

PLANNING APPEAL STATEMENT OF CASE

Proposed New Dwelling at
Land off High Street,
Barrow Upon Humber,
North Lincolnshire



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INTRODUCTION

This appeal arises out of the decision by North Lincolnshire Council to refuse the following application:

Planning permission to erect a new detached dwelling with associated landscaping following partial demolition of existing garage at land off High Street, Barrow Upon Humber, DN19 7AA

A copy of the Council's decision notice is included where it will be seen that permission has been refused on the grounds that:

The proposed dwelling, by virtue of its siting and scale would adversely affect the character and appearance of the Barrow Upon Humber conservation area. This part of the conservation area has a distinct character of traditional cottages and dwellings located on the High Street frontage with large, deep gardens to the rear. In addition, there is a clear separation between the dwellings located on the High Street frontage and the countryside beyond the deep rear gardens. It is considered that the introduction of a dwelling on this garden land would result in a form of backland development that is out of keeping with the character and appearance of the conservation area and which would erode the open character that

exists between the historic core of Barrow Upon Humber and the countryside. Therefore, the proposal would not preserve or enhance the character or appearance of the conservation area and is contrary to policies

APPEAL SITE AND ITS SURROUNDINGS

The site is situated on the North side of the High Street to the rear of a row of existing properties. The immediate context of the site is:

- To the North of the site is the rest of the terrace attached to Birchwood House, known as Forrester's House and Rose House.
- To the South is a pair of semi-detached dwellings known as Burncroft and Acomb with a relatively narrow access onto the appeal site between these properties and Birchwood House,
- To the East is the frontage onto High Street with the Forrester's Hall, a detached dwelling dating from the 1960's or 70's with outbuildings and a long nineteenth century terraced row on the opposite side of the road,
- To the West is an agricultural field with the rear gardens to a series of late twentieth century properties served off Thorngarth Lane to the North-West.

The site falls within the Barrow Upon Humber Conservation Area and is not immediately adjacent to any listed buildings, although there are two situated approx. 100m away to the North and South.

The site itself includes a number of existing trees that are described in more detail within the appeal plan and statements. The site is accessed via an established driveway to the side of Birchwood House and the site itself is currently screened from the High Street by an existing single storey garage block.

THE APPEAL PROPOSAL

The proposal is for a full planning permission to partially demolish an existing garage to create an access and erect a detached dwelling with an attached garage with associated works.

See appeal application drawings and statements for full details.

SITE PLANNING HISTORY

The full planning history of the site is as follows:

- PA/2010/0452 - Planning permission to erect a detached house and detached garage land to the rear of Birchwood House, High Street, Barrow-Upon-Humber.
- Appeal reference APP/Y2003/A/10/2136004 lodged and dismissed.
- PA/2018/1238 - Planning permission to erect a detached chalet bungalow and detached garage land to the rear of Birchwood House, High Street, Barrow-Upon-Humber. Refused planning permission 23/01/2019.

- Appeal reference APP/Y2003/W/19/3229132 lodged and dismissed.
- PA/2020/1257 - Planning permission to erect a new detached dwelling with associated landscaping following partial demolition of existing garage. Refused planning permission 1st October 2020 and is the subject of this appeal.

In each of the previous decisions that were ultimately dismissed at appeal the reasons of design and the negative affect this would have on the setting of a conservation area were the main reasons for refusal. Neither of the previous appeals highlighted any issues with the principle of development within the conservation area, nor for any effect on the amenities of the dwellings adjacent to the site entrance using the access to serve another dwelling.

The earliest and first proposal PA/2010/0452 and the subsequent appeal was for a very large two-storey detached dwelling and by virtue of its size, mass, scale and design was the primary reason the earlier appeal was dismissed rather than any fundamental issues in principle.

Taking this earlier decision into account the appellant proposed a dormer bungalow, lesser in height and scale than the host dwelling and adjacent properties on the High Street as part of amended proposal PA/2018/1248. The design of a dormer bungalow was more respectful to the existing building hierarchy, which is two storey (or higher) properties set immediately against the High Street frontage, with lesser scale annexes to the rear, in turn with outbuildings further behind. It is recognised in the appeal ref APP/Y2003/W/19/3229132 that the proposed dormer bungalow, as a modern structure, was not considered to reflect the character of the area however the inspector recognises that ancillary buildings are common to the area. The inspector in the same appeal makes reference to large deep gardens to the rear that insulate the conservation area from later developments, which the appellant agrees are an important part of the conservation area.

The large footprint of the dormer bungalow was referred to by the inspector in their decision as they considered that this would occupy too much of the plot and would therefore erode the open nature that is deemed to be an important part of the areas character.

In each of the applications listed above the appellant firmly believes they have worked to address the matters arising in each decision

and this was acknowledged by the planning appeal inspector in appeal APP/Y2003/W/19/3229132. The latest proposal, that is subject to this appeal, is the culmination and conclusion of all the previous work undertaken.

THE GROUNDS OF APPEAL

The LPA in making their decision consider that:

The proposed dwelling, by virtue of its siting and scale would adversely affect the character and appearance of the Barrow Upon Humber conservation area. This part of the conservation area has a distinct character of traditional cottages and dwellings located on the High Street frontage with large, deep gardens to the rear. In addition, there is a clear separation between the dwellings located on the High Street frontage and the countryside beyond the deep rear gardens. It is considered that the introduction of a dwelling on this garden land would result in a form of back land development that is out of keeping with the character and appearance of the conservation area and which would erode the open character that exists between the historic core of Barrow Upon Humber and the countryside. Therefore, the proposal would not preserve or enhance the character or appearance of the conservation area and is contrary to policies.

The appellant would contend that local and national plan policies do not prevent development of this nature taking place.

In response to the LPA's decision notice the appellant would respond as follows with respect to the policies referred to and the more general points raised in the application.

PRINCIPAL OF DEVELOPMENT

Barrow Upon Humber is defined as a Larger Rural Settlement in the North Lincolnshire Council Sustainable Settlement Survey (2016) with an overall settlement score of 33 and the village includes 5 of the 7 identified key services.

The appeal site falls within the settlement boundary of Barrow Upon Humber as defined by the North Lincolnshire Council Housing & Employment Land Allocations DPD. This site is therefore considered to be on developable land within the settlement boundary and in a sustainable location subject to a suitable design. There is, therefore, a presumption in favour of residential development in accordance with the National Planning Policy Framework. The placing a dwelling behind the others in what is known as a tandem arrangement is not considered to be an issue in principle.

TREES AND TREE PROTECTION ORDERS

Whilst not forming a part of the reasons for refusal the appellant wishes to reiterate the points made in the application that the position of the proposed dwelling has taken into account the RPA's of all the important trees on site. The tree RPA's have also, to an extent, determined the size of the proposed dwelling.

CONSERVATION AREA

The LPA in both their decision notice and in the officer's delegation report note concerns about the perceived loss of the rear garden of Birchwood House and the open characteristics of the conservation area. The appellant would contest the LPA interpretation of the setting of the proposal and the effect of the appeal proposal in the following sections.

EXISTING SITE AND CHARACTER

The LPA regard the character of the rear gardens in the area as being one of long open greens areas that extend views into the countryside. However, the rear gardens of several adjacent properties include outbuildings that visually divide up the gardens and that constrain the views along the lengths of the gardens in a

similar manner to the appeal site. The perceived lengths of the existing rear gardens when viewed from the High Street and the landscaping that provides a backdrop is the most noticeable feature and is what the viewer would use to gauge the length of the gardens. The only property nearby that enjoys a clear, uninterrupted view through the depth of the plot unconstrained by landscaping or outbuildings is the property to the North known as Rose House. A number of other properties in the area have long gardens visible from High Street with outbuilding to the rear, see images in Figures Thirteen to Sixteen.

There are also examples of dwellings behind the frontage properties that further subdivide rear gardens, the most notable examples are Conisburgh (a modern bungalow) to the South and Papist Hall Mews (a relatively modern development comprising new and converted buildings) It is recognised that from a previous appeal ref APP/Y2003/W/19/3229132 that the bungalow known as Conisburgh, as a modern structure, is not considered to reflect the character of the area however the inspector recognises that there are many ancillary buildings common to the area. It should also be noted that Conisburgh is noted in the NLC Barrow Townscape Analysis as a building of neutral effect.



Figure One - Views of 'Conisburgh' from the host dwelling 'Lindum House'

The character of the area is of large deep gardens but in general these are not featureless green expanses as the LPA suggest with outbuildings, tree, shrubs and ornamental garden features breaking up these into constrained views that are illustrated well in figure one above. In the case of the appeal site the existing garage block shown in figure two opposite serves to screen the main part of the garden from public view (appeal site) with the trees in the background indicating further space beyond.



Figure Two - Views of appeal proposal from High Street showing existing garage.

The appeal proposal includes the partial removal of the existing garage block, which will serve to open a currently constrained view that will improve the view from the High Street in a lot of respects. The trees beyond would be retained and supplemented with a new hedge row and tree planting as shown on the application drawings that would soften the view in figure two and retain the appreciation of the land beyond. In fact, the proposed hedgerows would be set 20m beyond the line of the existing garage making the site appear deeper.



Figure Three - Views of appeal proposal from High Street showing entrance.

From outside the village and Conservation Area to the North-West there is a narrow gap between two large twentieth century housing developments off Thorngarth Lane and Millfields Lane from which the appeal proposal would be seen (see figure four opposite). The gap between developments also includes clear views of the adjacent dwelling known as Conisburgh. The appellant considers that the appeal proposal would not detrimentally affect this view as the deliberate gap is controlled by Local Plan Policy LC11 - Area of Amenity Importance. This gap serves to stop the adjacent modern developments from coalescing and controls landscaping outside of but leading up to the site.

It is considered that a small building on the appeal site in an appropriate form and style mimicking an outbuilding would not appear out of place or in any way detrimental to views into the conservation area from the countryside to the West.

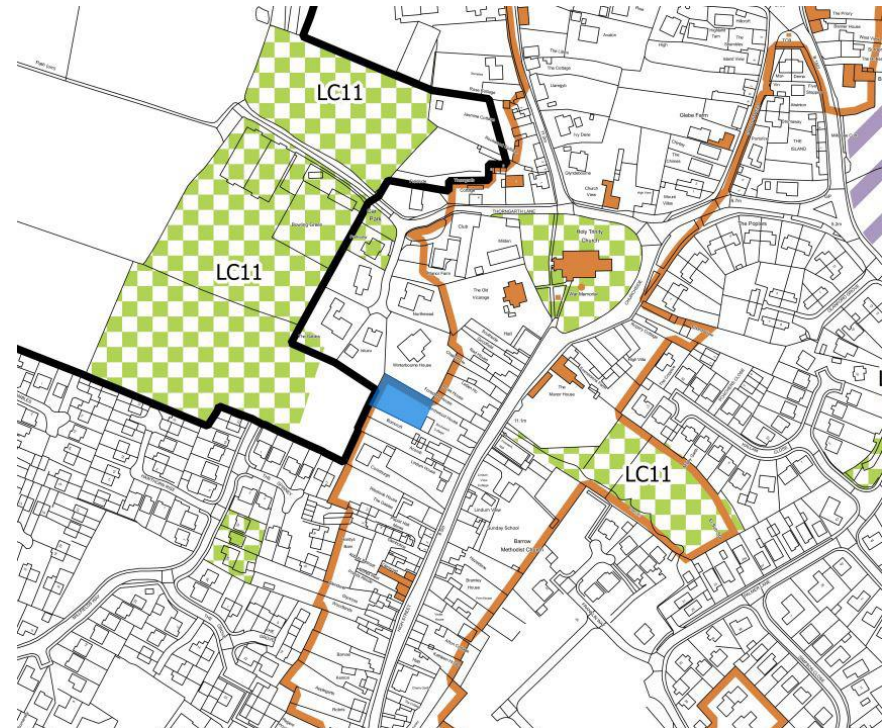


Figure Four - Extract from the NLC Local Plan showing the appeal site in blue with boundary of the conservation area in brown and the LC11 Policy Area in Green (Not to Scale)

LANDSCAPING

The site in its current form cannot be fully seen from the High Street because of the existing garage structure and notwithstanding the presence of the garage, the space between the host property and the immediate neighbour (Burncroft) creates a very constrained vista.

The main appreciation of the site from the road front is from the tall trees lining the North and West boundaries, which provide an attractive back drop to the properties on the High Street, the majority of which will be retained. These define the depth of the conservation area more than a direct line of site through the back gardens.

APPEAL PROPOSAL

From the previous planning decisions made on the site, the conclusions are that for any development to be successful in this location, it must be of low scale, leave most of the site open and undeveloped and must respect the character of the conservation area including the building hierarchy.

On this basis the appellant has gone back to first principles and looked at the type of structure that would be appropriate in a location such as this, looking for historical precedence. From a review of historical maps shown in the submitted Heritage Statement, a series of outbuildings have existed on the site historically. A long outbuilding that occupied all the Northern part of the site was a prominent feature from at least 1887 until its removal in the 1970's or 80's. The rear wall of this structure forms the modern-day boundary of the appeal site as can be seen in figure six.

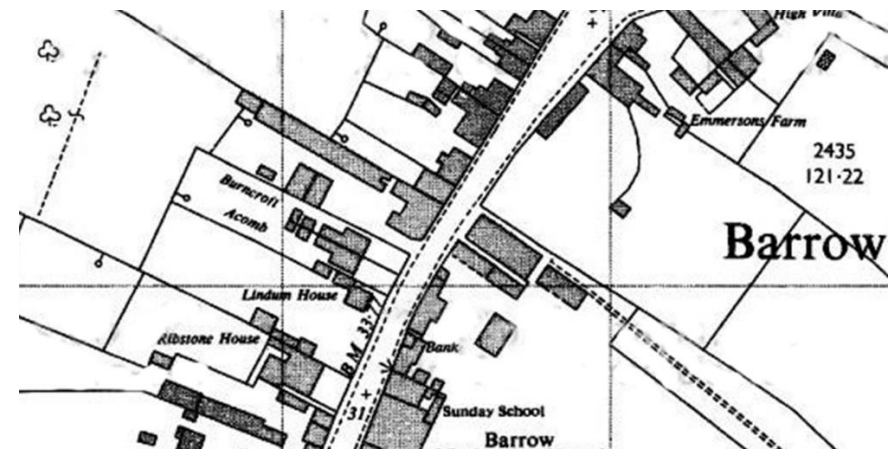


Figure Five – 1970 Ordnance Survey Map showing several outbuildings on the site historically - NTS

In its modern context, this building could not be completely reproduced because there are now several substantial trees on site with large root protection areas.



Figure Six – View of existing wall, which was formerly part of an outbuilding, from within the site facing North.

The appellant considers that the LPA in making their decision, in both the decision notice and in their delegation report, made a lot of reference to the earlier two appeals for the site. In both cases these applied to very different building designs namely a large two storey house and a dormer bungalow that both sat centrally on the site, taking up most of the available land and would be visible from the High Street in all positions. Taking these earlier proposals into

account the appellant believes that a smaller building on the same footprint as the historic outbuilding is deemed to be appropriate and this forms the appeal proposal. The main reasons for this new design approach are:

- There is historic precedent for outbuildings on the site and outbuildings are a feature of the conservation area as confirmed by the appeal inspector in appeal ref APP/Y2003/W19/3229132. A new building designed with the appearance of a converted outbuilding in the same location, of a low scale, detailed appropriately in suitable materials is deemed to be an appropriate solution for a development in this location. In the same appeal the inspector states *there has historically been little significant development at the rear of the frontage dwellings*. This is incorrect as historically there were a significant number of buildings to the rear of the site as noted on historic maps. It could be argued that a new modest building at the rear of the host dwellings as proposed, mimicking an outbuilding could aid the historic interpretation of the site.
- It would leave most of the site open and undeveloped, which would maintain the character of site and accord with the

wider character of the conservation area. This is a very different approach from the earlier two appeal proposals in that the proposed building is of a much smaller footprint and takes up a very small proportion of the site.

- The proposed building would not be seen from the site entrance, or from the High Street other than from a small vantage point as illustrated in figure three. In this view the modern house known as Winterbourne House is clearly visible in the background and a new, more appropriately designed building would serve to partially conceal this. This is considered by the appellant as an improvement to the views within the conservation area.
- The removal of part of the existing garage block located at the end of the existing entrance drive would open a currently constrained view into the site. (see view in figure two) The driveway would be extended through this new gap and turn behind the existing buildings to join up with the proposed dwelling. The slightly longer driveway is not considered to be out of place or in any way detrimental to the character of the conservation area.
- The garden area is an important part of the proposal and although this would be subdivided, the way this is achieved has been given careful thought. The appeal proposal includes a proposed hedge and new tree planting, which are common features of the area and represent the green elements that the LPA and previous appeal decisions consider important. It is crucial that the boundary features proposed are comprised of soft landscaping as features such as fences and walls would be uncharacteristic set far back from the road front. The subdivision of the garden with soft landscaping would not affect the key characteristics of the site. Two gardens separate by soft landscaped features would appear in all respects the same as one garden with planting contained within. The new hedge would be 20m further into the site than the existing garage block, making the garden appear deeper from the High Street.
- The design of the new dwelling has been modelled on an outbuilding / cart shed with large openings at ground floor with glazed panels. At first floor low height windows are shown below eaves with the building set against the existing boundary wall. The windows in the dwelling are on the South and West elevations only to ensure there is no risk of

overlooking to the existing properties to the East and North. The South facing windows are fifteen metres away from the Southern boundary of the site and in excess of twenty-five metres from the adjacent dwelling known as Burncroft.

Roof windows are proposed on the North elevation, however as demonstrated on the application drawing these are at high level and will not therefore create any issues of overlooking.

- The materials are suggested as red facing brickwork, either handmade or with a handmade appearance, clay pay tiles with gutters on rise and fall brackets and off-white windows and doors, all of which are typical of the area. The building will make a positive contribution to the conservation area with appropriate design details.
- Although not explicitly detailed in the appeal proposal, the appellant appreciates that to achieve this arrangement the garden must be kept clear of hard features to maintain the open character. It is reasonably expected that any approval would include the removal of permitted development rights.

OTHER MATTERS

The appellant wishes to note that there have been no technical objections to the provision of a single dwelling on the appeal site from statutory consultees including the highways, drainage, ecology and archaeologist departments.

CONCLUSION

In summary the appellant considers that the proposal is acceptable in planning terms by virtue of the carefully considered design and scale of the proposed dwelling along with its positioning and the use of soft landscaping to ensure the open and green character of the site would be retained. In fact, the proposal is considered to make the site appear more open from the High Street than it does currently by the partial removal of an existing garage and the creations of soft landscape features further into the site.

For the above reasons, the appellant would respectfully request that this appeal be upheld.

EXISTING SITE PHOTOGRAPHS



Figure Seven - View from with site facing East.
(Note the entrance is obscured by garage and trees)



Figure Eight - View from within site facing West showing the rear site boundary.
All the planting shown in the image is to be retained.



Figure Nine - view of existing garages with the right-hand building to be retained.



Figure Ten - View of site from entrance with the right-hand garage to be retained.



Figure Eleven - View of Conisburgh from High Street facing West



Figure Twelve - View of application site facing North from the garden of Acomb.



Figure Thirteen - View of adjacent properties with long gardens and outbuildings.



Figure Fifteen - View of adjacent properties with long gardens and outbuildings



Figure Fourteen - View of adjacent properties with long gardens and outbuildings



Figure Sixteen - View of adjacent properties with long gardens and outbuildings