE** box only

- 1 Refuse planning permission for the development described in Section E. 1
- 2 Grant planning permission for the development subject to conditions to which you object. 2
- 3 Refuse approval of the matters reserved under an outline planning permission. 3
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5

OR

- 6 The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views.

1 WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES
NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES
NO

If the answer to **1b** is 'YES' please explain

2 HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

THE REFUSAL LETTER DATED 19/10/2006 STATED THAT MY PROPOSALS WERE CONTRARY TO POLICIES DSI AND D55 OF THE LOCAL PLAN. IT ALSO STATES THAT MY PROPOSALS BY VIRTUE OF ITS DESIGN, SITING AND OVERALL BULK WOULD HAVE A DOMINEERING IMPACT ON N° 33 WENDOVER ROAD. IT ALSO STATES THAT MY PROPOSALS WOULD CONSTITUTE OVER DEVELOPMENT OF THE SITE.

MY PROPOSALS DO NOT CONFLICT WITH THE 30° RULE WHICH DETERMINES THE ALLOWABLE HEIGHT OF AN EXTENSION DUE TO THE FACT THAT N° 33 WENDOVER ROAD HAS NO GROUND FLOOR WINDOWS ON ITS SIDE ELEVATION. IN MY OPINION NO LOSS OF LIGHT WOULD BE INCURRED DUE TO ASPECT. (NORTH FACING REAR GARDEN)

OVERDEVELOPMENT OF SITE? ALL EXTENSIONS AIM TO PROVIDE ADDITIONAL FACILITIES FOR FAMILIES THE TOTAL AREA OF THE PROPOSED EXTENSION IS ONLY 40% OF THE EXISTING HOUSE AREA. I AM WELL AWARE OF A NUMBER OF SIMILAR EXTENSIONS WITHIN NORTH LINCOLNSHIRE THAT HAVE BEEN PASSED AND BUILT.

IN RESPECT TO OTHER ISSUES RAISED DURING THE CONSULTATION PHASE IN RELATION TO IMPACT ON STREETSCENE AND REDUCTION IN PARKING FACILITIES I REPLY AS FOLLOWS.

DETRIMENTAL IMPACT ON STREETSCENE - THE PROPOSED EXTENSION WILL NOT BE BUILT IN FRONT OR BEHIND THE EXISTING BUILDING OUTLINE.

H. GROUNDS OF APPEAL (continued)

THE FACING BRICKWORK AND ROOF TILES WILL MATCH THE EXISTING IN COLOUR / TEXTURE SO I CANNOT SEE HOW MY PROPOSALS WOULD DETRIMENTALLY IMPACT THE AREA.

REDUCTION IN PARKING - THE HOUSE FRONTAGE WILL BE UNCHANGED AT PRESENT. THERE IS 6.2 METRES CLEARANCE FROM FRONT OF HOUSE TO BOUNDARY WALL. 2 CARS CAN CURRENTLY PARK WITHOUT OVERHANGING THE BOUNDARY. THE FACT THAT TIM SOWERBUTTS NORTH LINCOLNSHIRE COUNCIL'S AND HIGHWAY CONTROL OFFICER HAS NO OBJECTIONS TO MY PROPOSALS FURTHER SUPPORTS MY OPINION / PROPOSALS.

DURING THE CONSULTATION PHASE OF MY ORIGINAL PLANNING APPLICATION CORRESPONDENCE WAS RECEIVED BY NORTH LINCOLNSHIRE COUNCIL OF WHICH I REPLIED TO. NOT AT ANY STAGE OF THE APPEAL WAS I CONTACTED OR GIVEN ADVICE IN RELATION TO MY PROPOSALS I FEEL THAT COMMENTS RECEIVED CONTRIBUTED TO MY APPLICATION BEING REFUSED. EVEN IF I FEEL THAT I HAVE COMPLIED WITH PLANNING POLICIES WHEN DESIGNING MY EXTENSION.

FINALLY TO SUPPORT MY APPEAL FURTHER I WOULD LIKE TO BRING TO YOUR ATTENTION TO THAT PLANNING APPLICATION REF PA/2006/1561 - 7 SCHOOL DRIVE MESSINGHAM. IN MY OPINION THE PROPOSALS SEVERELY IMPACT THE STREET SCENE BUT THE PARISH COUNCIL ONLY PASSED COMMENTS RATHER THAN OBJECT. IS THIS BECAUSE THE OWNER OF THE HOUSE IS A PARISH COUNCILOR?

(REFER TO P. 19a FOR FURTHER DETAILS)

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the enclosed *Guidance Notes* if in doubt.

Please tick **ONE** box only ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A

A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Address at which the notice was served	Date the notice was served

CERTIFICATES C and D

C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

If the appellant is the **sole** agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

a ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

b

Tenant's Name	Address at which the notice was served	Date the notice was served

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1-6 below, **must** be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive **all** your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- | | | | |
|---|---|---|-------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | 1 | <input checked="" type="checkbox"/> |
| 2 | A copy of the site ownership certificate and ownership details submitted to the LPA at <u>application stage</u> (this is usually part of the LPA's planning application form). | 2 | <input checked="" type="checkbox"/> |
| 3 | A copy of the LPA's decision notice (if issued). | 3 | <input checked="" type="checkbox"/> |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellants (if any) edged or shaded blue. | 4 | <input checked="" type="checkbox"/> |
| 5 | A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. | 5 | <input checked="" type="checkbox"/> |
| 6 | A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). | 6 | <input type="checkbox"/> |

Copies of the following must also be sent, if appropriate:

- | | | | |
|----|--|----|-------------------------------------|
| 7 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:

① LETTER RECEIVED FROM MR ALLISON - 40 WINDOVER RD.
(SEE P. 7 OF ADD INTO/REQD DOCUMENTATION) | 7 | <input checked="" type="checkbox"/> |
| 8 | Any relevant correspondence with the LPA. | 8 | <input checked="" type="checkbox"/> |
| 9 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;

(b) all plans sent at outline application stage;

(c) the original outline planning permission. | 9a | <input type="checkbox"/> |
| | | 9b | <input type="checkbox"/> |
| | | 9c | <input type="checkbox"/> |
| 10 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached. | 10 | <input type="checkbox"/> |
| 11 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 11 | <input type="checkbox"/> |
| 12 | If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. | 12 | <input type="checkbox"/> |

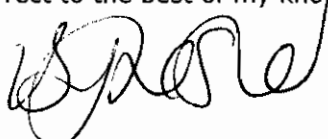
PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
- 2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature



Date 130407

Name (in capitals) VICTORIA SYLVESTER

On behalf of (if applicable) N/A



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Registry/Scanning Team
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

- 4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
Church Square House
P O Box 42
Scunthorpe
DN15 6XQ
N Lincs

Your Ref: 2006/1369
Our Ref: APP/Y2003/A/07/2043020/WF
Date: 30 July 2007

Dear Mrs Morton

SCANNED

Town and Country Planning Act 1990
Appeal by Victoria Sylvester
Site at 31 Wendover Road, Messingham, Scunthorpe, DN17 3SN

I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal is

George Arrowsmith

The Inspector will visit the appeal site at 12.00 on 13 August 2007. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.



Yours sincerely

Stephen Bartle

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

209D

*You can now use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>
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