
Appeal Decision

Site visit made on 8 November 2016

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/G2815/W/16/3157063

21 Oakleigh Close, Raunds, Northamptonshire NN9 6HL

- 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 Malcolm Silvester against the decision of East Northamptonshire District Council.
 - The application Ref 16/00651/FUL, dated 31 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is subdivision of land, demolition of garage and building of a new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter and Main Issues

2. The planning application which is the subject of this appeal was determined by the Council against the policies of North Northamptonshire Core Spatial Strategy (2008) (Core Spatial Strategy) and the policies in the Proposed Modifications to the North Northamptonshire Joint Core Strategy (2016) (Joint Core Strategy). Since the application was determined, the Joint Core Strategy has been adopted on 14 July 2016 and the Core Spatial Strategy has been superseded. Accordingly, I have determined the appeal against the policies of the Joint Core Strategy.
3. As a result of the adoption of the Joint Core Strategy, new dwellings are now required to meet the Nationally Described Space Standard for housing under Policy 30 of the Joint Core Strategy. Although not part of the Council's reasons for refusal this is an important material consideration in this appeal. Based on this change and the reason for refusal set out in the application decision notice, the main issues in this appeal are:
 - whether the proposed development would provide acceptable living conditions for future occupants of the dwelling, with particular regard to the Nationally Described Space Standard for housing; and
 - the effect of the proposed development on the character and appearance of Oakfield Close and the surrounding area.

Reasons

Living Conditions – Housing Space Standard

4. Policy 30 of the Joint Core Strategy requires that the internal floor area of new dwellings must meet the national space standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and

activities. The proposed dwelling comprises 2 double bedrooms and a single bedroom. The Nationally Described Space Standard (March 2015) (NDSS) requires that a 3-bedroom house providing bed spaces for 5 people must have a internal floor area of at least 93 square metres (sqm). Based on the dimensions shown on the plans submitted with the appeal, the internal floor area of the proposed dwelling would fall short of this minimum by approximately 2 sqm.

5. In addition, the NDSS requires single bedrooms to have a floor area of at least 7.5 sqm and double bedrooms a floor area of at least 11.5 sqm. However, based on the floor plans submitted, bedroom 3, as the single room, would have an internal floor area of approximately 4.5 sqm, and bedroom 2, as a double, a floor area of 11.1 sqm. Therefore, the space provided within both of these bedrooms would fall short of the NDSS, the single bedroom by a considerable margin.
6. Given that the NDSS represents a minimum national housing standard, I conclude that the quality of accommodation provided in the proposed dwelling and, thereby, the living conditions of its future occupants would be unacceptable. Accordingly, the proposal would be contrary to Policy 30 of the Joint Core Strategy. Consequently, it would also fail to comply with paragraph 17 of the National Planning Policy Framework (the Framework), which seeks a high quality of design and good standard of amenity for existing and future occupants of buildings.

Character and Appearance

7. The appeal site forms the side garden to 21 Oakfield Close. It is discreetly positioned in the corner of the close, accessed off the end of the cul-de-sac. The appeal property and adjoining houses within Oakfield Close comprise a fairly uniform and formally laid out development of semi-detached, dormer bungalows. Whilst the estate is similarly characterised by planned layouts, there is a wide range of house types and styles, including detached properties and both two storey houses and bungalows, creating a generally mixed character and appearance in the surrounding area. The properties around the cul-de-sac at the end of Gardener Close, immediately to the west of the appeal site, provide the nearest example of this.
8. Policy 8 of the Joint Core Strategy, amongst other things, expects new development to respond to a site's immediate and wider context and local character, without stifling innovation. Paragraph 58 of the Framework likewise seeks to ensure that developments respond to local character and reflect the identity of local surroundings and materials. My attention has also been drawn to Policy R2 of the emerging Raunds Neighbourhood Plan which seeks to promote good design in the settlement. Based on the information on the Town Council's website, the Neighbourhood Plan has yet to be submitted for examination following consultation. Therefore, I can attach limited weight to the Policy R2 in this appeal, but its aims are broadly reflected in the relevant policies of the Joint Core Strategy and the Framework.
9. The appeal proposal would insert a dormer bungalow into the corner of the cul-de-sac in Oakfield Close. Although set to one side, it would adopt the same set back, building line and orientation as the buildings fronting the western end of the close. The dwelling would reflect the height, scale, massing, design and materials of the neighbouring dormer bungalows. The dormer window and eaves line would match those on the adjacent properties. The spacing between it and the existing house at no. 21 would replicate the separation between the

pairs of semis around the cul-de-sac. Overall, seen from within Oakfield Close it would appear as a continuation of the frontage terminating the view at this end of the street.

10. Aside from its detached form, the proposed development would be consistent in most other respects with its immediate context. The successful juxtaposition of detached and semi-detached houses within other streets and cul-de-sacs on the estate suggests that the addition of a detached dwelling on the appeal site would not harm the street scene nor be out of keeping with the character and appearance of the surrounding area.
11. On this basis, I conclude that the effect of the proposed development on the character and appearance of Oakfield Close and the surrounding area would be acceptable. Therefore, it would comply with Policy 8 of the Joint Core Strategy and be consistent with paragraph 58 of the Framework.

Other Matters

12. I have considered the potential effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy, daylight and sunlight. In terms of privacy, although windows are proposed at first floor level facing east towards 20 Oakfield Close, these would be to bathrooms and obscure glazed, which could be secured by condition were I to allow the appeal. At the rear, whilst bedroom windows at first floor level in the western elevation of the proposed dwelling would face the side and rear of 20 and 22 Gardner Close, separation distances of between 24 and 30 metres, plus the mature hedge and trees on the shared boundary would minimise any loss of privacy.
13. With respect to daylight and sunlight, the proposed dwelling would be positioned to the west of 19 and 20 Oakfield Close and to the east of 20 and 22 Gardner Close. Whilst there may be some effect on sunlight in the early morning and evening for the occupiers of these properties, the separation distances and largely uninterrupted aspect to the south, would ensure any loss of sunlight or daylight would be very limited.
14. Concerns have also been raised about the effect of the proposal on traffic, parking and highway safety within Oakfield Close. However, the proposed access would be the existing driveway to no. 21. Visibility onto the cul-de-sac would be unaffected and would permit a shared access arrangement without causing undue congestion or risk to highway safety. The proposed layout would provide adequate off-street parking and turning space to limit the need for future occupiers to park on-street. The traffic, noise and pollution from one additional property would be unlikely to result in significant harm.
15. With regard to the concerns about wildlife, the proposal would not require the removal of surrounding boundary trees and hedges. I have seen no evidence to suggest that wildlife would be affected in the long term, other than short term disturbance that could arise during any construction works.
16. The appellant refers to the potential fallback position arising from permitted development rights for an ancillary building in the garden of his property. However, the proposed dwelling would be significantly larger than any domestic outbuilding permitted under the Town and Country Planning (General Permitted Development)(England) Order 2015. Therefore, I attach little weight to this as a fallback in support of the appeal.

17. Given my conclusions in respect of character and appearance and the other matters addressed above, I have considered whether the shortfall in internal floor space of the proposed scheme could be overcome by a planning condition requiring amended plans to be submitted to the Council to comply with the NDSS. However, to meet the requirements of the NDSS would necessitate an increase in the size of the dwelling and not simply an adjustment to the internal layout. This would result in a material change to the substance of the development that was applied for. Based on the *Wheatcroft v SSE* [1982] judgement, such an amendment could not be reasonably dealt with by condition, as this would deprive neighbours and other interested parties of the opportunity to be consulted on the changed development.

Conclusion

18. For the reasons given above and taking all other matters into account, on the basis of the unacceptable living conditions for future occupants that would be created by the failure of the proposed development to meet the NDSS, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR