
Appeal Decision

Site visit made on 20 December 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 19th January 2017

Appeal Ref: APP/G2815/W/16/3158684

**Amenity area, Smithfield Court, Smithfield Place, Raunds,
Northamptonshire**

- 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 Blenheim Realty Limited against the decision of East Northants District Council.
 - The application Ref 16/00919/FUL, dated 6 May 2016, was refused by notice dated 1 July 2016.
 - The development proposed is construction of 4 No. 3 bedroom semi-detached houses and 2 No. 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Following the determination of the application by the Council the North Northamptonshire Joint Core Strategy (NNJCS) was adopted. As a consequence, I have determined the appeal on the basis that the policies of the North Northamptonshire Core Spatial Strategy, cited in the Council's decision notices, have been replaced by policies of the NNJCS.

Main Issue

3. The main issue in this appeal is whether the proposed development would be a sustainable development as defined in the National Planning Policy Framework ('the Framework'), having regard to;
 - whether the proposed development would provide acceptable living conditions for future occupiers with regard to living space and private amenity space; and,
 - the effect of the development on the provision of open space in the area.

Reasons

4. The appeal site is located on Smithfield Place which is a residential cul-de-sac located close to the centre of Raunds. As a result, it is not a matter in dispute that it is in an accessible location for development within easy reach of the services, facilities and public transport that the town has to offer.

Living conditions

5. Policy 30 of the Joint Core Strategy has adopted the government's Nationally Described Space Standards. Consequently, they form part of the development plan. It is not a matter in dispute that the proposed houses fall short of the
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- minimum internal floor area standard required. As a result, they would provide inadequate space for basic furnishings, storage and activities.
6. In terms of private amenity space, the proposed houses would each have three bedrooms. As such they can reasonably be considered to constitute family housing. The only private amenity space that would be provided for occupiers of the proposed dwellings would be to the rear. The back gardens would be particularly short in length and would slope down to the banks of Hog Dyke to the rear. Although decked areas would be provided with steps down to the amenity spaces, this would not compensate for the small size of the back gardens and the sloping nature of the land that would reduce their practical value. The Council does not have any adopted standards for amenity space provision. Nevertheless, by any reasonable measure, the size and quality of amenity spaces proposed to these family sized dwellings would be inadequate and far less than is reasonable to provide sufficient space for children to play. Whilst the town is well served by open space, this would not compensate for the inadequate private amenity space provision proposed.
 7. Reference has been made to the presence of small sloping gardens to the existing properties further along Smithfield Road. However, permission for these dwellings would have been granted before the Framework and its emphasis of good standards of amenity was published. Consequently, reference to these properties has not altered my findings in relation to this issue.
 8. For all of these reasons, I therefore conclude that the houses in the proposed scheme, in terms of living space and amenity space, would be poorly designed and result in unacceptable living conditions for future residents. This would be contrary to policies 30 (b) and 8 (e) vi of the NNJCS and a core planning principle of the Framework which seeks a good standard of amenity for future occupants of buildings. Policy 8 (e) vi seeks to ensure quality of life and safer and healthier communities through well designed buildings, including access to amenity space.

Open space

9. The Framework is an important material consideration. Paragraph 73 of the Framework identifies that access to high quality open spaces can make an important contribution to the health and well-being of local communities. Paragraph 74 states that existing open space should not be built on unless, amongst other matters, an assessment has been undertaken which has clearly shown that the open space is surplus to requirements. Policy 7(d) of the NNJCS is consistent with paragraph 74 of the Framework.
10. A Neighbourhood Plan has been prepared. Policy R5 of the Neighbourhood Plan is consistent with policy 7(d) of the NNJCS and thus the Framework. Policy R6 specifically identifies the site as a protected open space. However, in stating that its development will be permitted where the space is no longer required, in my view, whilst a more detailed policy, it is consistent with policy R5 and is not significantly different in approach to the NNJCS and Framework.
11. An open space assessment was submitted as part of the application. It found that Raunds is particularly well provided for in terms of the quantity of open space and has a significant oversupply. On the basis of what I have read and seen, I agree with that position. The question which therefore arises is whether local circumstances are such that the development should be resisted. It is to that question that I now turn.

12. The appeal site is the larger of two small areas of open space on either side of the bridge over Hog Dyke that gives access to Smithfield Court. Whilst the space is the width of several houses it is short in length. Given its restricted dimensions, and the steep banks down to the water course, this small area of open space is of limited use as an informal play area for children. Furthermore, I note that the space also has no seating to enable residents to sit and enjoy it on pleasant days. It appears to me that its main value is its openness and mature trees, which visually contribute to the local suburban environment, and its value, as evidenced by a dog waste bin, as a small area local residents can allow their dogs to explore.
13. Given that as part of the proposed development the trees along the banks of the Dyke would be retained, and that the eastern third of the site would not be developed, a noteworthy part of the visual value of the site would be retained. With the open space that would remain on the other side of the bridge to the east, and the open spaces on Mackenzie Road and nearby corners¹, the area would continue to be well served by small informal areas of open space within easy walking distance that serve a similar function to the appeal site and are of a similar quality. In accordance with the standards contained within the Open Space, Recreation and Sport Strategy document used by the Council these areas of 'amenity green space' are within 5 minute walk of the appeal site, whilst all the parks and gardens within the town are within a ten minute walk.
14. Taking all these matters into account, I therefore conclude that the open space is not required to ensure the provision of adequate open space for the area. The proposed residential development would therefore comply with policy 7(d) of the NNJCS and policies R5 and R6 of the Raunds Neighbourhood Plan.
15. The Neighbourhood Plan has been submitted to the Council. However, no details of the consultation that took place in relation to it prior to its submission to the local planning authority, and whether any unresolved objections remain, have been provided. The Neighbourhood Plan has also not yet been independently examined. Therefore, whilst I attach moderate weight to policy R5, due to its consistency with the Framework, in relation to policy R6, which identifies specific protected open spaces, I attach only limited weight.

Conclusion

16. A presumption in favour of sustainable development is at the heart of the Framework. The site is in an accessible location and the proposed development would provide mainly family sized, energy efficient, dwellings that would help boost the supply of housing. It would also not result in an inadequate supply of open space locally, or in the town as a whole. However, I conclude that any presumption in favour of the development is clearly outweighed by the comprehensive harm that the proposal would cause to the living conditions of future residents of the proposed houses, contrary to the development plan and a core planning principle of the Framework. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

¹ Corners of Grombold Avenue / MacKenzie Road and Grombold Avenue / Dryden Street.