



## Appeal Decision

Site Visit made on 24 June 2021

**by A Caines BSc(Hons) MSc TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 July 2021**

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**Appeal Ref: APP/N2535/W/21/3271245**

**Yew Cottage, 11 Cissplatt Lane, Keelby, Grimsby DN41 8HU**

- 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 J Wingfield against the decision of West Lindsey District Council.
  - The application Ref 142086, dated 30 November 2020, was refused by notice dated 26 January 2021.
  - The development proposed is 1no. detached dwelling and garage, including demolition of outbuildings to form new access.
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### Decision

1. The appeal is allowed and planning permission is granted for 1no. detached dwelling and garage, including demolition of outbuildings to form new access, at Yew Cottage, 11 Cissplatt Lane, Keelby, Grimsby DN41 8HU, in accordance with the terms of the application Ref 142086, dated 30 November 2020, subject to the conditions set out in the schedule to this Decision.

### Procedural Matters

2. There was a request to undertake a site visit from a neighbouring property. However, I was able to sufficiently observe the relationship between the site and neighbouring properties from the site itself, and in conjunction with the submitted plans, make a decision under the appeal on this basis.

### Main Issues

3. The main issues are the effect of the development on the character and appearance of the area; and upon the living conditions of the occupiers of 59 and 61 Yarborough Road, with particular regard to privacy.

### Reasons

#### *Character and appearance*

4. Keelby is a 'Large Village' which under Policy LP2 of the Central Lincolnshire Local Plan 2017 (LP), will be a focus for accommodating an appropriate level of growth, including through appropriate intensification within the existing developed footprint. Policies LP17 and LP26 stipulate, amongst other things, that all development proposals must be well designed, make effective use of land, and take into consideration the character and local distinctiveness of the area.
5. The Council's officer report describes Cissplatt Lane as comprising a linear form of development. However, I observed this is only the case at the end of

Cissplatt Lane, where properties have shorter rear gardens backed by open countryside. In contrast, the appeal site is surrounded on all sides by gardens and therefore sits firmly within the nucleus of the village. The character of houses along Cissplatt Lane is varied with a mix of traditional cottages and modern detached and semi-detached properties. Differences in architectural style, form, building lines, and depths are evident on both sides of the street.

6. The proposed development would introduce a detached dwelling and garage into the rear garden of the appeal property. Although this form of backland development is not currently found on the western side of Cissplatt Lane, it does exist on the opposite side of the street. Regardless of how those developments came about, they are visible within the street scene and therefore influence the character and appearance of the area.
7. The existing garden measures in excess of 100 metres (m) in length, the majority of which is underutilised rough grassland. Yew Cottage would maintain a garden of over 30m in length and the distance between the proposed dwelling and Yew Cottage would be over 50m. As such, the resultant plot sizes for the proposed dwelling and Yew Cottage would be in proportion to the size of their dwellings, and would suitably maintain the spacious, low-density character of the surrounding area whilst making effective use of this underutilised site.
8. Given the position and scale of Yew Cottage, neighbouring properties, and the existence of mature boundary vegetation, the proposed dwelling would not be prominent or conspicuous when viewed from Cissplatt Lane. Furthermore, I am satisfied that the proposed materials, height and overall design would complement surrounding dwellings.
9. Reference has been made to a recent refusal of planning permission on adjacent land (LPA ref: 141527). However, I have not been provided with any details of that scheme. Moreover, I am not bound by the previous decisions of the Council and have determined this appeal on its own merits.
10. For all these reasons, I conclude that the development would not cause harm to the character nor appearance of the area. As such, the proposal complies with LP Policies LP2, LP17 and LP26 in these regards. The proposal also complies with the good design aims of paragraph 127 of the National Planning Policy Framework (the Framework).

#### *Living conditions*

11. The Council has raised concerns in relation to overlooking of the garden spaces of 59 and 61 Yarborough Road from the first floor bedroom windows in the rear offshoot of the proposed dwelling. However, 59 and 61 Yarborough Road have long rear gardens in excess of 100m. The windows in question would be located a further 14m from the plot boundary. Moreover, there are mature trees and other vegetation, both along the boundary and within the neighbouring gardens, that would limit the potential for overlooking. I find that, in combination, these factors are sufficient to ensure that the privacy of the occupiers of 59 and 61 Yarborough Road would be adequately safeguarded.
12. I therefore conclude that the living conditions of the occupiers of 59 and 61 Yarborough Road would not be unacceptably harmed, with particular regard to privacy. As such, the proposal complies with the 'amenity considerations' of

LP Policy LP26. It also complies with paragraph 127 of the Framework in this regard.

### **Other Matters**

13. I have noted the variety of other issues raised by the Parish Council and interested parties that have not already been encapsulated above. This includes concerns over noise, highway safety and effects on wildlife. These matters were before the Council when it determined the appeal planning application and did not feature in the reasons for refusal. Nor were there any objections raised from consultees on these matters. Based on the evidence before me, I have no reason to disagree with the Council in this regard.
14. I have also noted comments in respect of shared access and damage to party boundaries, but those are private matters between the respective landowners and cannot be addressed through the planning application.
15. Consequently, whilst I acknowledge the genuine concerns of the interested parties, none of the other issues raised alter or outweigh my findings on the main issues.

### **Conditions**

16. I have considered the conditions suggested by the Council in light of the Framework and the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. Where necessary, I have amended the wording to ensure clarity and precision, and I have imposed only those conditions which meet the relevant tests. The appellant has given written agreement to the use of any pre-commencement conditions.
17. A condition defining the approved plans is necessary to provide certainty. Conditions concerning hard and soft landscaping, and enclosures are necessary to ensure a satisfactory appearance of the development. However, I have not included the requirement for an acoustic fence along the driveway as it is not necessary to achieve a satisfactory living environment for neighbouring occupiers given the small scale of the development. In addition, I have not imposed a condition requiring details of the external materials to be used as appropriate materials are specified in the application.
18. The appeal site is located in an area that is recognised as being of archaeological importance. It is therefore necessary to include a condition requiring a scheme of archaeological investigation prior to ground work commencing to ensure appropriate investigation and recording of any archaeology uncovered.
19. A condition to secure the implementation of the approved access and car parking details is necessary to ensure appropriate off-street parking provision to serve the development. The approval and implementation of a foul and surface water drainage scheme are necessary to ensure the satisfactory drainage of the site. Details of ecological enhancements are necessary to achieve net gain in biodiversity.

## **Conclusion**

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be allowed.

*A Caines*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RD:4543-02; RD:4544-03A; RD:4544-04A; RD:4544-05A; RD:4544-06.
- 3) No groundwork shall commence on site until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
  - i. the programme and methodology of site investigation and recording;
  - ii. the provision to be made for analysis of the site investigation and recording;
  - iii. the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - iv. the provision to be made for archive deposition of the analysis and records of the site investigation;
  - v. the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;
  - vi. The provision to be made for notifying the local planning authority in advance of commencement of the site investigation.

Thereafter, the archaeological site work and archive deposition shall be undertaken in accordance with these approved details.

- 4) Before any below ground work commences, details of the proposed means of foul and surface water drainage, including any necessary soakaway/percolation tests, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied prior to completion of the approved drainage works.
- 5) Notwithstanding the details shown on the approved plans, no above ground construction works shall take place until details of all proposed hard and soft landscape works, including details of retained and new boundary treatments, hard surfaces, and landscape planting have been submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details before the end of the first planting season either following the first occupation of the dwelling or the substantial

completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial 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 to those originally planted.

- 6) The dwelling hereby permitted shall not be occupied until ecological enhancements, including the provision of bat and bird boxes within the site, have been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. The ecological enhancements shall be retained thereafter.
- 7) The dwelling hereby permitted shall not be occupied until the areas shown on the approved plans for access, parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans and, thereafter, such areas shall be kept available at all times for those purposes.

End of Schedule