
Appeal Decision

Site visit made on 3 January 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 26 January 2017

Appeal Ref: APP/H2835/W/16/3156842

52 Ecton Lane, Sywell, Northampton NN6 0BA.

- 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 Duncan Brebner (Lifespace Developments) against the decision of Borough Council of Wellingborough.
 - The application Ref WP/16/00269/FUL, dated 11 May 2016, was refused by notice dated 10 August 2016.
 - The development proposed is the demolition of existing garden store and erection of 3 dwellings with associated garaging, landscaping and access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garden store and erection of 3 dwellings with associated garaging, landscaping and access at 52 Ecton Lane, Sywell, Northampton NN6 0BA in accordance with the terms of the application, Ref WP/16/00269/FUL, dated 11 May 2016 subject to the following conditions:
 - 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: LSD 149-02-43C, LSD 149-02-40C, LSD 149-02-38C, LSD, 149-02-48B, LSD 149-01-34, LSD 149-01-33 and LSD 149-01-32.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings 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 details.
 - 4) The vehicular access shall be a width of 4.5m for a distance of 10m back from the highway boundary and shall be paved with a hard bound surface.
 - 5) A positive means of drainage shall be installed to ensure that surface water from the development does not discharge onto the highway.

Preliminary Matters

2. A number of 'option drawings' were submitted by the appellant with the appeal documentation. However with the exception of Option 2a¹, these drawings are

¹ Drawing Ref: LSD149 02-48B (Option 2A).

not listed on the Council's Decision Notice. Although it appears from the Officer Report that the Council have seen these drawings it is not clear whether they have been subject to the necessary consultation. That being the case I have considered the appeal on the basis of the drawings that were before the Council when it made its decision. These are listed on the Council's Decision Notice.

3. The appeal site benefits from a planning approval for 2 dwellings². Although this scheme has yet to be fully implemented, the Council has issued a Certificate of Lawful Development in relation to it. It therefore strikes me that in the event I were to dismiss the appeal there is a reasonable likelihood of the 2014 scheme being completed. In these circumstances, the 2014 permission is a material consideration of considerable weight.

Main Issues

4. The main issues are, firstly, the effect of the development on the character and appearance of the area and, secondly, the living conditions of neighbouring occupiers with particular regards to outlook.

Reasons

Character and appearance

5. The appeal site comprises a large rectangular plot of land within a ribbon of development that extends away from the village centre along the west side of Ecton Lane. The previous bungalow has been demolished and the site is currently vacant. It is mostly laid to grass with a number of large trees located close to the rear boundary. The site slopes gently towards 58 Ecton Lane and its boundaries are delineated by fences and mature shrubs.
6. Ecton Lane is distinguished by an array of large detached houses standing on deep plots set back generously from the roadside behind high stone walls. This settlement pattern together with the abundance of mature landscaping along the roadside and set further into many of the plots are principal components of the locality. These features together with the presence of open fields on the opposite side of Ecton Lane lend the area a spacious, verdant and semi-rural quality which is further enhanced by a wide variety of building types and architectural styles.
7. The appeal scheme proposes 3, 4-bed family dwellings. Double garages and parking would be provided to the front of the plot behind the stone wall which would be retained. The dwellings would undoubtedly create a more closely spaced pattern of development than is typical along the west side of Ecton Lane. However, the dwellings although large, would sit comfortably within their plots and would be accompanied by a commensurate amount of garden space. Despite the additional dwelling, the height and mass of the scheme would be within the range found elsewhere along Ecton Lane. It is also pertinent that the proposed dwellings would be slightly smaller in scale and overall massing than the consented scheme.
8. The site plan demonstrates that the footprint and spacing of the dwellings would be similar to the approved scheme. I accept there would be 3 properties as opposed to 2 and consequently the dwellings might have slightly narrower

² LPA Ref: WP/14/00776/FUL

plots and less separation than some properties in the street. However, it does not automatically follow that there would be unacceptable harm to the street-scene as a result. When I visited the area I saw that in terms of width it is not unusual for dwellings to fill the majority of their plots. The appellant's Grounds of Appeal contains photographs of some of these properties. The level of separation between the plots themselves and to No 50 would be markedly similar to the approved scheme. Although the front building line would be marginally forward of No 58 and behind No 50 this would not be perceptible from public vantages. I also acknowledge that there would be a reduction in the amount of separation between Plot 1 and No 58. However, No 58 is sited some distance from its northern boundary and there would be more than ample separation. Based on the foregoing, I am not persuaded the dwellings would appear cramped or overdeveloped.

9. Although the Council's refusal reasoning does not reference the design of the dwellings, the Council now argue that the hip roofs would be incongruous in the street scene. However, as I have already noted, there is a wide variety of architectural styles in the area including roof forms. Consequently, I do not share the Council's concerns about the design of the roofs and their subsequent effect on the street-scene.
10. I observed numerous examples in the area where dwellings are sited behind parking forecourts and detached garages. The pair of dwellings on the opposite side of Ecton Lane a short distance to the south is a particular case in point. In any event, the location of the parking area and garages would be similar to the approved fallback scheme. Given the size of the site, there would be ample space to implement a meaningful landscaping scheme something which could be secured by way of a planning condition. As a result, I find nothing objectionable in the layout of the scheme which would warrant the dismissal of the appeal.
11. I therefore conclude on the first main issue that the development would not cause unacceptable harm to the character and appearance of the area. It would thus accord with Policies 8 d) (i & ii) of the North "*Northamptonshire Joint Core Strategy 2016*" (the JCS). Amongst other things this seeks to ensure that development responds to its immediate and wider context.

Living conditions

12. Whilst the dwellings would be sited further into the appeal site than the fallback scheme it is not clear from the Council's evidence how this would cause unacceptable harm to the occupiers of No 50 particularly given the amount of physical separation between the two properties. On the contrary, the height of Plot 3 would be lower than the corresponding plot on the approved scheme. As I saw when I visited the site there is a line of mature landscaping which straddles the northern boundary much of which is under the control of No 50. Whilst no doubt Plot 3 would be visible in some oblique views from No 50, the landscaping would filter views such that the development would not be readily apparent.
13. To the south, there would be in excess of 15 metres between the flank wall of Plot 1 and that of No 58. On this basis alone and irrespective of the modest difference in levels, it cannot reasonably be said that the development would impinge unacceptably on the living conditions of the occupiers of No 58.

Outward views from No 58 would also be screened by the band of mature landscaping which extends across the boundary much of which is evergreen.

14. Although the area is relatively spacious, this is nonetheless a residential area where some encroachment into views is almost inevitable. In that context nothing I have seen or read leads me to conclude that the outlook of neighbouring occupiers would be significantly different to that which prevails in the locality or to that which would result from the implementation of the 2014 scheme.
15. On the second main issue, I therefore conclude based on the degree of separation, orientation and level of intervening landscaping, that the development would not be overbearing or harm the living conditions, of adjacent occupiers with particular regards to outlook. The proposal thereby accords with Policy 8 (e) (i) of the JCS which stipulates that new development should not have an unacceptable impact on the amenities of neighbouring properties.

Other Matters

16. Local residents have expressed a wide range of concerns including; loss of privacy and light, noise & disturbance, the effect on trees and highway safety. Most of these matters have already been carefully considered by the Council and whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to a different conclusion.

Conditions

17. The Council Committee Report contains 9 planning conditions. I have considered these as well as the appellant's comments in relation to them against the advice in the "*Planning Practice Guidance*" (PPG). In some instances I have amended the conditions in the interests of brevity.
18. I have imposed the standard implementation condition as well as a condition to ensure that the development is carried out in accordance with the approved plans, as these provide certainty. A condition relating to external facing materials is necessary to ensure the satisfactory appearance of the development. A condition relating to the geometry of the new access is necessary in the interests of highway safety. Pedestrian visibility splays are shown on the approved site plan and therefore captured by my Condition 2. A separate condition is therefore unnecessary. I have incorporated the requirements of the Council's condition 6 into my condition 4.
19. To ensure water does not drain onto the public highway, I have imposed a condition relating to surface water drainage. Boundary treatments are shown on the approved plan and the Council do not suggest these details are unacceptable. The suggested condition is therefore unnecessary as these details are captured by the plans condition.
20. Paragraph 200 of the "*National Planning Policy Framework*" states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. Similarly, the PPG advises that conditions restricting the future use of permitted development rights "*will rarely pass the test of necessity and should only be used in exceptional circumstances*". On the evidence before me, I am not persuaded that the

Council has demonstrated that such circumstances apply in this instance. I have therefore omitted the condition accordingly.

Conclusion

21. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector