

Appeal Decision

Site visit made on 25 October 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 8th November 2016

Appeal Ref: APP/V2825/W/16/3155828

**2 Rectory Close, Great Houghton, Northampton, Northamptonshire
NN4 7AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs S Mitchell against the decision of Northampton Borough Council.
 - The application Ref N/2014/1110, dated 19 January 2015, was refused by notice dated 3 June 2016.
 - The development proposed is erection of four bed dwelling and associated garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have confirmed that Northamptonshire County Council Local Highway Authority (LHA) Standing Advice 2013 referred to in the Council's Reasons for Refusal was updated in June 2016. The Council has confirmed that the required vehicle to vehicle visibility splays for new development in section 4.5 of the guidance remains unaltered from the earlier version of the guidance and so neither party has been prejudiced by this change in circumstances.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and appearance of the area

4. Saved Policy E20 of the Northampton Local Plan 1997 (LP) states that the design of any new buildings should adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of materials. Saved Policy E26 of the LP seeks to ensure that development preserves or enhances the character and appearance of the Conservation Areas.
 5. Policy H1 of the West Northamptonshire Joint Core Strategy 2014 (JCS) states that development should provide a range of housing types to cater for different needs and make the most efficient use of land having regards to amongst other things, the location and setting of the site and the existing character and density of the local area. Policy S10 of the JCS requires development to satisfy
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a range of sustainable development principles, including achieving the highest standard of sustainable design and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings. Policy BN5 of the JCS seeks to ensure that designated heritage assets and their setting will be conserved and enhanced in recognition of their individual and cumulative significance. This approach is consistent with the National Planning Policy Framework (the Framework).

6. The appeal site forms part of the garden area at the side of 2 Rectory Close (No.2), a large detached two storey dwelling. The garden area is sloping and elevated above the existing dwellings at No. 1 and 2. The property is located at the edge of the village, in an area typically characterised by large detached properties set in relatively spacious plots. Where garages exist alongside and between dwellings, these are very low, clearly subsidiary, and have little impact upon the sense of space and openness in the area. The boundary of the Great Houghton Conservation Area (CA) runs along the eastern and southern boundaries of the site. Whilst the appeal site would be located outside the CA, the private road to the site would be located in the CA. The southern boundary of the site is defined by mature trees and vegetation that borders a former railway line. Open fields are located to the west.
7. The proposal would involve the demolition of the existing garage at no. 2 and the erection of a two storey dwelling with attached garage. The proposal would be of a similar scale and design to the existing dwelling and the proposed land levels on the site would be lowered to sit the development into the existing slope.
8. The proposed dwelling would be situated in the characteristic open gap between Nos. 1 and 2. Whilst I recognise that the boundary trees and vegetation provide some visual containment, the degree of visibility will vary according to the seasons. Such positioning would compromise the sense of space and openness between these dwellings. The appeal site, together with the adjoining fields, also provides a significant contribution to the visual quality and the openness of the area. It adds substantially to the character and appearance of this part of the village and provides an important contribution to the setting of the village and the CA. This positive contribution to the character and appearance would largely be lost by the development and would substantially urbanise the site appearing as an incongruous and out-of-keeping addition to the area. These shortcomings would be exacerbated by the proposed dwelling's prominent position on an elevated plot, which is visible from the nearby public footpath KU9 to the north-west of the site.
9. Given the limited nature of the work directly affecting the CA, the harm would be less than substantial but in accordance with paragraph 134 of the Framework, that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide a private single dwelling to contribute to the mix of houses in the village. I find though insufficient public benefit to offset the identified harm to which I attach significant weight.
10. I note that the appellants consider that the proposal, which was amended as part of the application process, complies with the national and local policies, forms part of the built form of the village and do not impact on the setting of the CA. However, I do not concur with the appellants and consider that these

factors would not mitigate the overall harm this scheme would cause to the character and appearance of the area. I have noted the other development in the area drawn to my attention by the appellants. However, the extensions at No. 1 are not directly comparable to the proposal and have different development characteristics. I have therefore accorded this limited weight as a precedent in this case.

11. Consequently, I conclude that the development causes harm to the character and appearance of the area. It conflicts with Saved Policies E20 and EN26 of the LP and Policies H1, S10 and BN5 of the JCS as set out above, which are considered relevant to this case. In addition, it would not accord with national guidance in the Framework that development should seek to secure a high quality of design and conserve heritage assets in an appropriate manner (paragraph 17); that good design is a key aspect of sustainable development (paragraph 56); and should respond to local character (paragraph 58); and take into account the desirability of new development making a positive contribution to local character and distinctiveness in conserving and enhancing the historic environment (paragraph 131).

Highway safety

12. The appeal site would be accessed along an unmade private access road from the High Street where a 30 mph speed limit applies. The road in the vicinity of the junction has footpath provision and is bounded by grass verges backed by walls and mature vegetation.
13. For this class of road and speed limit, the Local Highway Authority (LHA) recommends a minimum visibility splay of 2m x 43m should be provided in each direction in accordance with the LHA Standing Advice. Whilst the required visibility can be achieved to the south of the access, the visibility to the north is restricted. The appellant has submitted a speed survey and a visibility splay summary requested by the LHA which demonstrates that a visibility splay of 2.4m x 32.32m can be achieved to the north of the access and as such the LHA have objected. The appellants, however, have questioned the need for a speed survey to be undertaken in this location and whether it is appropriate for the LHA to insist on a general standard being applied from the LHA Standing Advice in circumstances which show it is not necessary. Whilst I acknowledge that this is only guidance, it is a material consideration that carries some weight in this case, as it provides evidence to assess more objectively the impact of the proposed development on highway safety.
14. Paragraph 32 of the Framework states that decisions should only be prevented or refused on transport grounds where the residual impacts of development are severe. In view of the scale of development and the evidence before me, it is evident that the impact of the development on highway efficiency would not be severe. However, paragraphs 32 and 35 of the Framework go on to state that decisions should also take into account whether safe and suitable access to the site can be achieved for all people.
15. From the evidence provided and from my observations on site, I consider that this section of High Street is neither safe nor suitable to safely cater for the additional traffic movements from the proposal, due to the current road conditions and the restricted visibility caused by an existing stone wall and the bend in the road to the north of the access.

16. Consequently, I conclude that the proposal would have a detrimental effect on highway safety. The proposal would therefore be contrary to paragraphs 32 and 35 of the Framework, which seeks to ensure that a safe and suitable access to the site can be achieved for all people.

Other matters

17. I have noted the Parish Council's comments and the objections from local residents, the Blue Goose Property Company Limited and the Abington Consulting Engineers (on behalf of the residents at No. 1) to the proposal on the basis of impact on character of the area and amenities of neighbouring properties, access, impact of construction traffic on protected trees, impact on protected species and important habitats, drainage, land ownership and the previous historic refusals for residential development off Rectory Close. However, in light of my findings of harm to the character and appearance of the area and highway safety, there is no necessity for me to consider these matters further. Land ownership issues are a private matter between the relevant parties and not a planning matter within my jurisdiction.

Conclusion

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

David Troy

INSPECTOR