



## **Planning Appeal Decision Letters**

**(a) 22 Fullwell Road, Bozeat**

**(b) 32 New Street, Earls Barton (including costs decision notice)**

**(c) Land adj. 15 Arthur Street, Wellingborough**



## Appeal Decision

Site Visit made on 13 December 2021

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> December 2021

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**Appeal Ref: APP/H2835/W/21/3279318**

**22 Fullwell Road, BOZEAT NN29 7LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Gordon Betts against the decision of Wellingborough Borough Council.
  - The application Ref NW/21/00355/FUL, dated 22 April 2021, was approved on 16 June 2021 and planning permission was granted subject to conditions.
  - The development permitted is the demolition of an existing single storey conservatory and outbuilding and the erection of a two-storey attached 3 bedroom house and on-site parking for the existing and new dwelling.
  - The conditions in dispute are Nos 16 and 17. Condition 16 states that - Notwithstanding the provisions of Classes A-D (inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement, alteration or improvement of the new dwellinghouse shall be undertaken at any time without the prior planning permission of the local planning authority. Condition 17 states that - Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure shall be erected or placed within the curtilage of the new dwelling hereby permitted without the prior planning permission of the local planning authority.
  - The reasons given for the conditions are: Condition 16 - Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the local planning authority so that the amenities of the adjoining occupiers are not adversely affected in accordance with policy 8(e)(i) of the North Northamptonshire Joint Core Strategy, and Condition 17 - Having regard to the density, character and layout of the development the local planning authority consider such structures would be likely to adversely affect the amenity of neighbouring occupiers and consider it is in the public interest to require an application to enable the merits of any proposal to be assessed in accordance with policy 8(e)(i) of the North Northamptonshire Joint Core Strategy.
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### Decision

1. The appeal is allowed and the approval Ref NW/21/00355/FUL, given on 16 June 2021, is varied by deleting condition No's 16 and 17.

### Background and Main Issue

2. The approved development includes two conditions that remove Permitted Development (PD) rights. These relate to extensions and alterations to the new dwelling and curtilage buildings. The Council's reasons given for these, on the

decision notice, are the need to safeguard the amenities of neighbouring occupiers against the likely adverse effect of such development.

3. Consequently, the main issue is whether conditions 16 and 17 are reasonable and necessary in the interests of living conditions of neighbouring occupiers.

### **Reasons**

4. The appeal site is the side garden of an existing dwelling within a suburban area. The area has a diverse range of house types within a relatively close-knit pattern of development. Fullwell Road is on a gradual gradient. As a result, the ground floor of 24 Fullwell Road is around one metre higher than the appeal site and plot of the existing dwelling. The approved dwelling is a semi-detached property that, at the time of my visit, appeared to be substantially complete. Its rear garden is similar in length, width and overall size to the majority of neighbouring properties. As a result, the dwelling and the space around it, have characteristics that are common with the local pattern of development.
5. The National Planning Policy Framework (The Framework) at paragraph 56 states that conditions should only be imposed when they are necessary, relevant, enforceable, precise and reasonable in all other respects. More specifically, paragraph 54 states that planning conditions should not be used to restrict national permitted development rights unless there is clear reason to do so. Planning Practice Guidance states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness.
6. The rear elevation, of the new dwelling, projects out to the rear by around two metres. This creates a small staggered rear building line with No 22. However, the side passageway forms a gap between these dwellings at ground floor. Due to this separation gap, and the kitchen/diner of No 22 being served by two windows, the impact of future PD development would be limited. This relationship would be similar to the common effect of PD extensions between semi-detached dwellings. As such, PD development in this context would have a negligible and acceptable effect on the neighbouring occupier's access to daylight and sunlight.
7. Furthermore, due to the level change with No 24, the effect of any PD extensions or curtilage buildings close to this property, would also be limited. The site is not constrained to any greater extent than local existing development. As a result, considering the overall context of the site, there is no compelling reason to withhold PD rights.
8. Accordingly, I conclude that the imposed PD restrictions are neither reasonable nor necessary in the interests of the living conditions of neighbouring occupiers. Consequently, removing the conditions would not conflict with policy 8 of the North Northampton Joint Core Strategy (2016) or the Framework. These seek development that creates a high standard of amenity for users and to not result in unacceptable impacts.
9. As such, clear justification for imposing the condition, as required by the paragraph 54 of the Framework, has not been provided.

**Conclusion**

10. For the reasons set out above, I conclude that the appeal should be allowed, and the planning permission should be varied by the deletion of Conditions 16 and 17.

*B Plenty*

INSPECTOR





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# Appeal Decision

Site visit made on 9 November 2021

**by J P Longmuir BA(Hons) DipUD MRTPI**

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

**Decision date: 31 December 2021**

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**Appeal Ref: APP/H2835/W/21/3278010**

**32 New Street, Earls Barton, NN6 0NN**

- 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 D Mallard against the decision of North Northamptonshire Council.
  - The application Ref NW/21/00134/FUL, dated 9 February 2021, was refused by notice dated 22 April 2021.
  - The development proposed is 2 new dwellings.
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## Decision

1. The appeal is allowed and planning permission is granted for 2 new dwellings at 32 New Street, Earls Barton, NN6 0NN in accordance with the terms of the application, Ref NW/21/00134/FUL, dated 9 February 2021, subject to the conditions in the conditions annexe at the end of this decision.

## Application for costs

2. An application for costs was made by Mr D Mallard against North Northamptonshire Council. This application is the subject of a separate Decision.

## Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area;
  - the living conditions of the intended occupants and the effect on the living conditions of the adjacent residents and;
  - the effect of the proposal on highway safety.

## Reasons

### *Character and appearance*

4. The appeal site is within the large village of Earls Barton. It is surrounded by residential properties on all sides. The appeal site is at the end of the New Street cul-de-sac which serves a wide mix of twentieth century houses in terms of their age, style and form.
5. The appeal site includes an existing house which is sited towards one side of the site and the cul-de-sac. It has a substantial rear garden, with mature

- hedges and a scattering of trees. It slopes downwards towards the south to adjoin the gardens of houses along Milbury.
6. Within such a residential area the proposed new dwellings would in principle not be out of place. The proposal would retain the existing dwelling and the two new dwellings would be to the rear, away from the cul-de-sac. Whilst there is a tendency for buildings here to follow the road frontages, the building lines in the area are not overly pronounced as the surrounding roads spread over a varied pattern.
  7. The submitted plans show the two houses would have rear garden, approximately 11m deep as well as space to the sides. Parking would be to the front. The existing dwelling would also have a reasonable sized rear garden and would appear similarly distanced from the new dwellings.
  8. The submitted cross section shows the buildings would not be out of scale with the neighbouring houses and would not be overly engineered into the slope. The height of the buildings would be typical of the area and would not compound the effect of the topography. The houses would have unassuming elevational design which would not attract attention, particularly as the houses in the area have a variety of designs.
  9. The site is not prominent from public view, but in any event, I find that the development would not be perceived as harmful to the character and appearance of the area.
  10. Policy 8 of the North Northamptonshire Joint Core Strategy (JCS) requires development to create a distinctive local character by responding to the context and local topography and landscape setting. Policy EB.GD1 of the Earls Barton Neighbourhood Plan (NP) allows for small scale development within the village boundary if it is of a scale, massing, density and design which reflects local character. Similarly Policy EB.D1 of the NP requires development proposals to be of a high standard of design and layout and in keeping with local character. Paragraph 126 of the National Planning Policy Framework (the Framework) requires the creation of high quality, beautiful and sustainable buildings. Similarly, paragraph 130 requires proposals are sympathetic to local character and history, including the surrounding built environment and landscape setting. The proposal would not be in conflict with the above policies.

#### *Living conditions*

11. The submitted plans show that the intended occupants would have good sized rear gardens including patio areas stretching across the width of the buildings. Their spaces would be ample even for the size of the houses.
12. The rear of the proposed dwellings would look towards Milbury, a well-established residential area. Several of these houses have ground and first floor windows overlooking the appeal site, which is elevated. I went inside number 27 on my site visit and noted the outlook: whilst there is a boundary hedge, this does not extend wholly along the boundary and at least one of the new houses would be visible, whereas at the moment the outlook is gardens. However, the appellant indicates that there would be a 24m separation distance between facing windows, which taken as a ballpark, would provide adequate privacy even allowing for the topography.

13. The gardens of the Milbury houses would back on to those in the appeal proposal. This is not an unusual situation, and the existing and proposed gardens would be large enough to avoid undue intrusion. Mention is made that the boundary hedge on the appeal site could be cut down in the future. However, it is distanced from the proposed houses, so would not be under particular pressure. In any event such an eventuality often exists elsewhere, and the occupants would be likely to favour its retention for their own privacy. The permitted development rights regime does allow home owners to erect fencing or similarly undertake planting. Moreover, the separation distances involved mean that the retention of this boundary hedge would not be critical.
14. The occupants of the neighbouring dwelling to the north west, 30 New Street, would have a view towards the proposed dwellings. However, this would be an oblique aspect rather than direct, and there is an intervening boundary hedge which provides some screening. Consequently, this impact would not be significant.
15. I therefore conclude that the proposal would give reasonable living conditions for the new occupants and would provide satisfactory privacy for the existing residents.
16. Policy 8 of the JCS seeks to protect amenity of existing residents and promote provision for new residents including amenity space. Policy EB.GD1 of the NP allows for small scale development within the village boundary if it does not result in an unacceptable loss of amenity for neighbouring uses through privacy. The proposal would not be in conflict.

#### *Highway safety*

17. The proposal would lead to additional traffic generation from the two new houses as well as that during construction. The proposal would provide parking and manoeuvring within the appeal site. The access would join the existing drive and exit onto the cul-de-sac at the end of New Street.
18. The nearest section (southern end) of New Street to the appeal site is narrow; however, it is straight with a wide grass verge on one side and a pedestrian pavement to the other. Consequently, this has good visibility. Additionally, this part of New Street is only short before it then turns a corner into a wider part. This section of New Street has some on street parking but waiting points exist. There are pedestrian pavements on both sides, at this point, which allow pedestrian segregation from traffic.
19. New Street forms a junction with the village through road at which there is good visibility.
20. Concern is raised about pedestrian safety, however, there is potential segregation. In addition, traffic speeds would also be expected to be low being a cul-de-sac.
21. I noted on my site visit that the boundary hedge with the neighbour of the access has been cut back. There is a comment that some of the hedge in the splay line may not be within the appellant's ownership but that is a matter between the particular parties. I note the concern about access by emergency vehicles, but the road has good visibility and passing potential.



22. The proposal would only increase traffic by two households, which the highways consultant equates to 10 daily trips. This would be a limited increase on the road network.
23. I therefore conclude that the proposal would not harm highway safety.
24. Policy 8 of the JCS promotes highway safety and the needs of pedestrians. Policy EB.D1 of the NP precludes development which would have traffic generation and parking impact leading to an unacceptable congestion or pedestrian hazard. The proposal would not be in conflict.

*Other matters*

25. The appeal site is currently a porous vegetated surface and the access, dwellings and their patios would equate to hard surfaces. Surface water run off could be contained and slowed by various means which would be capable of being covered by a condition.
26. The proposed two new houses would have economic benefits and make a contribution to housing land supply. The dwellings would be in an accessible location and the occupants would be likely to support local services. The new houses would be a social benefit.
27. The Upper Nene Valley Gravel Pits Special Protection Area /Ramsar site is close to the appeal site. This distinctive habitat is protected under The Conservation of Habitats and Species Regulations 2017 and is particularly notable for its wetland birds.
28. Having regard to the evidence provided by the Council I consider that the development could, in combination with other development in the area, have a significant adverse effect on the above designations through added recreational pressure, particularly dog walking, causing disturbance to the ecosystem. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated so as to avoid any significant adverse effect on the conservation objectives of the above designations.
29. The Council, in partnership with Natural England, has developed The Upper Nene Valley Gravel Pits Supplementary Planning Document an approach to mitigation. This involves monitoring and management.
30. The committee report states that the correct mitigation fee has been paid by the appellant. I am satisfied that this contribution would result in suitable mitigation such that the development would avoid having any significant adverse effect on the above designations. The committee report confirms that the Council were satisfied in this regard and indeed this did not lead to a reason for refusal.

**Conditions**

31. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council have suggested conditions. The timing and approved plans provide clarity. Approval of materials is necessary to ensure good design and similarly submission of landscaping and slab heights. The archaeological investigation is needed in the interests of heritage. The submission of and approval of boundary treatments will help residential amenity, albeit this wording has been simplified. The CEMP

is also necessary to minimise disruption to this residential area. The requirement for provision of refuse is also necessary for amenity although the wording is simplified to limit that within planning controls. The highway conditions imposed are for safety. Car charging, water efficiency and biodiversity conditions are imposed in the interests of the wider environment. The accessibility is necessary to allow access for all.

32. A condition requiring the approval of surface water run off measures is added to ensure adequate provision.
33. The requirement to provide lighting is not justified as the access will be a private drive and such measures would be up to the individuals. The removal of permitted development rights is not imposed, which is only warranted in exceptional circumstances and the site is not so constrained.

### **Conclusion**

34. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below.

*John Longmuir*

INSPECTOR

### **Conditions annexe**

- 1) The development shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following drawings/details: 43-20-00 C (site plan) received 10 February 2021; 43-20-02 (unit 2 proposed plans & elevations) received 10 February 2021; 43-20-03 (unit 3 proposed plans & elevations) received 10 February 2021.
- 3) Notwithstanding the details shown on drawing numbers 43-20-02 (unit 2 proposed plans and elevations) and 43-20-03 (unit 3 proposed plans and elevations) no development above slab level shall take place until samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) The dwellings hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).
- 5) No building shall be occupied until the car/vehicle parking areas shown on the approved plans for that building has been constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained as ancillary to the development and shall be used for no other purpose thereafter.
- 6) The dwellings hereby approved shall be built to meet the requirements of the National Accessibility Standards in category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

7) In the event that any unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the local planning authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the local planning authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the local planning authority has been given shall development works recommence.

8) No development shall take place until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include site procedures to be adopted during the course of construction including: - Procedures for maintaining good public relations including complaint management, public consultation and liaison. - Arrangements for liaison with the Councils Environmental Protection Team. - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the local planning authority, shall be carried out only between the following hours 08:00 hours and 18:00 hours on Mondays to Fridays and 08:00 and 13:00 hours on Saturdays and; at no time on Sundays and Bank Holidays. - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above. - Mitigation measures as defined in BS5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites, shall be used to minimise noise disturbance from construction works. - Procedures for emergency deviation of the agreed working hours. - Control measures for dust and other air-borne pollutants. - Measures for controlling the use of site lighting whether required for safe working or for security purposes. The approved construction environmental management plan shall be adhered to throughout the construction process.

9) Notwithstanding the approved details, no development shall take place above slab level until details of the proposed boundary treatments for the host and the hereby approved dwellings have been submitted to and approved in writing by the local planning authority. The approved boundary treatment(s) shall be erected before any dwelling hereby approved is first occupied. Development shall be carried out in accordance with the approved details and thereafter retained in that form.

10) No dwelling shall be occupied until the associated refuse store, and facilities allocated for storing of recyclable materials, as shown drawing number 43-20-00 Rev C (site plan) has been completed in accordance with the approved plans or such other details that shall have been submitted to and approved in writing by the local planning authority and thereafter retained in that form.

11) Prior to the occupation of either of the dwellings a scheme for the provision of charging points for electric vehicles shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented prior to the first occupation of each dwelling to which the charging point shall relate.

12) Prior to the first occupation of plots 2 and plots 3 pedestrian to vehicle visibility of 2.0 metres x 2.0 metres above a height of 0.6 metres shall be provided and maintained in perpetuity on both sides of the vehicular access.

13) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition: (i) fieldwork in accordance with the agreed written scheme of investigation; (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the planning authority); (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the planning authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork.

14) Notwithstanding the details on the approved plans no building or use hereby permitted shall be occupied or the use commenced until the vehicular areas that are within 5 metres from the boundary of the site where it meets the public highway have been constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the local planning authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

15) Prior to the first occupation of either of the dwellings a scheme for the provision of bat and bird boxes shall be submitted to the Local Planning Authority for approval. The approval scheme shall be implemented prior to first occupation.

16) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

17) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

18) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the

arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

END OF CONDITONS ANNEXE



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## Costs Decision

Site visit made on 9 November 2021

**by J P Longmuir BA(Hons) DipUD MRTPI**

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

**Decision date: 31 December 2021**

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### **Costs application in relation to Appeal Ref: APP/H2835/W/21/3278010 32 New Street, Earls Barton, NN6 0NN**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr D Mallard for a full award of costs against North Northamptonshire Council.
  - The appeal was against the refusal of planning permission for 2 new dwellings.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant argues that the Council failed to produce evidence to substantiate each reason for refusal. It is unclear how members of the planning committee could have reached informed views on the character and appearance, its landscape setting or impact on neighbour amenity without a site visit. No evidence was produced to substantiate the highway safety reason for refusal. The details from the highway consultant and advice from the qualified highway officer on a very technical matter were not followed. The committee did not produce evidence to the contrary.
4. The Council respond that committee members were entitled to come to their conclusions and the decision was one of balance on matters of judgment. The reasons for refusal were substantiated in the appeal submissions. The committee were given a full explanation of the facts and shown the plans. Photographs were also displayed, and the site is readily visible from public view.
5. The committee members were given the description of the site in the case officers report. The New Street context was a public vantage point which their members would know. The provided photographs would have supplemented their knowledge. Therefore, an official site visit would not have been essential and may well have been difficult given the pandemic.
6. The proposal's impacts on the landscape setting of the area and the neighbouring living standards were matters of judgement and not a precise science. Consequently, the Council were entitled to come to their view.

7. The highway aspect was more technical however the Council's concern was set out clearly in their appeal evidence, making particular reference to the visibility and width of the road. Whilst I did not agree with the Council's assessment of the impact, it was nonetheless clearly expressed.
8. The committee applied the criteria in the Development Plan policies as evident in the reasons for refusal. The policies are open to judgement which is widely acknowledged as a matter for the reader. The assessment of the policies across these reasons for refusal is not an automatic conclusion but rather a balance of the various merits and impacts. The reasons for refusal were rational and based on the particular considerations prevalent to the case.
9. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

*John Longmuir*

INSPECTOR



## Appeal Decision

Site visit made on 9 November 2021

**by J P Longmuir BA(Hons) DipUD MRTPI**

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

**Decision date: 24 December 2021**

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**Appeal Ref: APP/H2835/W/21/3276556**

**Land at Arthur Street, Wellingborough, NN8 3HH**

- 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 Chris Smart against the decision of Borough Council of Wellingborough.
  - The application Ref NW/21/00234/FUL, dated 10 March 2021, was refused by notice dated 29 April 2021.
  - The development proposed is the erection of a one bedroom bungalow with off road parking on land adjacent no. 15 Arthur Street.
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### Decision

1. The appeal is allowed and planning permission is granted for a one bedroom bungalow with off road parking at land at Arthur Street, Wellingborough, NN8 3HH in accordance with the terms of the application, Ref NW/21/00234/FUL, dated 10 March 2021, subject to the conditions in the conditions annexe at the end of this decision.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on parking provision and any resulting harm and;
  - the living conditions of the proposed occupant and the effect of the proposal on adjacent residents.

### Reasons

#### *The effect on character and appearance*

3. The appeal site is within the suburbs of Wellingborough, close to the town centre. The environs are typified by early/mid twentieth century houses.
4. The appeal site is to the rear of a terrace of houses on Westfield Road and off a side road, Arthur Street. The appeal site includes one half of a pair of garages, and a largely hard surfaced space, which logically would have been a garden at one time. The appellant's statement describes it as a separate piece of land and is not part of the existing curtilage.



5. The proposed bungalow would be orientated and detailed to visibly front Arthur Street. This would help provide a sense of continuity of buildings along the street, whereas at the moment the appeal site appears as a void. The submitted street scene shows the proposal would be at a similar height to the adjacent building on Westfield Road/Arthur Street and significantly lower than the other two storey neighbouring dwelling. The street scene also shows there would be gaps between the buildings so as to avoid a cramped appearance. It would also be slightly set back into the site from the edge of the roadside footpath which would allow it to appear at ease within the site.
6. The proposal is single storey which would be different to the neighbouring dwelling to the south. However, the street as a whole does not have uniformity and includes two blocks of flats at a lower end. Indeed, the neighbouring dwelling to the north steps down towards this level as depicted on the submitted street scene.
7. The building would have simple doors and windows, modest floor/ceiling height with an appropriately angled pitched roof, which together with red brick walling and tiles would give a deferential appearance.
8. I therefore conclude that the proposal would not harm the character and appearance of the area.
9. Policy 8 of the North Northamptonshire Joint Core Strategy (JCS) seeks to create a distinctive local character, in response to the context, including topography, form, character and landscape setting. The North Northamptonshire Joint Planning Unit Sustainable Design SPD promotes the need for a design response to local character, particularly in terms of the existing urban form. Paragraph 126 of the National Planning Policy Framework (the Framework) requires the creation of high quality, beautiful and sustainable buildings. Similarly, paragraph 130 requires proposals are sympathetic to local character and history, including the surrounding built environment and landscape setting. The proposal would not be in conflict with the above policies and guidance.

### *Parking*

10. The appeal proposal would demolish a garage and create a new one bedroom dwelling, which could generate a need for parking. However, as I noted on my site visit, the garage is narrow so that a modern sized car and its wing mirrors may not be able to fit, and the occupant(s) may well lack sufficient clearance to open their doors. The garage has a limited length which could also preclude some cars, particularly as the garage has a roller shutter door which would also need space for its functioning.
11. Additionally, the Northamptonshire Parking Standards SPD discourages counting garages for parking on the basis that they are often used for storage.
12. I therefore find that the existing garage is not likely to be used as a car parking space and therefore its removal would not be tantamount to a loss.
13. In front of the garage is an area of hardstanding. The submitted plans show that this is considerably smaller than the garage. It would not be long enough to accommodate a car without a substantial overlap onto the public footpath. Therefore, this too is unlikely to be used as a car parking space.

14. The proposal would provide a space for car parking to the side of the bungalow. This would be adequately sized and positioned to serve the new dwelling.
15. Arthur Street has some on street parking including the appeal site frontage. Evidence has not been brought to my attention that there is a parking shortage in the area. Facilities and public transport are close, so car dependency would be expected to be low. Similarly, I note the highway officer's comments but the streets are well demarcated to prevent any indiscriminate on street parking which could impair visibility across junctions and the carriageways have good widths. Consequently, even if the proposal did lead to a parking shortfall, the effect on highway safety would not be significant.
16. The Council indicate a need to provide a parking space for the adjacent dwellings, in particular one of which is an HMO. However, as I have found above, the existing garage and hardstanding on the appeal site are impractical for the parking of modern cars.
17. I therefore conclude that the proposal would not undermine parking provision and highway safety.
18. Policy 8 of the JCS seeks to ensure satisfactory parking and safety. The proposal would not be in conflict. Paragraph 110 of the Framework promotes safe and suitable access and the design of parking areas reflects the National Design Guide. Paragraph 111 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. The proposal would not be in conflict with these policies.

#### *Living conditions*

19. The second reason for refusal refers to the loss of outlook, reduced privacy and increased noise and disturbance. The submitted plans show that the dwelling's windows would be orientated perpendicular to the neighbouring houses on Westfield Road and the relative siting and distance would avoid significant overlooking. The dwelling would be sited parallel with the principal windows of the neighbour at 15 Arthur Street to avoid overlooking.
20. The appellant suggests a condition to require boundary fencing. This would deter overlooking into adjacent gardens bearing in mind the windows would only be at ground floor height. Moreover, the proposed dwelling would be within a residential area so the use should be compatible and no particular noise or disturbance would be expected.
21. The proposal would remove some of the outdoor space associated with the adjacent dwelling. I understand that this is an HMO and the Council suggests this puts more pressure on external space but the sharers may well not have such need. Only very little outdoor space would remain, just sufficient for sitting out. However, the appeal site showed no evidence of being used as a garden and I saw on my site visit that there are several substantial public open spaces close by within easy walking distances. Accordingly, I find that the proposal would reduce the quantum of open space to the neighbouring dwelling, which would adversely impact on the living standards, but this would be very limited.
22. The proposal would provide a 46sqm area of garden space for the new dwelling. Whilst this may be narrow at one point it otherwise would be a

- useable shape and is a fair size. More extensive public open spaces are close by too.
23. The National Space Standards state a 1 person 1 bedroom house should have a floorspace of 39sqm, and a 2-person 1 bedroom house should have a floorspace of 50sqm. The Council calculate the bungalow would have a floorspace of 39.5sqm and suggest that it would be intended for 2 people, based on the bedroom size. The appellant states that this is only intended for single person occupancy and the proposal would therefore surpass the national space standard. Indeed, the above standards suggest a 'shower-room' would warrant the dwelling being only 37sqm. The proposal has a shower rather than a bath, which takes up less space.
  24. There is an element of conjecture whether this would be a one or two-person dwelling. The appellant has submitted a revised internal floor plan which shows a bedroom of smaller size. This plan has not been the subject of the consultation process as in a planning application. However, this plan is included and referenced in the appellant's statement and consequently it would also have been available to any third parties looking at the appeal details. The Council's statement follows this submission and makes no adverse comment on it. Moreover, it makes no changes to the footprint, siting, fenestration or otherwise to the exterior of the dwelling. Consequently, no person has been disadvantaged by the submission of this interior re-arrangement.
  25. The dwelling would have rectangular rooms which would be a very functional shape, with the circulation placed in the centre. The kitchen/lounge as well as bedroom would have dual aspect, which together with the extent of glazing would provide good daylighting and outlook.
  26. The proposal shows 1.2sqm of storage space. This would comfortably surpass the requirement of 1sqm in the national standards for a 1 person 1 bedroom dwelling.
  27. One of the reasons for refusal refers to accessibility. However, a condition as suggested by the Council could be imposed to ensure that level access to the front door could be achieved. The appellant has submitted a plan dated May 2021 detailing the potential interior measures and its essence can be conditioned.
  28. I therefore conclude that the living conditions of the occupant of the proposal would be acceptable. The proposal would reduce the outdoor space of the adjacent dwelling however this impact would be very limited.
  29. Policy 8 of the JCS seeks to avoid unacceptable impact on the amenities of residents and ensure the quality of life. Policy 30 of the JCS cross references to the National Space Standards as well as the National Accessibility Standards and promotes the provision of small dwellings. Paragraph 92 of the Framework supports healthy lifestyles and well-being. The proposal would be in conflict with these policies due to the reduction in private open space.

#### *Other matters*

30. The Upper Nene Valley Gravel Pits Special Protection Area /Ramsar site is close to the appeal site. This distinctive habitat is protected under The Conservation of Habitats and Species Regulations 2017 and is particularly notable for its wetland birds.

31. Having regard to the evidence provided by the Council I consider that the development could, in combination with other development in the area, have a significant adverse effect on the above designations through added recreational pressure, particularly dog walking, causing disturbance to the ecosystem. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated so as to avoid any significant adverse effect on the conservation objectives of the above designations.
32. The Council, in partnership with Natural England, has developed The Upper Nene Valley Gravel Pits Supplementary Planning Document, an approach to mitigation. This involves monitoring and management.
33. The Council confirms that the correct fee has been paid by the appellant which would contribute towards the mitigation measures. I am satisfied that this contribution would result in suitable mitigation such that the development would avoid having any significant adverse effect on the above designations.

### **Planning Balance**

34. The proposal would provide a new dwelling within an urban area, on an under utilised site, which is supported by the Development Plan strategy. The design would be appropriate for the area and the proposed parking provision would not impair highway safety, also in accordance with the Development Plan. The proposal would lead to the reduction in the size of the adjacent outdoor space; however, this would be very limited impact. Accordingly, whilst the proposal would conflict with the Development Plan, I give this very little weight.
35. Paragraph 8 of the Framework provides the three overarching objectives of the planning system: economic, social and environmental. In terms of the economic aspect, the construction of the building would help the local economy and make a contribution to housing land supply. Paragraph 69 of the Framework promotes the provision of small sites in this regard. The new dwelling would also be in a highly accessible location, whereby the occupants would have close and direct access to everyday services without the need for private car use and contribute to the social objective. Similarly, it would have a social benefit by providing an additional home and particularly so for a single person. The dwelling would re-use a site which is underused and within an urban area, which would tally with the environmental objective.
36. In the light of the above, I therefore conclude that the adverse impact of the proposal, including the conflict with the Development Plan, would be significantly outweighed by the benefits of the proposal.

### **Conditions**

37. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council has suggested conditions, but the appellant feels that the Council has not provided clear justification for their necessity. Conditions on the timing and approved plan would help clarity. The approval of materials is necessary to confirm the appearance of the elevations. Similarly, landscaping details are necessary to ensure the appearance of the scheme but this condition is simplified. The floor level condition is also necessary as this is a sloping site and such a detail will help the appearance of the street scene. The requirement for bicycle parking is necessary to ensure the accessibility of this location is maximised, which was a

contributing factor in the planning balance. However, this is not justifiably applied to No. 143 as it is an existing house.

38. The requirement for the boundary treatment is necessary in the interests of the living standards of the intended occupant and the neighbouring dwellings. The construction environment management plan is necessary to maintain living conditions during the development, particularly demolition; the size of the appeal site and its proximity to neighbouring dwellings mean there is potential for disturbance. The condition on contaminated land is necessary as the works could spread contaminants. The accessibility condition is necessary for visitors and the occupant as I found earlier.

39. The Council recommend the removal of Permitted Development Rights. However, this is only justified in exceptional circumstances and I have not found that the site is so constrained. The water efficiency measures are not specified in a particular planning policy or supplementary guidance and have not been justified in the Council's case.

### **Conclusion**

40. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below.

*John Longmuir*

INSPECTOR

### **Conditions annexe**

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan dated 03/09/2020, Drawing No A21-19-01a dated Feb 2021.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

4) The dwelling hereby approved shall be built to meet the requirements of the National Accessibility Standards in category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

5) Before any new walling commences, details of existing and proposed finished floor levels for the proposed development and the surrounding ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved finished floor and ground levels.

6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning

Authority. All hard landscaping works shall be carried out as approved prior to first occupation of the dwelling.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) The dwelling shall not be occupied until all the external boundaries of the site have been reinforced in accordance with details submitted to and approved beforehand by the Local Planning Authority. These boundary treatments shall be retained and maintained as such thereafter.

9) Prior to the first occupation of the development details of the proposed bicycle parking for the proposed dwelling shall be submitted to and approved in writing by the local planning authority and the scheme approved shall be provided and be retained thereafter.

10) No development shall take place including any works of demolition until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include site procedures to be adopted during the course of construction including: - working hours; - Procedures for emergency deviation of the agreed working hours; - lighting and security; - control of dust and other emissions; - proposed temporary traffic restrictions; - parking of vehicle of site operatives and visitors.

11) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

End of conditions annexe