



4 Holme Hall Avenue, Scunthorpe, Bottesford, DN16 3PY

Section 78 Town and Country Planning Act

Appeal Statement

Construction of Rear Extension (Infill) and Conversion of Garage into Study Room, and change in fenestration in front elevation.



Site Information

Consultant	Francelita Balbido
Client	TES Property Ltd.
Site Address	4 Holme Hall Avenue, Scunthorpe, Bottesford, DN16 3PY
LA	North Lincolnshire Council
Description of Development	Construction of Rear Extension (infill), Conversion of Garage into a Study Room and change in fenestration in front elevation
Pathway (PD/Application/Appeal)	Appeal

Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(1) Directions	No

Local Policy Requirements

Local Plan/Core Strategy

North Lincolnshire Core Strategy adopted June 2011

Effective Policies in Development Control

CS1: Spatial Strategy for North Lincolnshire
CS2: Delivering More Sustainable Development
CS3: Development Limits
CS7: Overall Housing Provision
CS18: Sustainable Resource Use and Climate Change
CS20: Sustainable Waste Management
CS25: Promoting Sustainable Transport

SPG/SPD's

Planning History

PA/2025/742 | Refused | Planning permission to construct a single-storey rear (infill) extension, convert the garage into a study room and change fenestration in front elevation of an existing HMO.

PA/2025/218 | Granted | Certificate of lawful development for the proposed change of use from a residential dwelling (Use Class C3) to HMO (Use Class C4) with six bedrooms / six Persons

PA/2017/1592 | Refused | Planning permission to erect a single detached garage to site frontage.

PA/2017/777 | Approved with conditions | Planning permission to erect extension of existing house, conversion of existing garage into living area and alteration of ground floor internal layout

PA/2016/1118 | Approved with conditions | Planning permission to erect extension at first floor

PA/2006/0142 | Approved with conditions | Planning permission to erect conservatory

Report Date

07 August 2025



1. Introduction

1.1. The site, the subject of this appeal, relates to a two-storey detached house located on the south side of Holme Hall Avenue and within the settlement of Scunthorpe and Bottesford urban area.

1.2. The property has been granted a Certificate of Lawful Use for the change of use from a residential dwelling (Use Class C3) to HMO (Use Class C4) with six bedrooms/six persons.

1.3. Planning application PA/2025/742 - Construction of rear extension (infill), conversion of garage into a study room and change in fenestration in front elevation was submitted and refused by the committee on 04 August 2025, in spite of a positive recommendation by the council's case/planning officer.

1.4. Town Planning Expert is the agent for this appeal.

2. Matters Pursuant to Appeal

2.1. The appeal refers to the refusal of application PA/2025/742 - Construction of rear extension (infill), conversion of garage into a study room and change in fenestration in front elevation by the planning committee.

2.2. The application was submitted, and the plans were amended during the process as a result of collaboration between the applicant/agent and the case officer to move forward with the development in a positive direction.

2.3. The application was recommended for approval by the case officer but was refused by the planning committee.

3. Summation of Case

3.1. The application was refused due to increased traffic movements and parking demand in close proximity to a busy junction, to the detriment of highway safety and the free flow of traffic, including the scale and intensity of use, which would constitute overdevelopment of the site and fail to respect the established character of the surrounding area.

3.2. The appellant contends that the refusal is unfounded and irrelevant, as the application pertains to an infill rear extension. Whilst the proposal would result in the loss of a garage, this is mitigated by the provision of 5 off-street parking spaces to which the Highway Authority raise no objection. The refusal is deemed unsound, stemming from an inadequate assessment of the material considerations. Consequently, it is believed that the Committee will be unable to demonstrate material harm from this development or substantiate its reason for refusal. Therefore, an application for the award of appeal costs is included in this appeal.

4. Site Context

4.1. The subject of this application is a two-storey detached house on the south side of Holme Hall Avenue within the Scunthorpe Settlement. The area is predominantly residential, comprising two-storey detached and semi-detached buildings. The immediate surroundings of 4 Holme Hall Avenue contribute to a harmonious suburban environment, reflecting the prevalent housing trends of the area. The property's design and scale are in keeping with the surrounding dwellings, ensuring a cohesive streetscape.

4.2. The property features brick and solid, painted walls at the front, with casement windows. It has a garage with a door attached to the building. The ground floor comprises a kitchen, dining, lounge, sun room, one en-suite bedroom, a day room and a garage. The first floor has four bedrooms and two bathrooms.

4.3. The property is within a sustainable location surrounded by 4 nearest bus stops (Becklane, Cemetery, Timberlands and Copper Beech Walk with 2 bus services (4 and 4C). It is also 3.5 km away from Scunthorpe train/railway station and within walking distance to Ashby High Street.

4.4. Holme Hall Avenue itself features a selection of local shops, ensuring that residents have immediate access to everyday necessities. This combination of public transport links, proximity to major transport hubs, and convenient access to local retail and services firmly establishes the area as a highly sustainable and desirable place to live.

4.5. The property is not in a Conservation Area and is not a listed building.

5. Related National and Local Development Frameworks.

5.1. The relevant sections of the NPPF are set out below with those most pertinent to the appeal **in bold**.

National Planning Policy Framework

Making effective use of land

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

124. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

135. *Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and

disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Town and Country Planning Act 1990

3.1. S55(1) of the Town and Country Planning Act provides the legal definition of development that is subject to planning control and states: 55 Meaning of “development” and “new development”.

(1)Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

F1[(1A)For the purposes of this Act “ building operations ” includes—

- (a)demolition of buildings;*
- (b)rebuilding;*
- (c)structural alterations of or additions to buildings; and*
- (d)other operations normally undertaken by a person carrying on business as a builder.]*

3.2. S55(2)(a) sets out the exemptions to the broad brush approach in S55(1) and states:

(2)The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

*(i) **affect only the interior of the building, or***

*(ii) **do not materially affect the external appearance of the building,** and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;*

Local Policy

5.2. The relevant policies cited in the report are located within the Saved Policies of the North Lincolnshire Local Plan 2003, updated October 2024 and form the basis of the refusal.

Policy T2: Access to development - All development must be provided with a satisfactory access. In larger development it should be served adequately by:

- i) being readily accessible by a choice of transport modes; and*
- ii) existing public transport services and infrastructure; or*
- iii) additions or extensions to such services linked directly to the development; and*
- iv) the existing highway network*

Policy T19: Car Parking Provision and Standards - Provisions will be made for car parking where it would:

- i) meet the operational needs of business; or*
- ii) be essential to the viability of a new development; or*
- iii) improve the environment or safety of streets; or*
- iv) meet the needs of people with disabilities; or*
- v) be needed by visitors to the countryside;*

And comply with the Appendix 2 - Parking provision guidelines

Policy DS1: General Requirements A high quality standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be considered against the set out criteria on quality design, amenity, conservation, resources, and utilities and services

6. Grounds of Appeal

6.1. Below are the reasons for refusal as stated in the decision notice:

- 1. The proposal would result in increased traffic movements and parking demand in close proximity to a busy junction, to the detriment of highway safety and the free flow of traffic. The development is therefore contrary to policies T2 and T19 of the North Lincolnshire Local Plan.*
- 2. The proposed scale and intensity of use would constitute overdevelopment of the site and fail to respect the established character of the surrounding area. The development is therefore contrary to policies DS1 of the North Lincolnshire Local Plan, and CS1 and CS2 of the North Lincolnshire Core Strategy.*

7. The Appellant's Statement of Evidence

7.1. The reason for refusal and the associated Local Policy used by the planning committee and the appellant's justification are set out below:

Policy T2: Access to development (2003)

7.2. The proposal will use the existing access. The current access point is deemed satisfactory and acceptable, as it is already in place. Therefore, this should not be a reason for refusal and is considered irrelevant to the application.

Policy T19: Car parking provision and standards

Appendix 2 provides general guidance on parking provision for all new development, redevelopment and change of use in North Lincolnshire. It is recommended that these guidelines should be referred to as a starting point only, and should not, therefore be regarded as definitive. As local factors vary considerably between sites, each application should be considered on its own individual merits taking the following factors into account:

- The type of development, re-development or change of use proposed;*
- The availability of land;*
- Existing public transport provision; and*

- *Transportation policies in the area.*

APPENDIX 2 - Parking Provision Guidelines

In line with PPG13 the Council will:

- *Adopt reduced requirements for off-street residential parking space and reduce and waive them where necessary in order to provide quality and affordable high density development in areas of good access to other means of travel;*
- *Ensure parking requirements in general are kept to the operational minimum;*
- *Not require developers to provide more spaces than they themselves wish unless there are significant road safety or traffic management implications.*

Cycle Parking

North Lincolnshire Council is currently preparing a Cycling Strategy for the area based on National Cycling Strategy Guidelines. In line with this guidance and in order to encourage the use of the cycle as an alternative mode of transport particularly within urban areas, it is essential that adequate, secure parking provision is made at all developments to which the public has access. Consideration should be given, therefore, to providing cycle parking at all new developments in central urban areas at the recommended rate of 1 cycle space per 4 vehicle parking spaces, with a minimum of 4 cycle spaces.

7.3. To promote sustainable transport options, the applicant/appellant has taken the initiative to provide dedicated, secured cycle storage at the rear of the property. This proactive measure aims to actively encourage future residents to embrace cycling as their preferred mode of transport, thereby contributing to a reduction in reliance on private vehicles and fostering a healthier, more environmentally conscious community. The readily available and secure storage facility will remove a common barrier to cycling – the lack of safe and convenient bike parking – making it a more attractive and viable option for all occupants.

In Appendix 2 - Parking Provision for New Developments

For Use Class C3, Dwelling Houses

a) Bedsits and Houses in Multiple Occupancy (HMO) within Scunthorpe, Barton upon Humber and Brigg Urban Areas Up to 4 households - 1 space to be provided, 5 or 6 households - 2 spaces to be provided, above 6 households - 3 spaces to be provided.

7.4. The front of the property offers ample off-street parking for five vehicles, considerably exceeding the requirements for its previous approval as a six-bedroom, six-person House in Multiple Occupation (HMO) under Use Class C4. This excess parking is a significant benefit, providing convenience and adaptability for both residents and visitors.

Policy DS1: General requirements

Quality of Design - The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

7.5. The proposed infill single-storey rear extension will significantly enhance the functionality and aesthetic appeal of the existing building at Holme Hall. By transforming the current irregular footprint into a more streamlined rectangular shape, the extension optimises the internal layout, creating a more cohesive and efficient use of space. This strategic addition is designed to facilitate the conversion of the property into a 6-bedroom House in Multiple Occupation (HMO), providing much-needed additional space for improved amenities. The expanded area will allow for the integration of better communal facilities, such as a larger communal kitchen, additional dining facilities, and a dedicated living area, thereby elevating the overall living standards for future occupants. This development not only addresses the practical requirements of an HMO but also contributes to a more organised and aesthetically pleasing architectural profile for the property.

7.6. The change of a garage door into a window will not only improve the immediate visual impact of the dwelling but also contribute positively to the overall residential character of the area. By replacing a functional, utilitarian garage door with a more visually appealing window, the property will achieve a more cohesive and attractive facade, integrating with the surrounding homes and streetscape.

Policy CS1: Spatial Strategy for North Lincolnshire

The spatial strategy will focus on: a) Delivering an urban renaissance in Scunthorpe and supporting its role as a major subregional town. •

- *Scunthorpe will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire.*

7.7. This proposal seeks to provide single-occupancy residences for single individuals, key workers, and young professionals employed in nearby industrial estates and the High Street.. By providing dedicated housing, the initiative aims to ease strain on the current housing market and ensure that those who contribute to the local economy have access to suitable accommodation. This strategic effort supports the ongoing growth and stability of the area's workforce, fostering a more sustainable and economically vibrant community.

Policy CS2: Delivering more sustainable development

All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles:

- *Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy*
- *Be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network.*

7.8. The proposed development is designed to contribute to the overarching goal of sustainable development within the region. This contribution extends beyond environmental considerations to encompass social and economic sustainability. A core component of this proposal involves the provision of much-needed housing, with a specific focus on accommodating key workers. This commitment to providing homes for essential personnel underscores the project's

dedication to supporting the local community and ensuring the continued functioning of vital services. By addressing the housing needs of key workers, young professionals and single individuals, the proposal aims to foster a more resilient and equitable community, while simultaneously promoting sustainable growth and development.

8. Conclusion

8.1. The proposal utilises the existing access and does not include any new parking spaces, thereby maintaining highway safety and transport accessibility.

8.2. The proposed single-storey rear extension, which fills an existing gap, will not significantly increase the building's size or form when seen from nearby properties, as it aligns with the established building line. Additionally, converting the garage into a study does not require planning permission.

8.3. Given the justifications and reasons above, and the Planning Officer's report to the Committee, it is considered that the proposal accords with national and local policies and guidelines and as such, the appellant respectfully requests that the appeal be allowed and that planning permission be granted.

8.5. For the above reasons, an award for cost is justified and requested.

9. Award of Appeal Cost

9.1. The PPG advises that costs may be awarded against a party who has behaved unreasonably and where this behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The general principle embodied within the PPG is that the parties involved should normally meet their own expenses. Examples of unreasonable behaviour by planning authorities include:

- A failure to produce evidence to substantiate a reason for refusal on appeal;
- The use of vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis;
- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

- Not determining similar cases in a consistent manner, and
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable;

9.2. The main thrust of the applicant's case is that the Planning Committee failed to have proper regard to planning law and the recommendation of the planning officer to approve the application. The Officers' Reports set out the relevant policy context and justify the proposal's conformance with the related policies.

9.3. While it is a fundamental principle of local decision making that a planning committee is not bound to follow the advice of its officers, there is a reasonable expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on refusal to support the decision in all respects. That very clearly did not happen in this instance. No substantial reasons were provided by the Committee in their decision-making to differ from the views offered by the case officer.

9.4. Unfortunately, for reasons that are not at all obvious, Members chose to depart from that very clear and cogent advice. The logic of the approach is difficult to comprehend and clearly amounts to unreasonable behaviour.

9.5. Members are, of course, at liberty to disregard other decisions or recommendations; however, they must provide very careful justification. That did not happen, and it appears that Members simply failed to grapple with the policies related to the application. That failure was further compounded by its failure to explain how the development would result in overdevelopment, significant harm both individually and cumulatively to the established character of the area and road safety.

9.6. The planning proposal does not include an increase in car parking spaces or occupants, thus no increase in traffic movement or parking demand. Furthermore, the existing parking spaces exceed the required number. Therefore, the council's assertions in the reason for refusal are inaccurate and incorrect, overstating and exaggerating the identified harm. They lack evidence or rationale to justify their position against their own adopted planning policies or the NPPF.



9.7. The Council's decision to refuse the application, based solely on objections and without a comprehensive understanding of the proposal, was fundamentally flawed. This refusal has resulted in the appellant incurring significant and unnecessary expenditures of both time and financial resources. A more diligent and thorough; assessment of the application's merits and potential impacts should have been conducted prior to any definitive judgment, thereby avoiding this substantial waste for the appellant.

9.8. An award of costs is justified in this case, as the Committee's assertions regarding the proposal's impact were vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.