



Appeal Decision

Site Visit made on 2 August 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2021

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

Land off High Street, Barrow Upon Humber DN19 7AA

- 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 Mr Bob Johnson against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/1257, dated 5 August 2020, was refused by notice dated 1 October 2020.
 - The development proposed is described as “partially demolish an existing garage and erect a new detached dwelling with associated landscaping”.
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Decision

1. The appeal is allowed and planning permission is granted for partially demolish an existing garage and erect a new detached dwelling with associated landscaping at land off High Street, Barrow Upon Humber DN19 7AA in accordance with the terms of the application, Ref PA/2020/1257, dated 5 August 2020, subject to the conditions in the attached schedule.

Preliminary Matter

2. Since the submission of the appellant’s appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Barrow Upon Humber Conservation Area.

Reasons

4. The appeal site relates to a parcel of land to the rear of Birchwood House. Whilst the site has been described as being part of the rear garden of Birchwood House, my observations at my site visit contradict this description. The appeal site was overgrown, detached from any residential curtilage and did not appear as garden area to the property of Birchwood House. The appeal site does lie within the Barrow Upon Humber Conservation Area (CA).
5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. An Inspector on a previous appeal¹ on this site stated that *"the character of this part of the Conservation Area, along High Street, is largely defined by the close knit dwellings which have a frontage onto the street and create a sense of enclosure to the street scene"*. The Inspector adds further that *"the two/three storey dwellings have generally large, deep gardens to the rear, which insulate the historic core from later phases of development and provide an open, green setting to the buildings... therefore, the pattern of development and the open space are features that make a significant positive contribution to the character and appearance of the Conservation Area"*. I concur with these character descriptions of the immediate locality and its positive contribution to the CA.
7. The submitted heritage statement provides historical maps showing that there were substantial size buildings present on the appeal site. The Council consider these would likely have been single storey animal sheds. Nevertheless, this is evidence that historically, the rear gardens were not devoid of structures that covered large areas. Outbuildings and garages to the rear of the street facing properties are not uncommon features in the area today.
8. The Council have described the proposal as a tandem form of development being served by the same vehicular access as a neighbouring property. The proposal would, however, be located sensitively along the north boundary of the site reflecting the positioning of historic buildings that previously stood in this location. The proposed building would be relatively small in comparison to the overall size of the site, with the majority of the plot being utilised as garden area. So, whilst the proposal would be two storey in height, the scale of the development would be sympathetic and the open character of the site would be retained.
9. The proposed property, as well as the majority of the driveway and parking area, would not be visible from the High Street. Views looking past Birchwood House up to the appeal site would be of the proposed garden area and therefore retaining the open character vista of the CA from the High Street. Due to its siting and scale, the proposal would be a form of development that would not adversely alter the open character and would not be detrimental to the historic core and medieval origins of the CA.
10. I have had regard to the appeal decisions dated 2010² and 2019¹. However, insufficient evidence has been submitted on these previous appeal schemes and therefore I cannot be sure that they represent a direct parallel with the scheme subject of this appeal, particularly with regards to scale and siting. In any case, I have determined this appeal on its own merits.
11. Accordingly, I find that the proposal would preserve the character and appearance of the CA. The proposal would be in accordance with Policy HE2 of the North Lincolnshire Local Plan and Policy CS6 of the North Lincolnshire Local Development Framework Core Strategy which seeks to protect, conserve and enhance the historic environment, as well as the character and setting of conservation areas.

¹ PINS reference number: APP/Y2003/W/19/3229132

² PINS reference number: APP/Y2003/A/10/2136004

Other Matters

12. I have had regard to the Council's Officer report, statement of case and concerns raised by local residents which include matters relating to parking, access and traffic, site levels, noise and vibration, overlooking, privacy, structural stability, construction works, trees, emergency services, property values and drainage. I have given careful consideration to these matters, some of which Council Officers have not raised objections on and some would be capable of being addressed by planning conditions in any event, but they do not lead me to a different overall conclusion on the main issues or convince me that planning permission should be withheld.
13. There are a number of trees in and around the site which are afforded protection given their location within the CA. There is also a Tree Preservation Order Ash Tree in the neighbouring property of Winterbourne House. An Arboricultural Report has been submitted and the Council's Officer report accepts that some trees would be removed, some would require some tree works and that adequate protection would be provided to the remaining trees. Whilst not indicated in the Council's statement of case, the Council's Officer report does recommend that a scheme for replacement planting should be sought by a planning condition. Given some landscaping would be lost, I consider in the interests of the character and appearance of the CA, that replacement landscaping on the site would be necessary.

Conditions

14. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of character and appearance of the area conditions are necessary in relation to materials and landscaping. To safeguard the living conditions of neighbouring occupiers a condition is necessary in relation to obscure glazing in the windows of the north elevation.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RD:4513-02 D and RD:4513-03 B.
- 3) No development above ground shall take place until details of all materials to be used in the construction of the building hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
- 4) The building hereby permitted shall not be occupied until the windows in the north elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 5) No development above ground shall take place until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.