

APPLICATION NO	PA/2023/67
APPLICANT	Mr Christopher Dove
DEVELOPMENT	Planning permission to erect a front boundary wall and gate pillars
LOCATION	47A Top Road, Worlaby
PARISH	Worlaby
WARD	Brigg and Wolds
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Carl Sherwood – significant public interest)

POLICIES

National Planning Policy Framework:

Part 12: Achieving well-designed places

North Lincolnshire Local Plan:

T2: Access to Development

DS1: General Requirements

DS5: Residential Extensions

North Lincolnshire Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering More Sustainable Development

CS5: Delivering Quality Design in North Lincolnshire

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

DQE1: Protection of Landscape, Townscape and Views

Worlaby Parish Neighbourhood Plan 2016-2038:

Policy WNP2: Small Scale Housing Sites

Policy WNP4: Design

CONSULTATIONS

Highways: The wall pillars are in excess of 1.8m tall, the wall being 1.4m from the kerb edge. It is recommended the application be refused on highway safety grounds (restricted visibility) with the original maximum height of 1.05m for a distance of 2m from the highway boundary recommended.

LLFA Drainage: No comments or objections.

PARISH COUNCIL

Strongly opposes the development on grounds of breaching conditions on the original planning application, not in keeping with the character of the surroundings and significant harm to the appearance of the street scene, and whether this complies with the Worlaby Parish Neighbourhood Plan 2016–2038. There is also a threat to highway safety.

PUBLICITY

Advertised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015. One comment has been received objecting to the application as it is contrary to policies WNP2 and WNP4 of the Worlaby Parish Neighbourhood Plan. It would impact the character of the area as Top Road is dominated by frontage comprising hedges, wooden fences and brick walls less than 1.1m in height, which provide a strong sense of connection, encourages social contact, and contributes to the strength of the community; this development would be contrary to this character.

ASSESSMENT

Planning history

PA/2017/576: Planning permission to erect a dwelling – approved 10/07/2017

PA/2019/817: Planning permission to install a dropped kerb – approved 30/08/2019

PA/2020/77: Planning permission to erect a dwelling (resubmission of PA/2017/576 granted on 10/07/2017) – approved 16/04/2020

PA/2021/477: Planning permission to vary condition 2 of PA/2020/77, namely to amend house type – approved 16/04/2021.

Retrospective planning permission is sought to retain an existing front boundary wall and gate pillars. The site was granted planning permission for a detached dwelling under PA/2020/77 and the house type subsequently varied under PA/2021/477; the house has now been built and is occupied. The wall has been built in the same brickwork as the new dwelling to the following dimensions: the lower front wall is 1150mm high, with the pillars and higher side wall 1750mm, plus the ball finials at either end of the boundary wall.

Permission was granted under PA/2021/477 for an open driveway for access and egress with no built boundary treatment. A condition was attached to that permission to prevent anything being erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage. The wall was not part of this original plan and as such has been built without planning permission. This retrospective application seeks to regularise the currently unlawful development.

The main issues in the determination of this application are impact on the character and appearance of the area, and impact on highway safety.

Impact on the character of the area

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Policies WNP2 and WNP4 of the Worlaby Parish Neighbourhood Plan require the boundary treatment to be in keeping with the character of its surroundings, reinforcing the local character and distinctiveness of existing housing.

Planning permission is sought retrospectively for the wall along the front boundary of the property, which has been built to match the brickwork of the new dwelling, the dimensions of the lower front wall being 1150mm high, and the pillars and higher side wall being 1750mm plus the ball finials which are on the pillars at either end of the wall.

There is a mix of boundary treatment along Top Road, including hedges, fences and walls of varying heights, the majority of built front boundary treatments just over 1m high. The immediate vicinity of the site is characterised predominantly by hedging and low, open timber fencing which results in an open and rural aesthetic when travelling along the road and makes a significant contribution to the character and appearance of this rural settlement. The wall is significantly higher compared to other walls and fences in the vicinity and has a much more hard and imposing appearance due to its scale and materials, which contrast with the soft, rural character of the area.

In considering this development against policy DS5 of the North Lincolnshire Local Plan, and policies WNP2 and WNP4 of the Worlaby Parish Neighbourhood Plan, the wall is not sympathetic to the existing character of the surrounding area and would have a detrimental impact in terms of both the character and appearance of the area. This concern is also expressed in objections received from Worlaby Parish Council and a member of the public.

Highway safety

Policy T2 of the North Lincolnshire Local Plan requires all developments to be provided with a satisfactory access. Paragraph 111 of the NPPF also confirms that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Attached to planning permission PA/2021/477 was a condition recommended by the council's highways team stipulating that nothing shall be erected, retained, planted or

allowed to grow over 1.05m in height above the level of the adjoining carriageway for a distance of 2m from the highway boundary across the site frontage. This condition was imposed to protect highway safety and in particular to allow adequate visibility of both pedestrians and vehicles when entering and leaving the site.

The highways team has been consulted on this application and recommends refusal on highway safety grounds, the wall pillars being in excess of 1.8m and the wall being set only 1.4m away from the kerb edge, which restricts visibility and poses a danger to highway users. They have commented that the wall is a similar height to the mature hedge on the adjoining property, however this is a historic situation, and the hedge could be cut back in the event of any visibility issues. The hedge on the neighbour's property is set away from the driveway of the applicant property and does not affect visibility from the application site, whereas the proposed wall does have a detrimental impact upon visibility when leaving the site.

The wall is sited on the inside of a bend, opposite a junction, and has the potential to impact visibility along Top Road, particularly when leaving the property, the height of the wall blocking views along the road and of any pedestrians using the footpath.

Conclusion

In conclusion, the proposed wall is not in keeping with the character of the area, and is considered to be contrary to policy CS5 of the adopted core strategy, policies DS1 and DS5 of the North Lincolnshire Local Plan and policies WNP2 and WNP4 of the Worlaby Parish Neighbourhood Plan.

The highways team has also recommended refusal on grounds of highway safety due to restricted visibility, the wall being on the inside of a bend, opposite a junction and of a height and design that would obscure views when leaving the site. Planning permission PA/2021/477 included an open driveway with a condition being attached advising a maximum height of 1.05m of anything erected or planted within 2m of the highway boundary; the built wall was not part of that application and directly conflicts with this condition. Considering this, the application does not comply with policy T2 of the North Lincolnshire Local Plan.

Considering this information, it is recommended that the retrospective application is refused due to the impact on the character and appearance of the area, and impact on highway safety.

Considering this information, it is recommended that the retrospective application is refused due to the impact on the character and appearance of the area, and impact on highway safety.

RECOMMENDATION Refuse permission for the following reasons:

1.

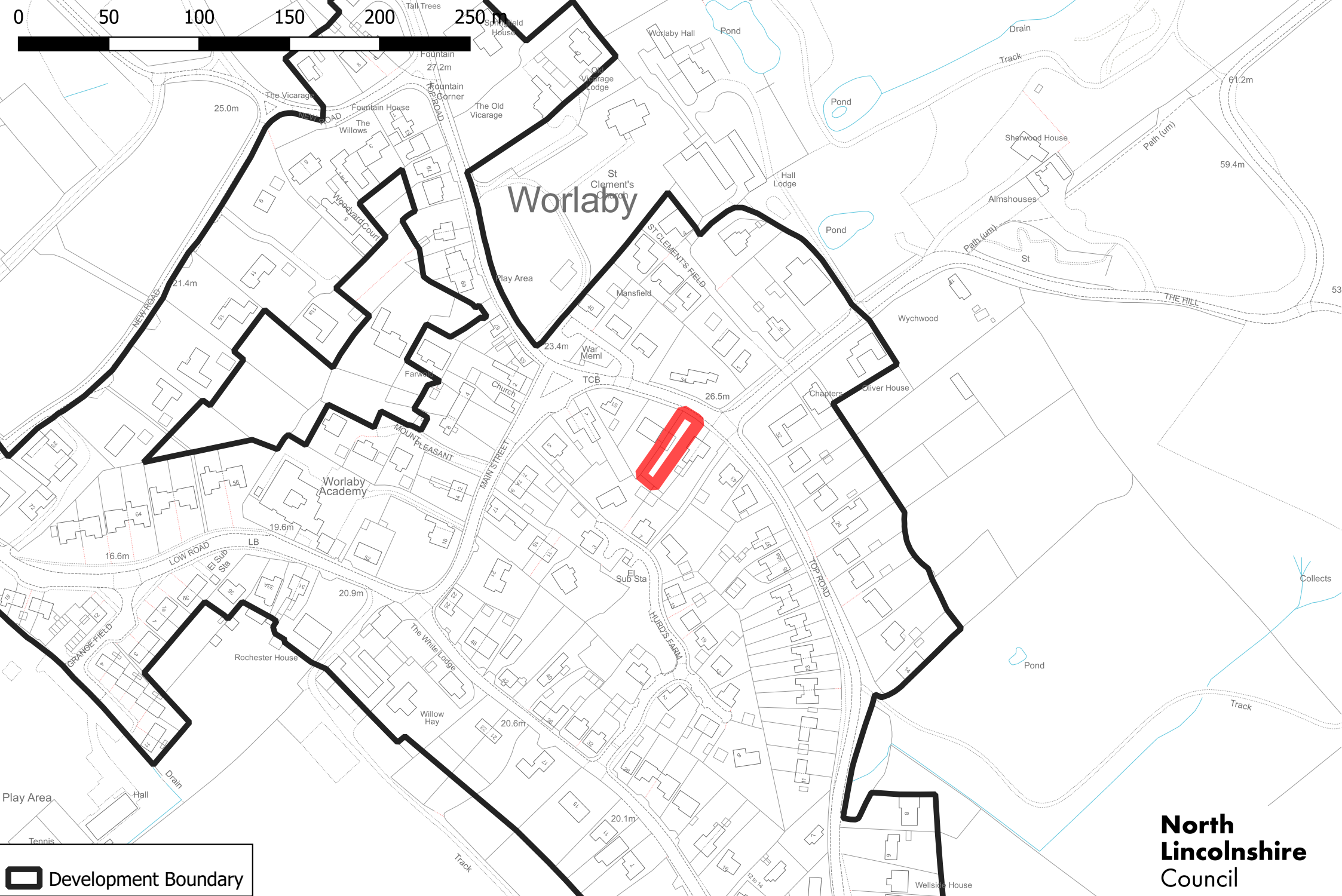
The proposed wall and brick pillars, by virtue of their height, location and materials, are considered to form a harsh and visually prominent form of boundary treatment which is out of keeping with the character and appearance of the street scene, exacerbated by their position adjacent to the public highway. Accordingly, the proposal is considered contrary to policies DS1 and DS5 of the North Lincolnshire Local Plan, CS5 of the adopted Core Strategy, and policies WNP2 and WNP4 of the Worlaby Parish Neighbourhood Plan.

2.

The proposed boundary wall and pillars, by virtue of their height and position to the front of the dwelling and adjacent to the public highway, are considered to be detrimental to highway and pedestrian safety by reducing visibility, exacerbated by the position of the site on a bend in the public highway and its proximity to the junction of Top Road and The Hill. Accordingly, the proposed development is considered contrary to policy T2 of the North Lincolnshire Local Plan and paragraph 111 of the NPPF.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



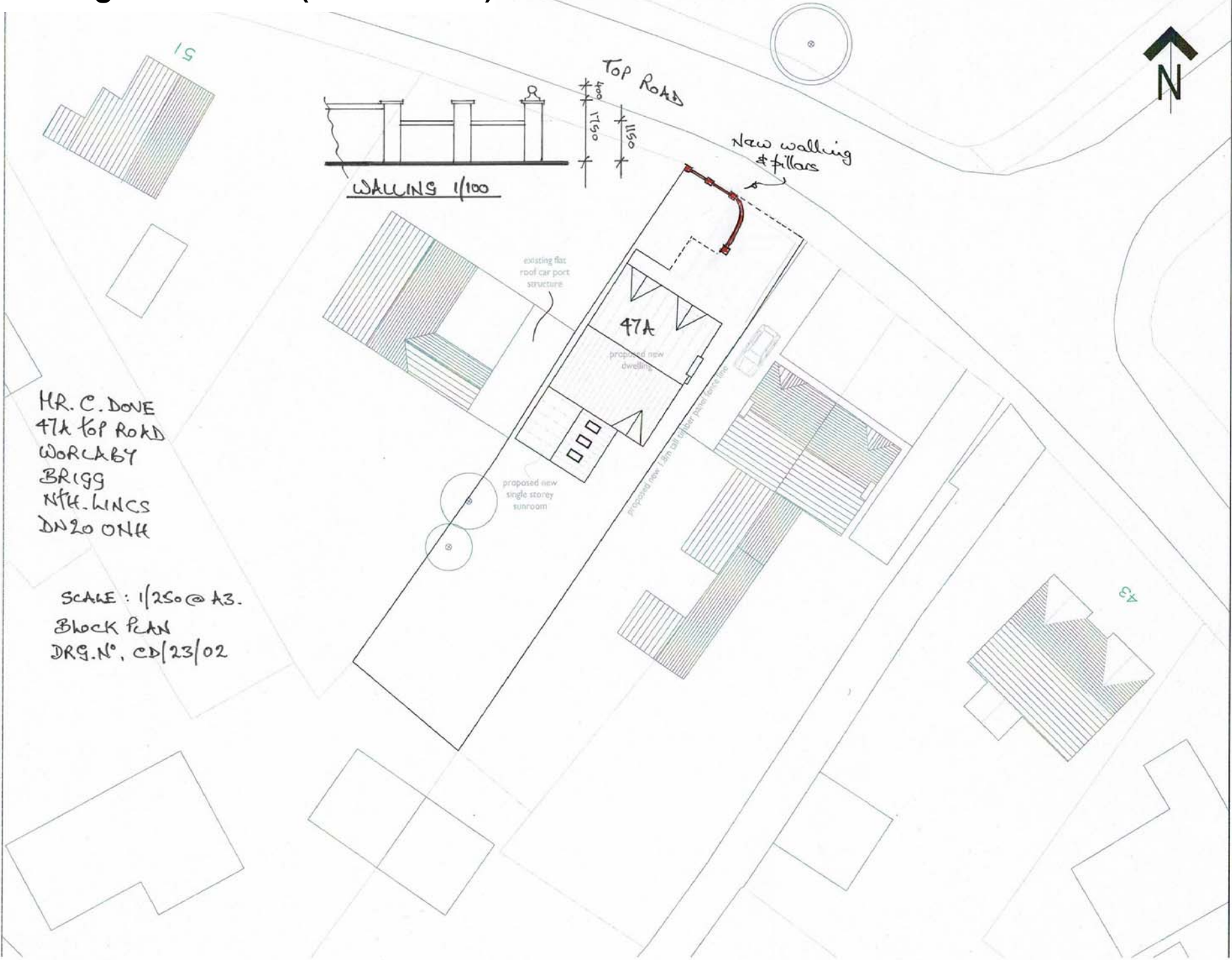
 Development Boundary

PA/2023/67

**North
Lincolnshire
Council**

© Crown copyright and database rights 2023. Ordnance Survey AC0000819831

PA/2023/67 Siting & elevation (not to scale)



MR. C. DOME
47A TOP ROAD
WORCABY
BRIGG
NTH. Lincs
DN20 0NH

SCALE : 1/250 @ A3.
Block PLAN
DRG. N°, CD/23/02



PA/2023/67 Photograph of wall in situ