

Appeal Decision

Site visit made on 30 August 2016

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

Appeal Ref: APP/Y2810/W/16/3152387 Old Road, Walgrave, Northants

- 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 R Simons against the decision of Daventry District Council.
 - The application Ref DA/2015/1048, dated 1 November 2015, was refused by notice dated 18 January 2016.
 - The development proposed is described as 2 no. dwellings with off road parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would be appropriate to its location in the context of planning policies relevant to the provision of housing in the countryside and (ii) the effect on the living conditions of the occupiers of 63 Old Road with particular regards to privacy, outlook and overshadowing.

Reasons

Planning policies relevant to the provision of housing in the countryside

3. Policy R1 of the West Northamptonshire Joint Core Strategy 2014 (JCS) sets out the Council's Spatial Strategy for the sustainable development of housing, jobs and services in the district's rural area, whilst ensuring that the overall character of the area is protected. Residential development in rural areas will be required to meet certain criteria including its appropriate mix and scale to the settlement and that it is located within the existing confines of the village. It also provides the basis for a defined rural settlement hierarchy to be set out through a Part 2 Local Plan. This document is still in the early stage of preparation and until such time as this is adopted, the Policy R1 states that the saved policies of the Daventry Local Plan 1997 (LP) will apply.
 4. Saved Policy GN1 of the LP seeks, amongst other things, to limit development in villages and severely restrain it in the open countryside. Walgrave is designated as a restricted infill village in the saved LP Policy HS22. This policy states that small scale residential development will normally be granted permission subject to it being within the existing confines of the village and that it does not affect open land which is of particular significance to the form and character of the village.
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5. The existing confines of the village is defined in paragraph 4.90 of the LP and is considered to be the existing main built area of the village excluding peripheral buildings or other structures which are not closely related to the village. Gardens or former gardens within the curtilages of dwelling houses will not necessarily be assumed to fall within the existing confines of the village.
6. The appeal site is an open parcel of land located adjacent to a residential property at No. 63 Old Road (No. 63) that forms part of a linear development of residential properties of a variety of ages, styles and designs running along Old Road to the east. To the north on the opposite side of the road are residential properties. To the west is a further small open parcel of land and detached garage and then allotments. To the south and north-west of the site, are extensive tracts of countryside. The road boundary is marked by an existing mature hedgerow and trees that give a distinctively appealing rural appearance. It is proposed the existing hedgerow and trees would be removed to provide access and parking for the proposed dwellings off Old Road.
7. The appellant considers that the proposed development would fall within the existing confines of the village. The Council, however, consider that under the above definition the gable end of No. 63 forms the edge of the existing built up area on the southern side of Old Road. In this context, I do not concur with the appellant. Rather than the site having any close connection with adjacent dwellings, it reads strongly as a separate parcel of land beyond the existing built up area and the confines of the village.
8. The appeal site is, therefore, in the open countryside where saved LP Policy HS24 sets out that permission will not be granted for residential development in the open countryside other than for purposes of agriculture or forestry and the re-use or replacement of existing buildings. JCS Policy R1 states that development outside the existing confines of the villages will be permitted where it involves the re-use of buildings or in exceptional circumstances where it will enhance or maintain the vitality of the rural communities or contribute towards and improve the local economy. There is no indication in the evidence before me that the proposed dwellings would fall within any of the specified categories of development that would be appropriate in this location.
9. The Council submit that the JCS housing requirements have been met and exceeded triggering the need to consider the additional criteria in JCS Policy R1 (i-v). This is a position supported by recent appeal decisions in the area¹. Housing development in the rural areas will only be permitted where it meets these criteria and demonstrates that it would result in environmental improvements on a site including the re-use of previously developed land and is required to support the retention of or improvement to essential local services.
10. The appellant states that the proposal would make a positive contribution to the village through helping increase the mix of housing available, supporting local services and tidying up the site. However, two dwellings would make a limited contribution to the vitality of this rural community and, more generally, to the housing stock in the district. There is no evidence before me to suggest that local services are at risk such that this proposal would secure their retention and there are other means of tidying up the site without the need to

¹ APP/Y2810/W/16/3146543 and APP/Y2810/W/16/3144748

construct dwellings upon it. I do not consider that these factors would outweigh the site's significant locational shortcomings.

11. Consequently, I conclude that the proposal would not be appropriate to its location in the context of those planning policies relevant to provision of housing in the countryside. It would therefore be contrary to Policy R1 of the JCS and saved policies GN1, HS22 and HS24 of the LP for the reasons set out above.

Living conditions of the occupiers of the neighbouring property

12. The development would be separated from No. 63 by approximately 11m. There are habitable room windows at ground floor and first floor levels on the side elevation of No. 63 which faces the proposed development. Two small obscured glazed windows are proposed on the side elevation of the nearest proposed dwelling facing No. 63 and a new 1.8m high close boarded fence is proposed along the side boundary between the properties. The Council have no set separation standards in this situation but recommended minimum separation distance of 12m from the Council's Designing House Extensions planning guidance 1997. This, however, it is not considered directly relevant to this case.
13. I consider that given the overall distance between the properties, proposed obscured glazing, proposed boundary treatment and the orientation of the two properties, the proposal would not result in an unacceptable loss of privacy or outlook, nor cause overshadowing for the occupiers of the neighbouring property at No. 63 either from the side windows or the garden.
14. I note that the neighbouring property has objected to the proposal on the basis of the impact on living conditions, previous planning refusals, unsuitability for housing and the beehives kept in the garden of their property. However, these matters are addressed above and I have no evidence before me to determine potential impact on the beehives in this case.
15. Consequently, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of the neighbouring property with regard to privacy, outlook and overshadowing. It would, therefore, accord with Policy R1 of the JCS that seeks to ensure that new development protects the amenity of existing residents.

Other Matters

16. I have noted the previous use, previous planning refusals for residential development and the planning appeal on the appeal site drawn to my attention by the appellant and the Council. These, however, arose in a different policy context some time ago and, as such I afford them limited weight in this case.
17. The appellant makes reference to other development in the area. The new dwelling granted on land adjacent to Newlands Lodge, Newland Road, Walgrave has different development characteristics relating to a single dwelling and arose in a different policy context. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to those of the present appeal proposal. I therefore accord this limited weight as a precedent in this case.

18. I note that the appellant considers that the proposal would constitute a sustainable form of development. Sustainable development is identified as having social, economic and environmental roles in the National Planning Policy Framework (the Framework). There would be some social benefits in providing two houses and these would also contribute to the economy of the area, particularly during the construction period. However, the harm to the countryside would be significant in this location for the reasons set out above and as such I conclude that this would not represent a sustainable form of development in terms of the Framework.

Conclusion

19. Notwithstanding my findings on the lack of harm to the living conditions of the occupiers of the neighbouring property this does not outweigh the harm found to the countryside in this rural location. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR