



**North
Northamptonshire
Council**

Planning Appeal Decision Letters

- (a) 21 Manor Road, Mears Ashby
- (b) Fronting Number 44 Gilletts Road, Wellingborough
- (c) 15 Orlingbury Road, Little Harrowden
- (d) 60 Park Road, Wellingborough



Appeal Decision

Site visit made on 7 March 2023

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th March 2023

Appeal Ref: APP/M2840/D/22/3312253

21 Manor Road, Mears Ashby, Northamptonshire NN6 0DU

- 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 Dunkley against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00666/FUL, dated 21 September 2022, was refused by notice dated 10 November 2022.
 - The development proposed is the construction of a garden shed.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. From the evidence submitted, and from my site visit, the proposed development has commenced. I have dealt with the appeal on a retrospective basis.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Mears Ashby Conservation Area.

Reasons

Character and appearance

4. The appeal site is the host dwelling and its domestic garden which is within the Mears Ashby Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides, at section 72(1), that with respect to any buildings or other land, in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
5. The conservation area is supported by the Mears Ashby Conservation Area Appraisal which sets out the history of the village and identifies features and materials of historic interest. In so far as it is relevant to the appeal, I consider that the significance of the conservation area is mainly derived from the clustered street pattern of the village, with areas of narrowing created by buildings and walls, which contribute positively to the character and appearance of the conservation area as a whole.
6. Policy 2(a)&(b) and Policy 8(d)(i)&(ii) of the North Northamptonshire Joint Core Strategy 2011-2031, adopted 2016 (JCS), taken together, seek to conserve

- and, where possible, enhance the heritage significance and setting of heritage assets; requires developments to complement their surrounding historic environment through form, scale, design and materials; requires development to respond to the site's immediate and wider context and local character; and respond to the overall form, character and landscape setting of the settlement.
7. Character Guideline 2, Design Guideline 3 and Materials Guideline 1 of the Mears Ashby Village Design Statement, adopted 2017 (MAVDS), requires any development, that seeks to utilise traditional materials and designs, to draw cues from any nearby listed buildings or buildings of note in the village; expects that new build development, or extensions to existing properties, relate to the palette of materials described in the statement as being characteristic of Mears Ashby; and advises that any small additions, may, if inappropriately sited result in a cluttered street scene and therefore should be hidden from view from any public highway as far as possible.
 8. The garden shed is adjacent to the low stone wall along the front boundary of the appeal site and adjacent to the high stone wall boundary with the neighbouring property. The shed is feather-edge timber clad with a slate roof. As such, the roof is built of materials which are recognised as characteristic of Mears Ashby in the MAVDS, however the timber walls are not.
 9. The appellant has drawn my attention to the recent re-cladding of parts of the appeal property with timber boarding which I saw at my site visit. Although the dwelling now includes some timber cladding, this is not a material which is characteristic of the village. The timber cladding is also not characteristic of the other outbuildings referenced by the appellant. These other outbuildings on Manor Road are predominately stone or brick built, and some are also on lower ground level. Furthermore, they are, in the main, garages which need to be accessible from driveways.
 10. Although some landscaping has been provided to partially screen the shed, and the tall stone wall boundary with the neighbouring property screens the view from further along Manor Road, the shed is prominent in the views when approaching the site from the junction with North Street and from immediately outside the site. The building does not follow the form, scale, layout or materials of other buildings which are close to the road. It is therefore, out of keeping with the context and character of the street scene and results in harm to the significance of the conservation area.
 11. The harm to the conservation area is less than substantial, nevertheless this harm is of considerable importance and weight in my decision. There is a presumption in favour of the desirability of preserving or enhancing the character or appearance of the conservation area. The Framework advises that such harm should be weighed against the public benefits of the proposal and any harm requires clear and convincing justification.
 12. Although the materials are of high quality for a garden shed and the scale of the shed is subservient to the appeal property, these factors are not public benefits. The benefit of the shed in providing storage is a private benefit for the occupants of the appeal property. Although the garden extends to the side and up to Manor Road, it also wraps around the rear of the appeal property and the wrap around garden is not sufficient justification for the position of the shed and does not outweigh the harm.

13. I, therefore, find that the proposal fails to preserve or enhance the character or appearance of the Mears Ashby Conservation Area. As such the proposal is contrary to Policy 2(a)&(b) and Policy 8(d)(i)&(ii) of the JCS in not conserving, enhancing or complementing the Mears Ashby Conservation Area and does not respond to the character or context of the area.
14. Furthermore, the proposal is contrary to Character Guideline 2, Design Guideline 3 and Materials Guideline 1 of the MAVDS in that the timber finish does not comply with the palette of materials described as being characteristic of Mears Ashby and, therefore, is out of keeping with the street scene.
15. The proposal also does not meet the requirements of paragraph 206 of The National Planning Policy Framework which aims for new development within conservation areas to enhance or better reveal their significance and preserve those elements of the setting that make a positive contribution.

Conclusion

16. For the reasons given above I have found that the proposal is contrary to the development plan as a whole, including the Village Design Statement and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR



Appeal Decision

Site visit made on 14 February 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/M2840/W/22/3306552

Gillitts Road street works, Gillitts Road, Wellingborough NN8 2BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00412/PNT, dated 10 June 2022, was refused by notice dated 27 July 2022.
 - The development proposed is 5G telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As this is an application for prior approval the provisions of the 2015 Order require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. This appeal will be determined on the same basis.

Planning Policy

3. The Council has referred to development plan policies and the Framework in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to these development plan policies but only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

5. The appeal site is an area of grass verge which contains various items of street furniture. The site is located at the southern end of Gillitts Road close to the

junction with Henshaw Road. The surrounding area is predominantly residential and is characterised by single and 2 storey properties. To the south of the site is a car park and Croyland Park, a large area of open space. This, in addition to planting within front gardens and grass verges, results in a green and verdant character to the surrounding area.

6. The appellant states that the height of the proposed monopole is the minimum to technically meet their needs. Whilst this may be the case, nonetheless it would be noticeably taller than existing street furniture and neighbouring buildings, and nearby trees would not provide any meaningful screening. Thus, even though the proposed colour would not be overly obtrusive, and there would be no harm to any areas with a statutory designation for a particular protection such as for heritage purposes, it would be readily visible from various points along Gillitts Road, Henshaw Road and from Croyland Park, where it would appear excessive in scale and would fail to visually integrate with its surroundings
7. For the above reasons, the proposed siting and appearance of the development would result in unacceptable harm to the character and appearance of the surrounding area. Insofar as it is a material consideration, the proposal would conflict with those aims of policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (JCS) which seek to ensure that development responds to the site's immediate and wider context and local character. For similar reasons, insofar as it is a material consideration, the proposal would be contrary to Chapter 12 of the National Planning Policy Framework (the Framework) which seeks to secure high quality design.

Availability of Alternative Locations

8. The appellant has set out alternative sites that were considered as part of the site selection process, and the reasons why they were not pursued. The Council raises concerns that not all available alternative options have been considered and state that alternative sites close to the appeal site would have a less harmful effect on the character and appearance of the area. Specifically, the Council refer to a site on the car park to the south of the appeal site. Wellingborough Town Council also suggest, as part of their consultation response, that an alternative to the south of the site would be more appropriate. Whilst I do not have the full details of the sites referred to by the Council and Wellingborough Town Council, based on my observations on site, they would appear to relate to the same alternative site.
9. No evidence has been submitted which sets out why, in this case, the suggested site is not a suitable alternative. Based on my observations, I noted that this area contains a number of tall trees which could provide some screening. For this reason, this area warrants a robust assessment as an alternative. Thus, it has not been adequately evidenced that the appellant has undertaken a thorough review of all alternative means of providing coverage within the search area in accordance with the guidance set down in paragraph 117 of the Framework.

Other Matters

10. The appellant comments that the proposal followed pre-application consultation with the Council and notification of ward members. However, this does not otherwise persuade me from my findings in relation to the main issue.

11. I note that the Council found that the mast would not harm the living conditions of the occupiers of neighbouring properties. This does not alter my findings on the main issue.

Planning balance and conclusion

12. I acknowledge the significant benefits that would arise from improving mobile telecommunications. However, it has not been demonstrated that such benefits could not be achieved in ways that would have a less harmful effect on the character and appearance of the area.

13. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR



Appeal Decision

Site visit made on 7 March 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2023

Appeal Ref: APP/M2840/D/23/3314403

15 Orlingbury Road, Little Harrowden, Northamptonshire NN9 5BH

- 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 & Mrs Coates against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00727/FUL, dated 12 October 2022, was refused by notice dated 7 December 2022.
 - The development proposed is the addition of a single storey glass room located on the rear elevation of the property in the private garden.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of a single storey glass room located on the rear elevation of the property in the private garden, at 15 Orlingbury Road, Little Harrowden, Northamptonshire NN9 5BH in accordance with the terms of the application, Ref NW/22/00727/FUL, dated 12 October 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The external surfaces of the development hereby permitted shall be constructed in the materials as shown on plan no. 35587-04 and 35587-03.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, site plan, 35587-01, 35587-02, 35587-03, 35587-04 and 35587-05.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 13 Orlingbury Road, with particular regard to daylight, sunlight, outlook and noise.

Reasons

3. The appeal property is a semi-detached dwelling adjoining 13 Orlingbury Road (No.13). The appeal property has a large patio area to the rear between an existing single-storey outrigger and the timber fence on the boundary with No.13.
4. The Borough Council of Wellingborough, Residential Extensions – A Guide to Good Design, Supplementary Planning Guidance II, 2002 (SPG), paragraph 4.1 sets guidelines on how far an extension can project in relation to windows in

neighbouring properties. For single storey extensions the SPG advises that proposals should not project beyond a line drawn at 60 degrees from the middle of the nearest ground floor window of a habitable room of an adjacent property.

5. Drawing 35587-05 shows that the proposal would conflict with the 60-degree line from the mid-point of the ground floor window of No.13. Therefore, the proposal would be contrary to the guidelines within the SPG. The purpose of this part of the SPG is to ensure that extensions would not adversely affect the outlook of, or daylight available to, the occupiers of the neighbouring property. Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy 2011-2031, adopted 2016 (JCS) seeks to ensure that the living conditions of the occupiers of neighbouring properties are not unacceptably affected.
6. The existing tall timber fence already restricts the outlook from the window of No.13 to within their own garden. Due to its position, attached to the appeal property, the proposal would only be seen above the fence and at an angle. As such it would not significantly alter the outlook and not be overbearing or oppressive to the occupiers of No.13.
7. Only a small part of the end of the proposed structure would conflict with the 60-degree line. Moreover, the proposal is a metal framed glass structure rather than a solid building. The proposed materials would allow sunlight and daylight to pass through the structure towards the window of No.13. Furthermore, the height of the proposal is not substantially greater than the height of the fence and the proposal is not immediately adjacent to the shared boundary. These factors, taken together, would ensure that daylight and sunlight to the window of No.13 would not be significantly restricted.
8. Notwithstanding the objection received, there is no substantive evidence before me to show that the proposal would cause unacceptable levels of light reflection. Furthermore, as the proposal is on part of the garden which can already be used by the occupants of the appeal property there is no greater risk of noise from the use of the building.
9. Consequently, whilst there is a technical breach of the 60-degree line, the proposal would still accord with the purpose of the SPG which is to safeguard the amenity of neighbours. The proposal would not result in an unacceptable effect on the living conditions of the occupiers of No.13, with particular regard to daylight, sunlight, outlook and noise. Therefore, I find that the proposal does not conflict with Policy 8(e)(i) of the JCS, which, amongst other matters seeks to ensure that the living conditions of the occupiers of neighbouring properties are not unacceptably affected.

Conditions

10. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have also imposed a condition specifying materials are to be as detailed on the plans in order to safeguard the living conditions of the occupiers of the neighbouring property.

Conclusion

11. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should succeed, and planning permission should be granted subject to conditions.

K Townsend

INSPECTOR



Appeal Decision

Site visit made on 30 September 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/M2840/D/22/3304369
60 Park Road, Wellingborough NN8 4QE

- 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 K Ahmed against the decision of North Northamptonshire Council.
 - The application Ref: NW/22/0230/FUL dated 6 April 2022, was refused by notice dated 25 May 2022.
 - The application is for erection of single storey first floor rear side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a modern detached house within what is a mixed area on the periphery of the market town of Wellingborough. The appeal property stands within a row of similar properties that generally present pitched roof elevations towards generous open plan front gardens that adjoin Park Road itself.
4. To the rear most properties have generous rear gardens backing onto an area of woodland type planting that contains several larger scale, mature trees. Number 60 Park Road has previously been extended to the rear with a relatively sizeable conservatory extension that runs the entire width of the house. Behind this there appears to have been an original outshut extension that protrudes around 4.1m. This structure appears to have used similar materials to that of the principal house in its design.
5. The proposal before me seeks to build above this single storey element and as such would create a first floor extension above so as to create two new bedrooms along with a smaller, flat roof element with an ensuite to one of the bedrooms. The majority of the extension would be of a pitched roof construction and would present a gable elevation to the rear, although the more modest, en suite element would be of flat roof construction and slightly set back from this new rear gable. The conservatory would remain in its current location and the first floor extension would be set in from the

- boundary by around 1 metre with a slight set down in the ridge. There would also be a new bedroom window inserted into the southern elevation that is proposed to be obscured glass.
6. The main issue within this appeal is the effect of the proposal upon the living conditions of residents in the adjoining property, number 58 Park Road. This property sits to the south of the appeal site but the layout and design of the plots means that the front elevation of number 58 is set forward of number 60. Accordingly, the rear elevation of this neighbouring property is therefore set back from the rear of number 60. Number 58 also has original windows to its side elevation that look out towards the appeal property.
 7. In assessing this appeal, I consider that, despite its obvious attempts to set down and set in from the boundary, the proposal would result in a relatively large scale rear protrusion to this property that, although not directly causing any overshadowing issue, would create an element of over dominance upon the neighbours at number 58. Although, I do not consider that direct sunlight would be affected, the presence of this extension to the north would likely result in loss of northern daylight into the ground floor windows of number 58 and this would be exacerbated through the proposal not meeting the 45 Degree rule as suggested by the Council's Residential Extensions Design Guide¹ (SPG).
 8. As such the proposal before me would fail to meet the guidance contained within the Council's SPG on residential extensions that aim to achieve such schemes that minimise or remove such impact upon resident's living conditions.
 9. The proposed side elevation window would also serve an existing habitable bedroom and although this would be proposed to be obscured glass, I consider that there would still be the possibility for a loss of privacy due primarily to the existing side elevation windows of number 58 being so close. Moreover, I do not consider that the obscuring of such a window would create acceptable living conditions for future occupiers of this room and as such I consider it likely that efforts could be made to remove this obscure glazing at a later date.
 10. In light of the above assessment therefore, the proposal before me would result in a rear protrusion that would be overly large, and dominant to those residents living at number 58 Park Road. As such the requirements of Policy 8 (e) (i) of the Joint Core Strategy (JCS) as well as the guidance on the importance of good design as included within the National Planning Policy Framework (The Framework).

Conclusion

11. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR

¹ Residential Extensions – A Guide to Good Design, Supplementary Design Guide (SPG) October 2002.



North
Northamptonshire
Council

Appeal Information

Received appeals

Appeal Site	Ref. No.	Date Received	Status	Type of procedure
Field Below Abbey Farm Wellingborough Road Wollaston	NW/22/00387/PAMB	17.01.2023	Appeal in progress	Written Representation
126 Northampton Road Earls Barton	NW/22/00489/FUL	08.02.2023	Appeal in progress	Fast Track
15 Orlingbury Road Little Harrowden	NW/22/00727/FUL	13.02.2023	Appeal allowed with conditions	Fast Track
21 Manor Road Mears Ashby	NW/22/00666/FUL	13.02.2023	Appeal Dismissed	Fast Track
Land rear 142 to 150 Wellingborough Road Earls Barton	NW/22/00730/OUT	02.03.2023	Appeal in progress	Public Inquiry
18 Cambridge Street Wellingborough	NW/22/00399/VAR	08.03.2023	Appeal in progress	Written Representation
Land rear of 325 Grendon Road Earls Barton	NW/22/00332/FUL	27.03.2023	Appeal in progress	Written Representation