

**North Northamptonshire Area Planning Committee
(Thrapston)
20 December 2021**

Application Reference	NE/21/01375/FUL
Case Officer	Patrick Reid
Location	28 College Street Irthlingborough Wellingborough Northamptonshire NN9 5TX
Development	1 No 3-bedroom detached dwelling including, highway access/parking and amenity space (Re-submission of 20/01196/FUL)
Applicant	Marklin Developments - Mr Mark Kennedy
Agent	Sidey Design Architecture - Mr Jon Sidey
Ward	Irthlingborough
Overall Expiry Date	12 November 2021
Agreed Extension of Time	22 December 2021

List of Appendices

Appendix A – Appeal Decision 3272564 dated 11 August 2011

Appendix B – Committee Report for 20/01196/FUL dated 17 February 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because Irthlingborough Town Council has objected and the Officer recommendation is for approval. In addition, there are more than three objections to the proposal. As such, the determination is to be by committee.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 It is proposed to construct a two storey, detached dwelling on the site. The application follows a recent similar proposal (ref: 20/01196/FUL) which was refused by East Northamptonshire Council's Planning Management Committee in February 2021 (decision issued 3rd March 2021) for reasons relating to:

- Overdevelopment of the site;
- Heritage (less than substantial harm to the Conservation Area); and
- Parking pressures on College Street

2.2 The application was then the subject of an appeal. This appeal was dismissed by The Planning Inspectorate on 11 August 2021. The Inspector's decision focused on the "*prominence and incongruity*" of the proposed fence, judging that it would:

"detract from the site's openness and from the visual qualities of the area",

and concluding that:

"the development overall would not preserve or enhance the character or appearance of the conservation area".

The Inspector did not agree with the Committee's reasons for refusal on overdevelopment and parking pressures. The original Officer recommendation had been for approval.

2.3 This proposal has been submitted with a view to addressing the concerns raised in the Inspector's decision. It is nearly identical to the previous scheme but with one key difference; that the boundary / landscaping scheme has been altered to overcome the Inspector's concerns, as follows:

- The previous scheme included the front boundary being marked by 1.8 metre tall close boarded fencing.
- The current proposal is for the front boundary to be a 0.9 metre high brick wall at the front and the side wall boarding Nursery Gardens, to be rebuilt to 1.8 metres. Behind the low front wall would be a garden / open amenity space beyond which there would be a 1.5 metre tall close boarded fence, with 0.3m trellis on top, extended from the side of the house to the side wall.

- 2.4 As with the previous scheme (20/01196/FUL) a new access is proposed off College Street and this would lead to a private parking and turning area located to the north / rear of the house. Two parking spaces are proposed. A garden would be located to the west of the house and a 1.8m close boarded fence would separate it from an access that leads to three dwellings (Nos 2 and 4 Nursery Gardens and No. 28 College Street).
- 2.5 Internally the house would have a lounge and dining room at ground floor in addition to a W.C. At first floor level, three bedrooms and a bathroom would be included. The design of the house is identical to that of the previous application.

3. Site Description

- 3.1 The application site is located within a residential area of Irthlingborough, positioned to the north of College Street and the east of an unadopted residential street known as Nursery Gardens. It is beside the junction between the two properties and forms part of the land associated with no. 28 College Street and the shared access that serves it and Nos. 2 and 4 Nursery Gardens. The house at No. 28 College Street also has a detached flat roofed garage located within its plot.
- 3.2 The application site has variations in level as the land slopes upwards away from College Street. The level of the land, on which the proposed house would be sited, is approximately one metre above the street level of College Street. The boundary with Nursery Gardens was, until recently, defined by a brick wall either side of the access.
- 3.3 The site is set within the immediate context of residential properties. To the east of the site is a detached two-storey dwelling (No. 28). To the south are two-storey dwellings comprising a mix of terrace and detached properties. To the west across Nursery Gardens is a row of two-storey terraced dwellings which exhibit a traditional appearance. Nursery Gardens itself serves dwellings and runs north-west away from the site and includes three recently constructed bungalows (permitted under ref. 19/00923/FUL).
- 3.4 The site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). Most of the site is located within the Irthlingborough Conservation Area. There are no other planning constraints (designations) affecting the site.

4. Relevant Planning History

- 4.1 20/01196/FUL - 1No 3-bedroom dwelling including, parking and amenity space (Resubmission of 19/01935/FUL) – Refused 03.03.2021 – Appeal Dismissed – 11.08.2021
- 4.2 19/01935/FUL - 1 No 3-bedroom dwelling including parking and amenity space – Refused 28.7.2020
- 4.3 99/00284/FUL - Extension to detached garage – Approved - 22.06.1999

Planning applications on adjacent land:

- 4.4 18/01880/FUL - Residential Development of 4No Dwellings including access, parking and amenity land – Refused - 25.01.2019
- 4.5 18/01880/FUL - Residential Development of 4No Dwellings including access, parking and amenity land – Refused - 25.01.2019
- 4.6 19/00923/FUL - Residential Development of 3No dwellings including access, parking and amenity land (re-submission of 18/00609/FUL) – Approved - 16.07.2019
- 4.7 19/01415/FUL - Erection of a single-storey dwelling on garden land including new access, parking and amenity land. Refused - 25.11.2019
- 4.8 19/01935/FUL – 1no 3-bedroom dwelling including parking and amenity space. Refused - 28.07.2020

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Irthlingborough Town Council

Objection for reasons summarised below:

- Insufficient change to the proposal in terms of the loss of the wall;
- The proposed house is out of keeping with the Conservation Area;
- Cumulative impact from previous developments off Nursery Gardens, on the Conservation Area, representing overdevelopment;
- Loss of at least two on-street parking spaces and associated impacts;
- The previous wall had historic merit;
- The proposed access is detrimental visually;
- Potential loss of a lamppost;
- Possible impact on the visibility splays of Nursery Gardens.

5.2 Neighbours / Responses to Publicity

5 representations have been received. The issues raised are summarised below:

Positive comments:

- Do not object to a dwelling in principle.

Negative comments / objections:

- Loss of 2 on-street parking spaces;
- Preference for access via Nursery Gardens;
- Concern at dropped kerb;
- On-street parking in high demand;
- One on-street parking space was lost recently due to an extension of yellow lines near the school;

- The design still includes fencing and the Inspector had concerns about this. Still harms the Conservation Area;
- The removal of the wall should be investigated by Council Enforcement:
 - A parking survey could be requested;
 - Access proposed is 9m from Nursery Gardens;
 - Poor visibility from Nursery Gardens;
 - The proposed wall is unlike the previous which had heritage significance;
 - Proposed house would be out of character with the area.

5.3 Highways (LHA)

The LHA has no in principle objection to the proposed dwelling and associated vehicular crossover subject to the appropriate licensing and construction to be undertaken by approved contractors. The applicant will need to liaise with North Northants Highways Regulations Team in order to process the relevant agreement which is separate to the planning process. Conditions are recommended relating to access width, materials, visibility splays, parking spaces and gates.

5.4 Waste Management

No comments other than standard bins presented at kerbside.

5.5 Environmental Protection

There are no objections to the proposed development subject to conditions. The applicant has submitted a construction environment management plan and measures included in the plan can be secured by way of planning condition as well.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
 National Planning Practice Guidance (NPPG)
 National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development
 Policy 2 - Historic Environment
 Policy 4 - Biodiversity and Geodiversity
 Policy 5 - Water Environment, Resources and Flood Risk Management

Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 10 - Provision of Infrastructure
Policy 11 - The Network of Urban and Rural Areas
Policy 28 - Housing Requirements and Strategic Opportunities
Policy 29 - Distribution of New homes
Policy 30 - Housing Mix and Tenure

6.4 Emerging East Northamptonshire Local Plan Part 2 (LPP2) Submission Version March 2021

EN1 - Spatial Development Strategy
EN12 - Health and Wellbeing
EN13 - Design of Buildings/Extensions
EN14 - Designated Heritage Assets

6.5 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

7. Evaluation

The key issues for consideration are:

- Principle of Development / Implications of Appeal Decision 3272564 (20/01196/FUL)
- Changes since application 20/01196/FUL and associated Appeal Decision
- Heritage
- Ecology
- Impact on Neighbouring Amenity
- Highway Matters

7.1 **Principle of Development / Implications of Appeal Decision 3272564 (20/01196/FUL)**

7.1.1 A key consideration for this application is the appeal decision relating to the previous application for a dwelling on the site. This was decided by The Planning Inspectorate in August 2021 and is attached as Appendix A.

- 7.1.2 As referred to in Section 2 above, the Inspector agreed that there was some harm to the Conservation Area as a result of the proposed fencing, and dismissed the appeal on that basis, but they did not agree with the Council's other two reasons for refusal (overdevelopment and parking). In this regard, it is useful to identify and highlight relevant passages from the appeal decision.

Overdevelopment of the site

- 7.1.3 At paragraph 8, the Inspector notes the following:

"...the plot is vacant of buildings and so it provides a visual break amongst the mainly built up frontage on College Street. As such, the site makes a modest positive contribution towards the qualities of the area".

- 7.1.4 They go on at Paragraph 9 to explain that:

"The dwelling would be similar in form, scale and design to other nearby houses and would have a comparable set back from the road. Also, several properties have vehicular accesses and so the proposed drive would not be unusual."

And conclude by saying:

"Therefore, these elements of the scheme would respect the characteristics of the locality, despite reducing the site's openness."

- 7.1.5 The principle of development was not disputed by the Inspector and was not one of the Council's reasons for refusal. There have been no material changes to policy since the previous application was determined and the principle of development in this location is considered to be acceptable.

Wall and fence / Heritage impact

- 7.1.6 This is an important part of the decision as it is the sole reason the appeal was dismissed. Paragraphs 10 and 11 address the proposed boundary fence, which was to be a 1.8 metre tall close boarded fence and would wrap around the front and side of the site. The Inspector notes at Paragraph 10:

"By reason of its position next to the pavement, its height and its length, the fence would be highly visible in the street scene.... 'By reason of its prominence and incongruity, the fence would detract from the site's openness and from the visual qualities of the street."

- 7.1.7 The Inspector notes that previously a brick wall existed on the highway boundary and comments roadside fencing is not common in the vicinity of the site. There appeared to be a clash between the fencing, and the need for security to the garden of the new property, and in the absence of firm evidence before them, the Inspector was unconvinced that this matter could be reserved to condition. At Paragraph 11 they state:

“However, any roadside features would need to be high and substantial so as to provide privacy and security to the garden of the proposed house. No indication is provided of any suitable alternative treatment to that proposed.”

7.1.8 At paragraph 12 they conclude that:

“for this reason, the development would not preserve the character or appearance of the CA.” (conservation area)

Parking Pressures

7.1.9 The topic of parking provision is discussed from Paragraphs 16 to 19. In Paragraph 16 the Inspector acknowledges that the proposal would reduce on-street parking space, but in 17-19, explains they are unconvinced that:

- It would be a conflict with policy; and
- The proposal would lead to a significant shortage of roadside parking space

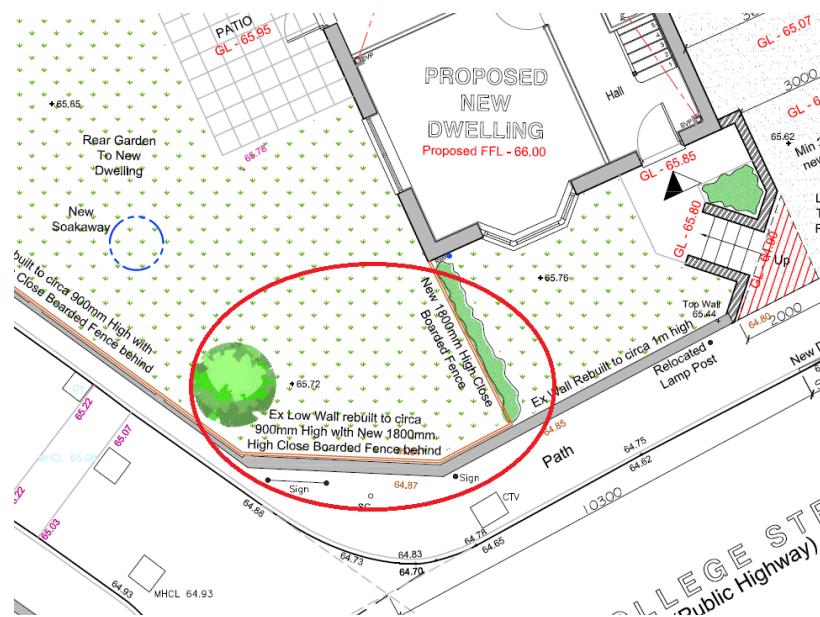
7.1.10 The Inspector ultimately concludes in Paragraph 19 that the development would be acceptable in terms of parking provision. In this context it is also worth noting the NPPF test for refusing proposals on highways grounds is that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”

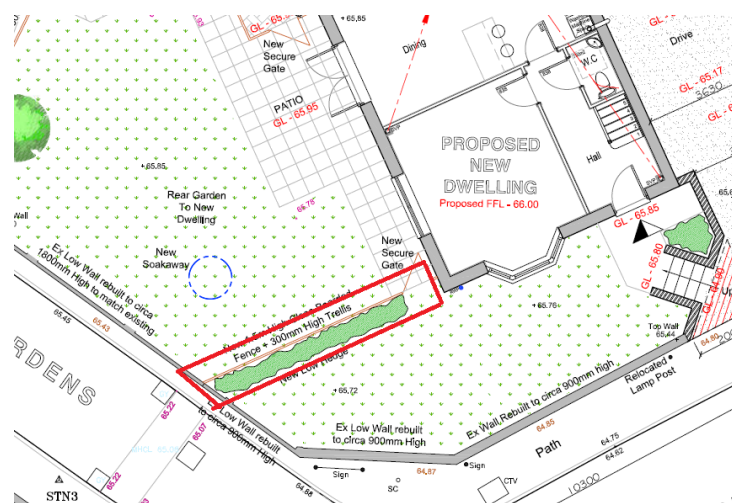
7.1.11 The important point to take from this part of the decision is that even where a proposal can have *some* negative impact on the highway (in this instance the loss of some on-street parking and some inconvenience associated with that), it does not automatically equate to an unacceptable or severe impact in planning terms, and that is the test set out in national policy.

7.2 Changes since application 20/01196/FUL and associated Appeal Decision

7.2.1 The development proposed is near identical to that considered at the recent appeal. The key difference relates to the boundary treatment on the southern and western boundaries, as well as the inclusion of a fence and hedge to run west from the side of the front elevation. Previously there would have been highly visible 1.8m close boarded fencing directly adjacent to the College Street / Nursery Gardens junction, within the area shown in red in the image on the next page:



7.2.2 The boundary treatment now proposed is for the side boundary to comprise a 1.8 metre tall wall. Toward the junction with College Street, this would reduce down to 0.9 metres at a point where a 1.5 metre tall fence with 0.3 metre trellis would adjoin the wall, extending from the side of the house as shown in red below:



7.2.3 The 0.9 metre tall wall would follow the boundary line around the front of the property beside College Street, terminating at the pedestrian access to the house.

7.2.4 This arrangement would result in a visually open garden/amenity area to the front of the house. Beyond this would be a low hedge and fencing set back from the road which would provide privacy of the main garden to the house. This is the sole difference when compared with the earlier scheme. These details can be all secured by condition(s).

7.3 Heritage

7.3.1 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of

preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

7.3.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

7.3.3 The implications of the appeal decision were that the sole aspect of the scheme that the Inspector deemed sufficient to warrant dismissing the appeal was the boundary treatment and the associated impact on the character of the CA. The Inspector noted that the previously proposed fence would have been highly visible and incongruous in the locality as well as detracting from the site's openness. The current proposal would allow for an open area to the front of the house, due to the front boundary being a low wall. This arrangement allows for the space in front of the house and fence/hedge to be 'open'. The separation from the house to the front wall is around 4.8 metres.

7.3.4 The Inspector's concerns can be summarised as:

- 1) the use of a 1.8m tall fence on the boundary would be incongruous; and
- 2) the enclosing effect / loss of visual space it would cause.

In regard to (1) fencing is no longer proposed on the front boundary. The fence proposed within the site would be set back from the road and would therefore be less prominent. It would be less in its expanse too, covering around 7 metres and set back 4.8 metres from the front boundary wall. The earlier scheme included around 9 metres of front / side fencing beside the highway (including the stretch to the front of the house).

7.3.5 The current proposal would result in some fencing being visible from the street, namely that above the low hedging proposed. It is considered that this would be a relatively modest expanse of fencing and represents a significantly different proposition to the earlier proposal. The provision of planting in front of the fence would help soften the appearance, as would any vegetation that may grow on the trellis. In regard to the particular concern of the Inspector relating to the use of timber fencing, it is considered that the proposal would not mean this corner of the site is dominated by fencing, unlike the previous scheme. The proposed boundary arrangement is considered suitable for the Conservation Area context of the site and that this aspect of the Inspector's concerns are addressed.

7.3.6 The second element of the Inspector's concern was the impact on the openness that the fence would have caused. The use of a low wall around the corner and front of the site would allow direct views to the house and the front garden area, which would be more open than the previous scheme. The Inspector in paragraph 11 of their decision had noted that, at that time, they did not have an alternative boundary scheme before them and were unsure how this could be achieved without harming the privacy of the house's garden. The Inspector's comments make it clear that it is not the

house that would cause the loss of openness, but the fence. In this case, the corner and front aspect of the property would now be 'open' or free from a feature obscuring views across the corner and front of the house. This is evidently a significant improvement on the earlier scheme.

7.3.7 The proposed 'side' fence / gate and low hedge would obscure views from the street across this area of the site. These would provide privacy, but it is a question as to whether this aspect would harm the openness of the site, taking account of the comments of the Inspector. On balance, it is considered that the front 'garden' that would be open and visible from the street, would provide an element of openness for the site, particularly at the corner which is the most sensitive visual part that previously was to be occupied by fencing. The general frontage area of the site would be free from structures and whilst the hedge / fence would be visible beyond, it is the frontage area that is considered of most visual importance. It is considered therefore that the proposal has suitably addressed the Inspector's concerns in regard to the matter of the fence's impact on openness.

7.3.8 With this concluded, it is considered that, as the Inspector found no other aspects of the proposal to be harmful to the character and appearance of the Conservation Area, that the proposal is considered to preserve this part of it. The Inspector raised no concern about the loss of the previous wall which has been cited in representation has of having heritage significance. In this regard and given the structural issues addressed at the earlier application, there is no basis to resist the proposal on this aspect. As such, the proposal is considered to comply with policies 2 and 8 of the JCS.

7.4 **Ecology**

7.4.1 The site is located within 3km of the Nene Valley Gravel Pits SPA, and as such as the proposal is for a new dwelling, it is deemed to have an impact on the bird populations of the area, as set out by in associated SPD. Since the recent appeal, the amount has increased due to the relevant indexing. The previous amount was received on the appeal scheme and the difference has now been paid

7.4.2 The proposal is to be considered acceptable in terms of the ecological impact. There are no indications that the proposal would have material ecological impacts beyond this.

7.5 **Highway Matters**

7.5.1 The Inspector's decision on the previous scheme is clear that they did not deem the impact on on-street parking to represent a conflict with adopted policy, and therefore is not a reason for planning permission to be resisted. As such and as the proposal is identical in this regard, the proposal is considered acceptable in this respect.

7.5.2 In terms of the site layout, there will be sufficient parking for the new dwelling and for No.28 College Street, with vehicles able to turn within their respective sites and leave in a forward gear onto College Street / Nursery Gardens.

7.5.3 There has been no objection from the Highways team and the proposal is considered to be acceptable with regard to highway matters subject to a condition to require the parking for both properties to be available for use before the new property is first occupied.

7.6 Impact on Neighbouring Amenity

7.6.1 The proposal is identical to the previous application in respect of potential privacy and other amenity issues. In respect of the fencing that was of concern to the Inspector, this was not for residential amenity reasons and the boundary treatments now proposed do not create any new issues of residential amenity.

7.6.2 There have been no other material changes to policy or local circumstances since the last application was determined and therefore, as before, the application is considered to be acceptable in this regard.

8. Other Matters

8.1 Neighbour comments: Five representations have been received and a number of the concerns raised are addressed in the main body of the report, including those relating to parking and character impact.

Other matters raised include that it would be preferred that access be gained via Nursery Gardens. In response to this, it is noted that this was proposed under an earlier application but refused by East Northamptonshire Council's Planning Management Committee.

The matter of the wall removal was addressed in the previous application, which involved a response from Building Control and concerns relating to structural stability. This is a separate matter from the current application.

It was suggested that a parking survey be requested. It is considered that this is unnecessary in light of the Inspector's decision, given that the proposal was deemed to be acceptable in this respect. The Council is required to determine the application based on the evidence available at the time.

8.2 Equality: The application raises no matters of particular equality concern.

9. Conclusion / Planning Balance

9.1 The proposal is considered to address the matters that led the Inspector to dismiss the recent appeal. The issue of the proposed boundary fence and its impact on the openness was deemed to represent harm to the character and appearance of the CA. The proposed boundary arrangement would allow for an element of openness to the front, is considered to represent a significant improvement and ensures there would be no boundary fence around the site. In other aspects the proposal is considered to be acceptable and as such, is considered to comply with the relevant policies of the development plan.

10. Recommendation

10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Existing Site/Topographical Plan; Proposed Site/Topographical Plan; Location Plan & Proposed Access Plan ref. 19-150-10 rev. A;
- Proposed Ground & First Floor Plans, Proposed Elevations, ref.19-150-11.
- Existing Streetscene / Proposed Streetscene, ref. 19-150-12 rev A

Reason: To define the terms of this planning permission.

3 Prior to the construction of the development above slab level, details (including details of materials and colour / finish) of all external doors and windows, and details of materials and colour / finish) of all elevations and the roof shall be submitted to the Local Planning Authority for approval in writing. Thereafter the windows and doors shall be installed as per the approved details and retained as such in perpetuity.

Reason: In the interests of preserving the character and significance of the conservation area.

4 Prior to the commencement of the development hereby permitted, details of the proposed levels of the finished development shall be submitted to the Local Planning Authority for approval in writing. The details shall include a street scene annotated with levels, and a plan showing the finished floor level of the proposed dwelling in relation to spot heights taken at points within the application site and across the surrounding land. Thereafter the house shall be constructed as per the approved details and retained as such in perpetuity.

Reason: In the interests of the character of the area and how the house will relate visually to its context.

5 Prior to first occupation of the development hereby permitted, details of the proposed hard and soft landscaping (including location and species of vegetation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details in the first planting season following completion or first occupation of the dwellings hereby permitted. The landscaping agreed shall be maintained and any tree that dies, is removed

or is severely damaged within the first five years since planting shall be replaced in the next planting season.

Reason: In the interests of visual amenity and ecology.

- 6 Prior to the first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be laid out as detailed on drawing Proposed Site Plan ref. 19-150-10 Rev. A and they shall thereafter be permanently retained for the purposes of access, parking and turning only and maintained in the approved manner in perpetuity.

Reason: In the interests of highway safety and to ensure a parking provision that meets with the Local Highway Authority guidance for residential development.

- 7 There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no gates shall be installed to the vehicular access.

Reason: In the interests of highway safety and to prevent obstruction in the adopted highway.

- 9 Measures as stated in the Construction Environment Management Plan Rev A prepared by Sidey Design shall be adhered to throughout site clearance and construction of the development hereby permitted.

Reason: In the interests of residential amenity, highway safety and visual amenity

- 10 Notwithstanding the details provided on the approved plans listed in Condition 2, prior to installation, full details of the materials, height and position of the boundary fence proposed to front onto College Street shall be submitted to and approved in writing. Development shall only take place in accordance with the approved details and shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of visual amenity and to preserve the character of the conservation area.

12. Informatives

- 1 Condition 4 requires details to be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of development, as the site is visually sensitive by virtue of being within the Irthlingborough Conservation Area. The applicant has agreed to the inclusion of Condition 4.