



Appeal Decision

Hearing held on 1 June 2006

Site visit made on 1 June 2006

by **Martin Whitehead** LLB BSc(Hons) CEng MICE

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Date

23 JUN 2006

Appeal Ref: APP/G2815/A/05/1176728

Land to the rear of 28 Wymington Road, Rushden, Northamptonshire, NN10 9JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs L Pentelow against the decision of East Northamptonshire Council.
- The application Ref EN/04/02255/OUT, dated 28 October 2004, was refused by notice dated 16 December 2004.
- The development proposed is one house and garage.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. Although a plan submitted with the application provides details of the siting of the buildings, the application is in outline form with all matters of detail, except means of access, reserved for later determination. Therefore, I have determined this appeal on the basis of the siting of the buildings being for illustrative purposes only.

Main Issue

2. At the hearing, the Council confirmed that it no longer wishes to pursue its first reason for refusal, which is based on housing land supply. In the light of the revised figures for housing provision in the District given in the Milton Keynes and South Midlands Sub-Regional Strategy, I am satisfied that this reason no longer carries sufficient weight to justify refusal of planning permission on that basis. Consequently, I consider that the main issue is the effect of the proposal on the character and appearance of the surrounding area.

Planning Policy

3. The development plan includes the East Northamptonshire District Local Plan, 1996. Of the policies referred to by the Council, I consider that Policy GEN2 is most relevant to this appeal. It establishes 12 criteria for considering new development. Criterion (I) seeks to ensure that the development is compatible with the character of the area.

Reasons

4. The appeal site consists of part of the generous mature gardens of the detached house at 28 Wymington Road. It is separated from the dwelling at No 30 by an accessway to a park and an accessway to an area of open grassland at the rear of some of the houses. No 28 forms part of a row of houses of varied design that are set back from Wymington Road behind

generally well planted frontages. I consider that these features give the surrounding area a green and spacious residential character and appearance.

5. Although the siting of the house is reserved for later determination, it would have to be behind the line of dwellings that front Wymington Road, and I accept that the house would be visible from that road and the public accessway to the park. However, I consider that the appeal site is large enough to ensure that the house could be sited so that much of the existing planting could be retained and new planting could be provided. I am satisfied that this would screen it sufficiently to prevent it from being significantly more prominent in views from those locations than some of the houses in South Park.
6. I consider that, as the house at No 28 is sited at the side of the plot, the proposed house would have a similar width of frontage as some of the other dwellings along Wymington Road, particularly those at Nos 64 and 66. I am satisfied that the house could be sited to ensure that it would not appear out of place with the pattern of residential development in the area, which in my opinion is informed by the siting of the houses in South Park and the varied set back of the dwellings fronting Wymington Road. Therefore, taking the above into account, I am not convinced that the house would be out of keeping with the green and spacious character of the area. Furthermore, the Council confirmed at the hearing that there are no development plan policies that prevent in principle new dwellings from being situated in a garden behind an existing dwelling.
7. At the hearing, the Council suggested that, by allowing this appeal, it would make it more difficult for it to resist other similar development in the area that would result in harm to the character of the area. However, I have not been provided with any specific locations for other development, and each case should be determined on its own individual planning merits in the light of prevailing policies and guidance.
8. I conclude that the proposal would not have an adverse effect on the character and appearance of the surrounding area. Also, it would accord with Local Plan Policy GEN2.

Other Matters

9. With regard to the concerns expressed by local residents, I consider that the traffic that would be generated by the proposed house would be insufficient to cause any significant problems with regard to highway safety. Also, taking account of the size and location of the site in relation to neighbouring dwellings, I am satisfied that a house could be designed and sited so that there would not be any unacceptable loss of privacy to the neighbours.

Conditions

10. I have considered the 6 conditions suggested by the Council should the appeal succeed, and have included those regarding approval of reserved matters and the timescales for approval and commencement of works. I am satisfied that a condition to secure an acceptable means of vehicular access and to ensure the provision of adequate visibility splays is reasonable and necessary in the interests of highway safety. I have worded these conditions to reflect the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.
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Formal Decision

12. I allow the appeal, and grant outline planning permission for one house and garage on land to the rear of 28 Wymington Road, Rushden, Northamptonshire, NN10 9JX in accordance with the terms of the application, Ref EN/04/02255/OUT, dated 28 October 2004, and the plans submitted therewith, subject to the following conditions:

- 1) Details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The house hereby permitted shall not be occupied until a means of vehicular access has been constructed in accordance with Drawing No LSK 1121/04 and details that shall be submitted to and approved in writing by the local planning authority. These details shall include pedestrian visibility splays of at least 2 metres x 2 metres on either side of the vehicular access, taken from and along the highway boundary. No structure or erection exceeding 0.6 metres in height above the level of the adjacent carriageway shall be placed within the visibility splays. The means of vehicular access shall be hard surfaced and have a gradient not exceeding 1 in 15 for a distance of 5 metres from the highway boundary.



INSPECTOR

Appeal Decision APP/G2815/A/05/1176728

APPEARANCES

FOR THE APPELLANT:

Mr A J Morrow BA MRTPI	Phillips Planning Services Ltd, Kingsbrook House, 7 Kingsway, Bedford, MK42 9BA.
Mr L R Pentelow	Appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Ms H Shaw BSc	East Northamptonshire Council.
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DOCUMENTS SUBMITTED AT THE HEARING

Document 1	List of persons present at the hearing.
Document 2	Council's letter of notification and list of those notified, submitted by the Council.
Document 3	Copy of appeal decision letter ref APP/G2815/A/05/1171904 and APP/G2815/A/05/1172124, submitted by the Appellants.