

## **Planning Appeal Decision Letters**

**(a) 5 North Street, Mears Ashby, NN6 0DW**

**(b) 15 Broad Green, Wellingborough, NN8 4LN**



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# Appeal Decision

Site visit made on 13 June 2022

**by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI**

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

**Decision date: 1 July 2022**

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**Appeal Ref: APP/M2840/D/22/3296696**  
**5 North Street, Mears Ashby NN6 0DW**

- 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 Ms Walton against the decision of North Northamptonshire Council.
  - The application Ref NW/22/00003/FUL, dated 4 January 2022, was refused by notice dated 4 February 2022.
  - The development proposed is proposed annexe.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. I consider that the main issues are the effect of the proposed annexe on (1) the character and appearance of the area; and (2) the living conditions of the occupiers of Nos 1 and 3 North Street.

## Reasons

### *Character and Appearance*

3. The appeal site is a semi-detached house located close to a bend in the road. It has a detached garage to the side and the proposed annexe would be added to the end of this. The rear garden including the area behind the garage is not visible from the road although should the garage be extended as proposed the annexe would be partly visible. The rear garden of Nos 1 and 3 North Street back onto the side boundary of No 5 and so the proposal would be visible from these properties. No 4 Nursery Court adjoins the rear garden of the appeal site, so the extension would be visible from this property also.
4. Core Strategy<sup>1</sup> Policy 8 sets out design principles for new development and subsections d) i. and ii. indicate that development should create a distinctive local character by responding to the site's immediate and wider context and local character and respond positively to the overall form and character of the landscape setting of the settlement, amongst other things. This is reflected in

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<sup>1</sup> North Northamptonshire Joint Core Strategy 2011-2031, Adopted July 2016.

the National Planning Policy Framework<sup>2</sup>. The Council's SPG provides guidance for good design for residential extensions<sup>3</sup>.

5. The existing garage is flat roofed with parapet walls to its sides. The annexe would have a flat roof. Other than the garage, boundary walls demarcate the rear and side boundaries of No 5 with its neighbours. There was no wall and fence between the garden of Nos 5 and 7 at the time of my site visit. I consider that the loss of part of the garden for the annexe would leave sufficient amenity space for this property and although it would result in a substantial building along most of the side boundary, it would not be of a scale or prominence that would have an adverse impact on the existing house nor the character or appearance of the wider area.
6. I note that the SPG generally discourages the formation of granny annexes as a detached outbuilding. This proposal is not described specifically as a 'granny' annexe but it is described as an annexe and it would provide a living area, a bathroom and a bedroom. The proposal would generally fall within this general definition. However, the council has not refused the proposal for this reason although it suggests that should the proposal be acceptable a condition would be required to limit its accommodation as being ancillary to the occupation of No 5. I agree with this as the site is insufficient to accommodate a separate dwelling.
7. Therefore, although the proposed annexe when added to the existing garage would create a fairly large outbuilding, its location would minimise its effect on the wider area. Also, provided it was ancillary to the main house, I do not consider that it would unduly harm the existing house or the general character or appearance of the area so as to conflict with the Framework, policies or SPD referred to above.

#### *Living Conditions*

8. The rear gardens of Nos 1 and 3 North Street adjoin the side boundary of No 5 and so the outlook from these properties is currently that of the garden wall and the wall to the garage. The proposal would extend the garage for most of the length of this boundary although the parapet wall to the garage would be removed and the ground level at No 5 would be reduced to accommodate the extension at about the same height as the garage. A previous application is referred to and comparisons are made between this and the earlier application which was approved. However, no plans have been submitted regarding the approved development and therefore I have limited information about it. I have therefore based my assessment on the proposal before me only.
9. Core Strategy Policy 8 subsection e) i. seeks to protect the amenity of neighbouring properties, amongst other things. The SPG also provides general advice regarding consideration to the occupiers of neighbouring properties regarding outlook.
10. In terms of the occupiers of No 4 Nursery Court, only the narrower end wall of the annexe would be closest to its boundary and given the distance between this property and the proposal and the width of No 4's garden, I consider that

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<sup>2</sup> Ministry of Housing, Communities and Local Government National Planning Policy Framework 2021 (the Framework).

<sup>3</sup> Borough Council of Wellingborough Residential Extensions A Guide to Good Design Supplementary Planning Guidance II, October 2002, Adopted 30 October 2002 (SPG).

the annexe would not have a unduly harmful effect on the outlook of the occupiers of No 4.

11. The proposal would result in a long linear development along the boundaries of Nos 1 and 3 and given that they have relatively modest sized gardens with rear windows to both houses facing No 5, the extension would appear quite prominent and visually intrusive. The outlook from No 1 especially would be affected as the development would extend across most of its rear boundary with No 5 and so appear quite overbearing. Although the proposal would be single storey, the length of the proposal would mean that it would have a harmful effect on the living conditions of the occupiers of neighbouring properties contrary to Policy 8 and the SPG.

*Conclusion*

12. I have found that the proposal would not have a harmful effect on the character or appearance of the area but I have found that the living conditions of the occupiers of Nos 1 and 3 North Street would be harmed, in particular in terms of their outlook given the proximity of the proposed annexe. I have taken all other matters raised into consideration but none alter my conclusion.
13. I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of Nos 1 and 3 North Street in conflict with the Policy 8 referred to above and the SPG. The appeal therefore fails.

*J D Clark*

INSPECTOR



## Appeal Decision

Site visit made on 24 May 2022

**by Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

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### **Appeal Ref: APP/M2840/W/22/3290148 15 Broad Green, Wellingborough NN8 4LN**

- 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 Tim Evans against the decision of North Northamptonshire Council.
  - The application Ref NW/21/00762/FUL, dated 31 August 2021, was refused by notice dated 14 October 2021.
  - The development proposed is conversion from an existing shop to a proposed set of residential flats, 1 flat which is a 2 bedroom for 3 people on the ground floor. The first floor will include 2 one bedroom and one person flats. This proposal will include a side first floor extension which will match the existing materials and design to accommodate an extra flat.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. I have removed reference to the fact that the application was a resubmission in the header above as that is, in itself, not an act of development. I am satisfied that neither party is prejudiced by this course of action.

### **Main Issues**

3. The main issues in the appeal are:-
  - The effect of the development on the living conditions of future occupiers, with specific regard to outlook, light, noise and disturbance.
  - Whether the development meets minimum national space standards.
  - Whether the development meets national accessibility standards.
  - The effect of the development on the Wellingborough Town Outer Conservation Area.

### **Reasons**

#### *Living conditions*

4. The appeal site is an existing shop, in a predominately commercial location that according to the evidence submitted, is seeing a number of premises turned into residential flats.

5. The shop is two-storey in height but with a single-storey flat roof addition and sits opposite a green area that includes a war memorial.
6. The proposal is to convert the shop into three flats, a two-bedroomed flat at ground floor, with two one-bedroomed flats at first floor. A first-floor extension would be constructed to facilitate the additional space required to allow the formation of the second flat.
7. Having viewed the appeal site, and its relationship with the adjacent property which is set further back from the highway, I have concerns with regard to the outlook from the habitable room window of the first floor flat adjacent to the side boundary.
8. It is indicated on the plans to be a bedroom window, but it would look straight on to the parking area of the adjacent property, leading to a relationship which would undoubtedly affect the living conditions of the future occupiers from the noise and disturbance that would come from the parking area from the opening and closing of car doors, vehicle manoeuvres, and the potential for headlights shining in the hours of darkness.
9. The issue of noise from the highway was raised by the Environmental consultee and as a result, a noise assessment was submitted to support the application, but I note that the sound level readings were taken from the first floor where I would expect the sound levels to be lower, rather than the ground floor, which I would expect to have a greater level of impact.
10. Irrespective of this, the assessment demonstrates that levels would exceed noise standards and suggests mitigation would be required. I find that the mitigation proposals have not been looked at in a comprehensive manner that would adequately address the issue.
11. As a result, I find that the reduced window outlook and the issue relating to noise and disturbance, and its lack of effective mitigation, renders the proposal contrary to policy 8 of the North Northamptonshire Joint Core Strategy (the JCS) which expects development to protect future occupiers from unacceptable impacts and being adversely affected by unacceptable levels of amongst other matters, noise pollution.

#### *Conservation area*

12. The appeal property is within the Wellingborough Town Outer Conservation Area. As required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to preserving or enhancing the character or appearance of a conservation area.
13. Revised drawings have been submitted at the end of the application process which attempted to overcome the concerns of the Heritage specialist and were submitted in support of this appeal. When having regard to the Wheatcroft principles and in the interests of fairness, this appeal must be determined on the basis of the plans on which the Council made its decision, and which have been subject to consultation.

14. To decide the appeal on the basis of those amended plans would prejudice unacceptably the interests of interested parties and/or consultees who have not been consulted on the amended plans and who may have observations to make. I have therefore determined this appeal with reference to the plans upon which the Council made its decision.
15. The '*Procedural Guide – Planning Appeals – England*' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application (*Annexe M.1.1*).
16. If a planning appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested parties and or consultees views were sought (*Annexe M.2.1*).
17. As part of the proposal, the appellant seeks to erect a first-floor extension and insert four roof lights into the roof slope. Having viewed the context of the proposal, the introduction of the extension would undoubtedly harm the setting of 21 Rock Street, which I understand is a non-designated heritage asset, and reduce its visibility within the Conservation Area, affecting its positive contribution to the Conservation Area.
18. Correspondingly, I consider that the insertion of the roof lights into the roof slope would not cause harm to the Conservation Area, but I find that only to be a neutral factor, and not a positive in favour of the proposal.
19. Overall, with regard to paragraph 202 of the National Planning Policy Framework (the Framework), the harm to the Conservation Area would be less than substantial. However, paragraph 199 of the Framework requires that great weight should be given to an asset's conservation, irrespective of the level of harm.
20. The Framework requires that harm to the Conservation Area should be weighed against the public benefits of the proposal. The proposed extension would provide additional living space, but this would be a private benefit.
21. The assistance of the extension to provide an additional housing unit, in order to meet the Council's housing supply needs is of modest benefit.
22. Although the level of harm would be limited it nevertheless carries considerable importance and weight. The extremely limited public benefit of the proposal would not outweigh this harm. The works would run contrary to policy 2(a) and (b) of the JCS, which seeks to protect the historic environment.
23. In addition, the proposal would not meet the Conservation aims and aspirations of the Framework.

#### *Space standards*

24. I have had regard to the Council's concern regarding this issue and have studied the layout of the properties. I have taken into account the requirements set out in the National Described Safety Standards, and I would agree with the appellant with regard to the interpretation of the larger flat and levels of occupancy.

25. However, I concur with the interpretation of the Council with regard to the one-bedroom units to the first floor. As the Council have correctly demonstrated, the property is two storeys, and the lower calculation provided by the appellant is not correct as it relates to a single storey unit.
26. Whilst I have agreed with the appellant for the interpretation of the larger unit at ground floor, I find the space given to the two first-floor flats to be inadequate in terms of meeting the standards.
27. As such, I consider that the proposal is contrary to the Nationally Described Safety Standards and as a result, policy 30(b) of the JCS which underpins those standards in the development plan.

#### *Accessibility standards*

28. With regard to accessibility, the Council have referred to policy 30 and the need to meet Category 2 of the National Accessibility Standards. This works in tandem with Part M of the Building Regulations, in terms of wheelchair access for new development.
29. The appellant has indicated that this matter was not raised by any consultee, and it would appear that no discussion took place between the parties.
30. In this instance I find the issue could have been avoided by negotiation between the parties in order to address the situation, and appropriate works in line with the standards, consistent with Part M, be designed into the scheme.
31. If there were no other issues regarding this appeal, then I consider that a condition could have been added to an approval in order to regulate the issue. As such I find that the proposals would not be in conflict with policy 30(c) of the JCS.
32. Nonetheless, given the harms that I have identified for other issues, any positive outcome in relation to accessibility would be far outweighed by other matters, and does not change my determination of the appeal.

#### **Other Matters**

33. I have noted the frustrations of the appellant with regard to the level of service received during the planning application. However, that is not a matter for this appeal, which I have determined on its merits, and should be dealt with in the appropriate Council forum.

#### **Conclusion**

34. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

*Paul Cooper*

INSPECTOR