



Appeal Decision

Site visit made on 6 December 2022

by **H Wilkinson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: **APP/M2840/W/22/3302907**

40 Main Street, Yarwell, PE8 6PR

- 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 and Mrs D Currie against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00535/FUL, dated 21 March 2021, was refused by notice dated 16 May 2022.
 - The development proposed is the demolition of existing two storey dwelling and detached garage and erection of new dwelling part single, part two storey dwelling with integral garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing two storey dwelling and detached garage and erection of new dwelling part single, part two storey dwelling with integral garage at 40 Main Street, Yarwell, PE8 6PR in accordance with the terms of the application, Ref NE/21/00535/FUL, dated 21 March 2021, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect of the proposed development on the significance of a non-designated heritage asset.

Reasons

3. The appeal building comprises a large, detached 2 storey dwelling which occupies a prominent position on Main Street - the principal route through the village. Dwellings predominantly front Main Street and although their age, scale and materials vary along the street, the overall rustic appearance of the village is a notable characteristic.
4. The proposed development includes the demolition of the appeal building and erection of a new dwelling. Although not recorded on a local list of designated heritage assets, consistent with the approach outlined within the Planning Practice Guidance, the Council identified the building as being a non-designated heritage asset as part of the decision-making process on the planning application.
5. The evidence indicates that the original, L-shaped thatched cottage was established in the late nineteenth century, during which time, the building served as the village shop. Historically, the appeal building and Post Office on the opposite side of Main Street (now a residential dwelling) provided a central focus to the village and supported its future growth and independence. These factors combined contribute to the significance of the building.

6. As it stands today, the dwelling is somewhat unremarkable within the context of the village and more significantly, unrecognisable from the historical structure. The thatched roof has been replaced with interlocking tiles and, while some of the original stone remains on the front and side elevations, the upper floor is largely of a single brick skin, with a part rendered finish. The traditional appearance and modest proportions of the original cottage have been further eroded by subsequent extensions to the property together with other external alterations including the replacement and alterations of openings. Internally, there is limited evidence of the original building or its historical function remaining and my attention has not been drawn by the Council to any features of notable value. Consequently, whilst work to bring the building closer to its original form and significance may be theoretically possible, the above modifications have significantly undermined the building's historical integrity, architectural interest and overall significance.
7. Therefore, notwithstanding the historical association of the building with the village, other than its location, I find it to be of very limited heritage significance. Although the appeal proposal would result in the complete loss of the non-designated heritage asset, the replacement dwelling would largely reflect the L-shaped layout of the existing building and would occupy a similar position albeit substantially larger in scale. The site would therefore continue to provide built form of a similar nature as it has historically, and the development would thus maintain the site's presence and contribution to the street scene. Consequently, on the basis of the balanced judgement required by the National Planning Policy Framework (the Framework) and based on the available evidence indicating that the heritage significance of the existing building is, with the exception of its location, now largely negligible, I find that the proposed development is acceptable and would preserve the site's remaining heritage significance.
8. Accordingly, the proposed development would not have an unacceptable effect on the significance of a non-designated heritage asset. The proposal therefore accords with Policy 2 of the North Northamptonshire Joint Core Strategy 2016 which seeks to protect, preserve and where appropriate enhance heritage assets. The proposal is also consistent with the Framework, which amongst other objectives seek to conserve and enhance the historic environment.

Other Matters

9. The appeal site is located within proximity of a number of listed buildings and therefore, in determining this appeal, I am mindful of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding the scale of the proposed dwelling, on the basis of the plans before me and subject to a condition requiring details of existing ground and finished floor levels, I am satisfied that the appeal development would not harm the setting of the nearby listed buildings. For the same reasons, I find that the effect of the proposal on the character and appearance of the surrounding area would be acceptable.
10. It has been put to me by interested parties that the proposed development would adversely affect living conditions, with particular regard to overshadowing. These issues are largely identified within the Council's delegated report and the Council did not consider that matters relating to the effect of the proposal on living conditions was reason to refuse the application. Indeed, I have not been provided with any compelling evidence which would prompt me to disagree with the Council's conclusions on this matter. Therefore, whilst sympathetic of the concerns expressed, they do not lead me to a different conclusion.
11. Matters relating to the procedures followed by the Council in determining the planning application including the thoroughness of their considerations, potential

future use of the proposed dwelling as a house in multiple occupation and encroachment on third party land have also been raised by interested parties. Whilst I have had full regard to these concerns, they have no bearing on my considerations of the merits of the appeal proposal. I am also mindful of the concerns raised in respect of parking and additional traffic. The Council's delegated report, whilst acknowledging a discrepancy between the site location plan and proposed floor plans, confirms that 3 parking spaces would be provided in accordance with the Northamptonshire Parking Standards. On this basis and subject to a suitable condition securing implementation, I am satisfied that sufficient onsite parking provision would be provided.

Conditions

12. I have had regard to the various planning conditions suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
13. In addition to the standard time limit condition, and in the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. The appeal site occupies a prominent position and is located within proximity of a number of listed buildings. Therefore, in the interests of the character and appearance of the area and in order to preserve the setting of nearby listed buildings, a condition requiring details of existing ground and finished floor levels is necessary. For the same reason, a condition requiring details of external materials and joinery is imposed. The established landscaping within the site positively contributes to the character and appearance of the area and would further benefit the assimilation of the proposed development within the appeal site, particularly given the increased footprint. As such, a condition preventing the removal of trees within the appeal site is considered necessary in the interests of the character and appearance of the area.
14. In the interests of sustainable design and energy efficiency a condition relating to the incorporation of sustainable technologies is necessary. A condition requiring the provision of adequate onsite parking and turning provision is also necessary in the interests of highway safety. Similarly, a condition requiring any entrance gate to be sufficiently set back and capable of opening inwards only is necessary. As a further safeguard, I have imposed a condition requiring any mud or waste deposited on the highway to be removed immediately.
15. A condition prohibiting the burning of any waste materials arising from the demolition of the existing dwelling and construction of the proposed development is necessary in order to safeguard the living conditions of the occupants of neighbouring properties. For the same reason, a condition requiring the management of dust together with a condition limiting the hours of construction related activities is necessary.

Conclusion

16. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three year from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Drawing No. A100/E – Site Location and Site Plan;
 - Drawing No. A102/L – Proposed Floor Plans;
 - Drawing No. A301/F – Elevations – Proposed.
3. No development shall commence until details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the existing and adjoining sites have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted including samples of the wall and roof materials together with joinery details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No development shall take place above slab level until details of sustainable design measures to be incorporated within the proposed dwelling have been submitted to and approved in writing by the local planning authority. The details shall include an electrical vehicle charging point and water and energy efficiency measures. The measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the dwelling and retained as such thereafter.
6. Prior to the first occupation of the development the proposed access and on-site parking/turning area shall be laid out in accordance with the approved plan (Drawing No. A102/L), surfaced in a hard bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be permanently retained.
7. No gates shall be installed within a minimum 5.5 metres distance from the highway boundary. Gates must be hung to open inwards only.
8. Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud or other debris deposited on the road as a result of the development must be removed immediately by the operator/contractor.
9. There shall be no burning of any material during construction, demolition or site preparation works.
10. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank/Public Holidays.

11. During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

12. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

END OF SCHEDULE