



The Planning Inspectorate

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Clare Allcock
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
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DN15 6XQ

Your Ref: PA/2020/1257
Our Ref: APP/Y2003/W/21/3267979

14 April 2021

Dear Mrs Allcock,

Town and Country Planning Act 1990
Appeal by Mr Bob Johnson
Site Address: Land off High Street, BARROW-UPON-HUMBER, DN19 7AA

I enclose third party correspondence relating to the above appeal(s).

If you have any comments on the points raised, please send them to me no later than 23 April 2021.

Please note that this deadline has been extended.

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 full statement of case. If you do, your comments will not be accepted and will be returned to you.

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

Yours sincerely,

Ruth Howell
Ruth Howell

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/Y2003/W/21/3267979

DETAILS OF THE CASE

Appeal Reference: APP/Y2003/W/21/3267979

Appeal By: MR BOB JOHNSON

Site Address: Land off High Street
BARROW-UPON-HUMBER
DN19 7AA
Grid Ref Easting: 507084.0
Grid Ref Northing: 421192.0

SENDER DETAILS

Name: MS. JOANNE MAXWELL

Address: [REDACTED]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION

Document Description: Your comments on the appeal.

File name: Objection Johnson appeal.pages-tef.zip

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Objection re Johnson appeal

Inspectorate's REF: APP/Y2003/W/3267979

We are the owners of [REDACTED]
In accordance with the letter dated 4 March 2021 from the North Lincolnshire Council (the "Council"), we submit these comments in support of the Council's decision to refuse planning permission in connection with application no. PA/2020/1257.

We previously submitted an objection to the planning application and reaffirm our opposition for the reasons stated therein. We write at this point to comment upon certain statements set forth in the applicant's Planning Appeal Statement of Case ("Statement").

First, in the Statement, under the heading "Appeal Proposal," the applicant's assertion 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" is wholly inaccurate. The Council refused planning permission because construction of the applicant's proposed modern, three bedroom house "would adversely affect the character and appearance of the Barrow Upon Humber conservation area." Having found that the area is defined by traditional cottages with large, deep rear gardens, the sole reason the application was refused is because "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." There simply is no finding by the Council with respect to application no. PA/2020/1257 that permission would have been considered if the proposed dwelling was smaller in scale or sited differently on the lot. The critical fact is that construction of **any** new house on this lot is backland development that would offend the historic look of the Barrow Upon Humber conservation area.

Second, with respect to the character of the conservation area, the applicant argues in the section of the Statement headed "Existing Site and Character" that because the rear gardens of some adjacent properties contain features that break up the unrestricted views from the High Street, his appeal should be upheld. However, as the applicant's Statement and accompanying photographs show, these features are garages, sheds, trees, shrubs and garden ornaments; none are two storey, modern houses.

Next, again under the "Appeal Proposal" heading in the Statement, the applicant argues that permission should be granted for construction of a modern, two storey house because it would be sited "on the same footprint" as an historic outbuilding. As we noted in our objection, and the applicant does not disprove, the historic outbuilding was never a dwelling built for human habitation, let alone two stories high, and most probably was a very low-height shed used for livestock or to store farm equipment and supplies. Moreover, the applicant does not and cannot show that the footprint of the now demolished outbuilding is in fact wholly coextensive with the footprint of the proposed, new house. The applicant's position that it is somehow

“appropriate” to construct a new, two story modern house where once there had been some kind of building should be rejected.

We note further that all that remains of this outbuilding is a portion of a brick wall which lies near to or on the boundary between the applicant’s lot and our property. Significantly, as the photograph we submitted to the Council with our objection shows, there are stone pavers attached at the base of the brick wall that are within the freehold land covered by the title to our property. In his Design and Access Statement submitted to the Council, the applicant proposes to construct the new house “right up against existing boundary wall **subject to ownership of the wall and structural condition.**” (page 11). Accordingly the appeal should be dismissed for the additional reason that the applicant has admitted that he does not know if he has ownership of the wall.

For the foregoing reasons, as well as for the objections previously submitted to the Council, we submit that the appeal should be dismissed.

John C. Petheram
Joanne M. Maxwell

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DETAILS OF THE CASE

Appeal Reference: APP/Y2003/W/21/3267979

Appeal By: MR BOB JOHNSON

Site Address: Land off High Street
BARROW-UPON-HUMBER
DN19 7AA
Grid Ref Easting: 507084.0
Grid Ref Northing: 421192.0

SENDER DETAILS

Name: MR DAVID ROBERTS

Address: [REDACTED]

ABOUT YOUR COMMENTS

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COMMENT DOCUMENTS

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Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: Bob Johnson appeal representation.docx

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The Local Authority's decision ought to be upheld. However, we consider the Delegated Assessment underestimates the impact on the amenity of neighbours.

- At present, the access drive to the proposed dwelling under appeal is used solely by one elderly couple, the residents of Birchwood House. The proposed dwelling, if allowed, will result in a *minimum* 100% increase in traffic using this access.
- The Delegated Assessment fails to take into account the difference in levels between the access drive and the garden on which the appellant proposes to construct the dwelling. The rise in level is at least 1 metre over about 5 metres (being the length of the garage the appellant proposes to demolish) that is greater than 20%. It is to be expected that vehicles using such a steep access ramp would create unacceptable noise and vibration for the occupier of Burn Croft, bearing in mind how close the ramp would be to the boundary and to that house. NB, the minimum separation distance of 3 metres from habitable rooms cannot be achieved.
- The Delegated Assessment makes light of the overlooking issue. The Appeal Statement concedes that the south facing windows of the proposed dwelling would be only 15 metres (not 30 as stated in the Delegated Assessment) from the boundary with the garden of Burn Croft (we say it is less than 15 metres). At present this boundary consists of a one metre high wood fence that the appellant has allowed to fall into serious disrepair over the last 15 years. The appellant has made no proposals to mitigate the effect of overlooking (both from the ground floor and the first floor windows) on the gardens of Burn Croft and Acomb, which are presently not overlooked by any other property. To achieve mitigation by soft landscaping would take several years. We reiterate the comment we made in our objection, that as a matter of policy windows of a proposed dwelling that overlook an existing private garden ought to be *well in excess* of 10 metres distant. That criteria is not met by the proposal under appeal, and could not be met by any residential proposal the appellant cares to make.

We also wish to take issue with statements made in the Appeal Statement concerning the existing site and character.

- The site was the former garden of a historic Barrow property known as Hardy's Inn (now Birchwood House) that dates from the early years of the eighteenth century. The outbuildings referred to in the Appeal Statement are shown in an aerial photograph in our possession that dates from the 1960s. There was a garage and small barn constructed in brick closest to Birchwood House, the buildings further along the northern boundary appear to be temporary sheds, probably for poultry.
- Burn Croft, while not presently Listed as being of architectural and historic interest, is an important domestic building in the Greek Revival style, unusual for North Lincolnshire, and was the subject of a special commendation by The Georgian Group in 2017 for the quality of its restoration by the present owner/occupier from a state of near ruin.
- It is stated in the Appeal Statement that the only property enjoying a clear, uninterrupted view through depth of the appeal plot is Rose Cottage. That is incorrect, several habitable rooms in Burn Croft enjoy such a view through the plot.