

APPLICATION NO PA/2012/0167

APPLICANT Mr & Mrs M Gravil

DEVELOPMENT Planning permission to erect a detached bungalow (resubmission of PA/2010/0938)

LOCATION 57B Station Road, Epworth

PARISH EPWORTH

WARD Axholme Central

CASE OFFICER Graeme Moore

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Epworth Town Council

POLICIES

National Planning Policy Framework: Delivering high quality homes and requiring good design.

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan

Policy DS1 (General Requirements)

Policy H7 (Backland/Tandem Development)

Policy H8 (Housing Design and Housing Mix)

North Lincolnshire Core Strategy

Policy CS1

Policy CS2

Policy CS3

Policy CS5

CONSULTATIONS

Highways: Advise conditions.

Severn Trent Water Ltd: No objections.

TOWN COUNCIL

Object to the proposal on the grounds that the proposed new dwelling would be backland development contrary to policy DS1 of the local plan and the council has no wish to set a precedent on development of this type.

PUBLICITY

Neighbouring properties have been notified. No objections have been received.

ASSESSMENT

Planning permission is sought to erect a large three-bedroom detached bungalow to the rear of 57b Station Road, Epworth. The bungalow measures some 15 metres in width and 11 metres in length. The land upon which it is situated is currently an operational farmyard with two dwellings set either side of it. Number 59a is a barn conversion abutting number 57, to the north-west of the proposed new dwelling, and 57b is another detached bungalow to the east of the proposed new bungalow. The proposal is a re-submission of a previous application (PA/2010/0938) that was refused permission on the grounds that the proposal was backland development and would be out of character with the area, and was subsequently dismissed at appeal.

The main issues to consider in the determination of this application are whether or not the proposed dwelling would be out of character with the area, and if so, whether or not the re-development of the site would be to the benefit of the area as a whole, and whether or not the proposal overcomes the planning inspector's previous reason for refusal regarding access arrangements (copy attached).

Policy H7 (Backland/Tandem Development) is the most relevant policy to the determination of this application. This policy states in paragraph i) that backland and/or tandem development will be permitted provided that there is no adverse effect on the amenities of any residential premises or adjoining use through a) overlooking and loss of privacy and b) loss of amenity area to the adjoining dwellings, and it would not affect the general quality and character of the area in which it is located by unacceptably increasing the density of development in that area.

The town council considers that the proposed development of a detached bungalow in this location in Epworth would be detrimental to the character of the area. Epworth is a settlement that is not characterised by this sort of development, with its historical development pattern. This area of Epworth is characterised by ribbon-style development with dwellings fronting Station Road/West End Road, thus giving the street a strong street scene.

Policy H8 (Housing Design and Housing Mix) requires new residential development to respect and reflect the form, scale, massing, design and detailing of the local environment; have a high standard of design and layout; protect existing natural and built features that contribute to the amenity of the area; prioritise the needs of pedestrian movement taking into account safety, health and the security of residents; and provide residents with a sense of identity and an appropriate mix of dwelling size and types.

The recent appeal inspector, whilst agreeing that the proposal would be out of character with the area, determined that, as the current site is untidy and unsightly (it is a functioning

farmyard), the redevelopment of the site would improve the appearance of the street scene, and in her mind would not materially affect the aims of local plan policies DS1, H5(c) (which is now superseded by the Core Strategy) or H8.

The inspector's only reason for dismissing the appeal was concerns about the access arrangements to the farmland to the rear of the housing, particularly as it suggested that agricultural machinery would need to be taken between the domestic properties of 57A and 57B (see paragraph 12 of the inspector's decision).

With their resubmission the applicants have sought to overcome the inspector's concerns by confirming:

- the land immediately behind the proposed bungalow at 1¼ acres is less than was previously shown and will be used as grazing land associated with the new bungalow
- the agricultural machinery that currently uses the yard will be removed and operate from elsewhere
- the land to the rear of 57A is less than previously shown and likely will continue to be managed as currently requiring little more machinery than a ride-on mower
- access to other agricultural land is not required from this site.

In these circumstances it is unlikely that the amenities of the occupiers of any of the current dwellings will be adversely affected by any changes in servicing arrangements as a result of this development. Whilst visibility is restricted at the access point, particularly with regard to pedestrians, the removal of a potentially active farmyard is seen as positive.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: G/01/01/018/10.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The dwelling shall not be occupied until the sewage disposal/drainage works to serve it have been completed in accordance with the submitted plans.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

4.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

Prior to the occupation of the bungalow hereby approved, the land to the south of the application site, shown edged green on the submitted plans, shall cease to be utilised for the storage of agricultural equipment and machinery.

Reason

To stop agricultural vehicles using the access, in order to protect the amenity of the nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policies DS1, H7 and H8 of the North Lincolnshire Local Plan and policies CS1, CS2 and CS3 of the North Lincolnshire Core Strategy.



Appeal Decision

Site visit made on 10 March 2011

by **E Norma Farish BA DipTP MRTPI**

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

Decision date: 10 May 2011

Appeal Ref: APP/Y2003/A/10/2141712

Land adjoining 57B Station Road, Epworth, Doncaster, North Lincolnshire DN9 1JY

- 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 and Mrs M Gravil against the decision of North Lincolnshire Council.
 - The application Ref PA/2010/0938, dated 16 August 2010, was refused by notice dated 4 October 2010.
 - The development proposed is erection of detached bungalow.
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Applications for Costs

1. Applications for costs were made by Mr and Mrs Gravil against North Lincolnshire Council and by the Council against Mr and Mrs Gravil. These applications are the subjects of separate decisions.

Decision

2. I dismiss the appeal.

Main Issues

3. The principal issues in this case are the impact of the proposed development on the character and amenity of the streetscene and the living conditions of adjoining properties and of overlooking from neighbouring premises on the residential environment of the proposed dwelling.

Reasons

4. The appeal site is on the western fringe of the village of Epworth but within the defined development boundary. It lies behind an existing house, No.57 Station Road. As I saw when I made my visit, the site is part of a larger parcel of land in the appellants' ownership that includes a modern bungalow, No.57B Station Road, which they currently occupy, and a field to the rear. The bungalow stands in its own garden, which is well-screened from the west, and fronts northward on to and takes access directly from Station Road. Access to the field is through the appeal site. The site is a farmyard used by Mr Gravil in
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connection with his farmland elsewhere and his agricultural contracting business. He proposes to retire, pass on his farmland to his son to be amalgamated with his son's separate holding, and cease the present activities here. The site includes various buildings in relatively poor condition and some untidy open storage, and has an agricultural access from Station Road past the front of the former farmhouse, now in separate ownership, No.57 Station Road.

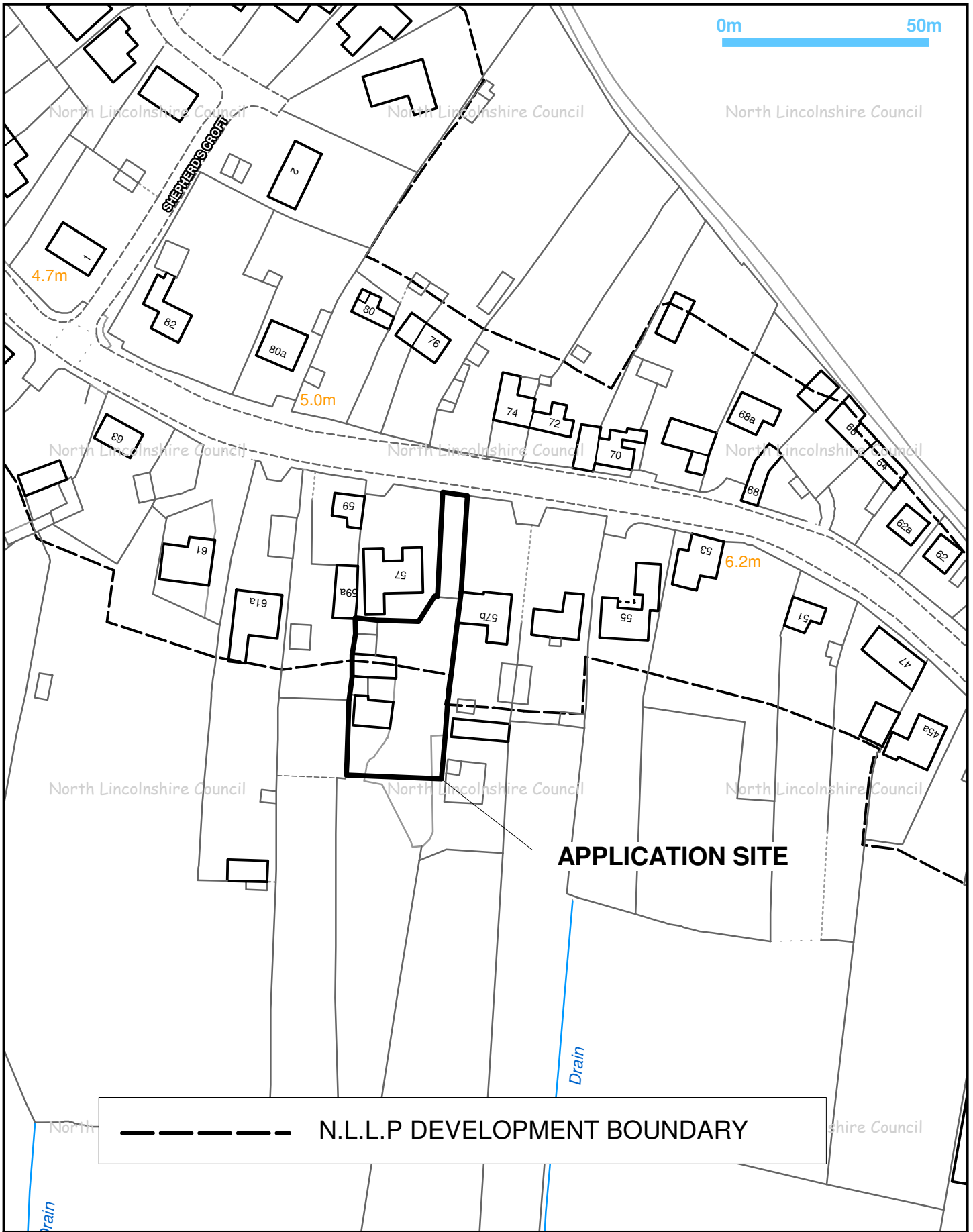
5. The appeal scheme involves the removal of all existing buildings on the site and the erection of a three-bedroom bungalow with principal aspects to the east towards the rear garden of No.57B and to the south towards open countryside. The proposed development would utilise the present access.
6. Saved policy H5 of the North Lincolnshire Local Plan 2003 deals with new housing development and its criteria for permission include location within urban areas or principal or medium growth settlements (which accords with national policy guidance in Planning Policy Statements 7 and 3), provision of adequate and safe access, and no unreasonably adverse impact on or from existing dwellings nearby. Saved local plan policy H7 requires that backland and tandem development should not adversely affect any residential premises or adjoining use. Saved policy H8 additionally seeks a high standard of housing design and layout which at least maintains the character of the area. The above are echoed by saved local plan policy DS1 which also, amongst other things, adds a requirement for landscaping where appropriate to enhance new development.
7. Residential development straggles westward from the main built up area of Epworth for some distance along Station Road. It exhibits a variety of ages, sizes and styles of dwelling and lacks a discernible building line. That being said, although the distance from the road frontage varies, there appears, with one or two exceptions the history of which I am unaware, to be no residential development in depth or backland development except where conversions have been permitted.
8. The erection of a new dwelling directly behind an existing one would thus be out of character with the locality. However, the appeal site currently is untidy and unsightly; a single storey dwelling in the position proposed would not be prominent to view from the public realm and the clearance and landscaping of the adjoining land coupled with use of appropriate external materials for the new building would enhance the appearance of the streetscene. This to my mind would outweigh the effect of the scheme on the character of the area and so the proposal would not conflict materially with the aims of local plan policies DS1, H5(c) or H8.
9. The appeal site is backland; other than its vehicular access it has no road frontage. Tandem development as defined in the local plan para.4.42 consists of one house immediately behind another and sharing the same narrow access. The proposed bungalow would not share an access with the existing house in front. Even so, development in the position proposed would be comparable to tandem development in that it could raise some of the same problems with regard to residential amenity.

10. No.57 Station Road has its front elevation and principal aspect not towards the public highway but facing eastward on to the access drive to the appeal site. Moreover, although the boundaries of No.57 are marked for the most part by a brick wall approximately 2m high, the section of wall in front of the house and adjoining that access drive is no more than 1m in height. The front main wall and several habitable room windows to No.57 are barely 3m from the eastern boundary and so all traffic, pedestrian and vehicular, to and from the appeal site must pass close to those windows, with potential adverse impact on the living conditions of the occupiers of No.57 from general disturbance, noise and intrusion on privacy.
11. However, the traffic movements generated by a single dwelling are unlikely to be greater than those generated by the present use or some other non-residential activity that might occupy the site when Mr Grivil retires, and so there would be no worsening of the present situation for the residents of No.57. The same is true for No.57B, the gable wall of which abuts the access drive. Similarly, I do not anticipate that external domestic activities associated with an additional dwelling close to the rear amenity areas of Nos.57 and 57B would cause more noise and disturbance than the coming and going of agricultural machinery and the operation of a functioning farmyard. I am satisfied, therefore, that a bungalow on this site would not be significantly harmful to the residential environment of the adjoining dwellings.
12. That being said, the proposed development of the appeal site would sever access to the field behind, leaving that land with no means of access other than via the drive and garden of No.57B. The appellants' intention is to occupy the proposed dwelling and convey the field to the future owner of No.57B, leaving its use uncertain. The drive to No.57B parallels and abuts the drive to an adjoining bungalow with no fence or other intervening boundary treatment, and passes between these two dwellings to terminate at twin garages erected as a single detached building behind the line of the rear main walls of the bungalows. The two dwellings are no more than 6m apart with windows in the facing flank walls. Use of that drive for access to the field for animals or equipment would cause disturbance and inconvenience to the occupiers of both No.57B and the neighbouring bungalow to the material detriment of the living conditions of both. For this reason, and notwithstanding the comments in paragraph 11 above, I consider that the development proposed would be contrary to the provisions of local plan policies H5(j), H7(i) and DS1(iii).
13. On my final issue, No.57 has four upper floor windows on the south elevation which overlook the appeal site at roughly 7m from the boundary. Two of these, however, serve a bathroom and a third is a small secondary window to a bedroom the main outlook of which is to the east. The only north-facing windows to the proposed bungalow would be an obscure-glazed window to a shower-room some 10m from the site boundary and a small secondary window to the lounge, more than 15m away. Since the area between the new dwelling and the northern site boundary is to be for parking and turning, and bearing in mind also the 2m-high boundary wall, I am not persuaded that overlooking from No.57 would cause any material reduction of privacy or other adverse impact on the residential enjoyment of occupiers of the appeal development. There would thus be no conflict with local plan policy H5(l).

14. Nonetheless, for the reason given in paragraph 12 I have come to the conclusion on balance that the planning permission sought should not be granted. The parties between them have referred to several recent appeals on other sites in Epworth which they argue throw light on the issues in this case. However, the circumstances of each are different and they do not lead me to alter my view of this appeal. I have considered carefully all other points raised in the representations received but have found nothing that outweighs the matters which have led me to my decision. The appeal fails.

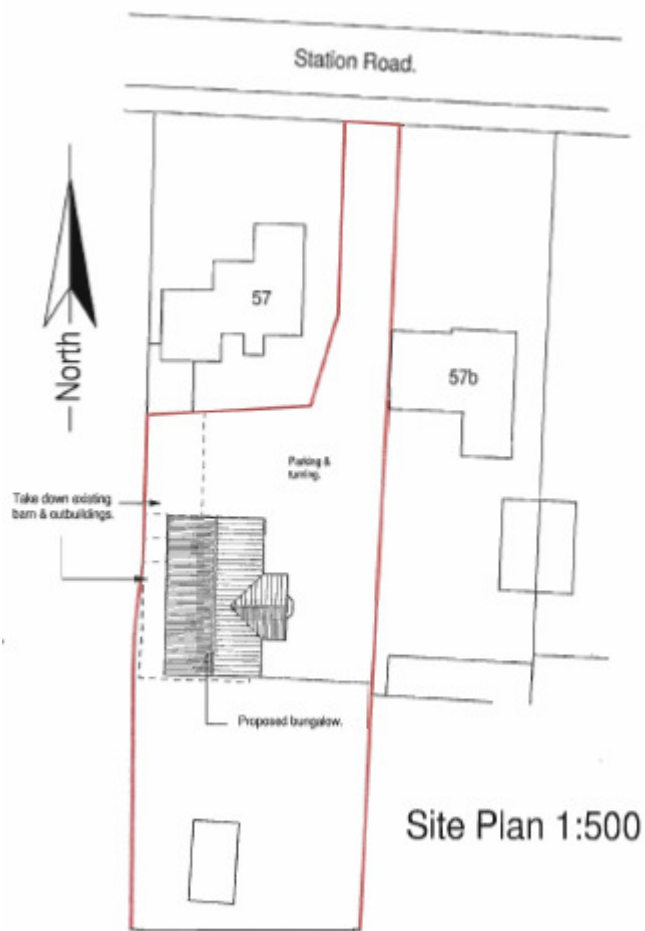
E Norma Farish

INSPECTOR



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PA/2012/0167 – PROPOSED LAYOUT

NOT TO SCALE