
Appeal Decision

Site visit made on 17 January 2017

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/Y2810/W/16/3159518

Invella, 162 Sywell Road, Overstone, Northampton NN6 0AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Alistair Wager against Daventry District Council.
 - The application Ref DA2016/0694, is dated 18 July 2016.
 - The development proposed is construction of new build double storey detached house.
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Decision

1. The appeal is dismissed and planning permission for the construction of a new build double storey detached house is refused.

Procedural Matter and Main Issues

2. Following the submission of the appeal against non-determination, the Council set out in its appeal statement the grounds on which it considers the application should be refused. On this basis and taking account of the appellant's final comments and the representations from the occupiers of the neighbouring property at 164 Sywell Road, I consider that the main issues in this case are:
 - The effect of the proposed development on the street scene in Sywell Road and on the character and appearance of the surrounding area;
 - Whether the proposal complies with the spatial strategy for housing development in rural areas;
 - The effect of the proposed dwelling on the living conditions of the occupiers at 164 Sywell Road, with particular regard to daylight/sunlight and outlook.

Reasons

Character and Appearance

3. Overstone is a ribbon development along Sywell Road to the north-east of Northampton. It contains a variety of house types, including detached and semi-detached properties, mainly dating from the Victorian era through to the post war period.
4. The appeal site is located on the north-western side of Sywell Road in a row of post war dwellings which possess a more uniform character and appearance. The properties at 172/170 and 168/166 Sywell Road consist of pairs of matching semi-detached houses, with identical north to south duo pitched roofs and window proportions at first floor level which give the front elevations a

horizontal architectural emphasis. No. 164, although detached, has the same roof design, window proportions and horizontal emphasis to its front elevation. The dwellings at 162/160 Sywell Road also form a symmetrical pair of semis of the same era, with north-south duo pitched roofs, identically proportioned and horizontally aligned windows and matching front gable features. The properties in this section of the street are also tied together by the use of similar buff facing brick materials.

5. Saved Policy EN42 of the Daventry District Local Plan (1997) (the LP) expects the design of new development to reinforce local distinctiveness, take account of local building traditions and materials and blend well with its surroundings. This is supported by paragraph 58 of the National Planning Policy Framework (the Framework) which places an emphasis on developments responding to local character and reflecting the identity of local surroundings and materials.
6. The proposed development would insert a detached dwelling between nos. 162 and 164. The proportions of the house have been designed to fit the gap in the street frontage. The space around it would reflect that between nos. 164 and 166 and it would be set back from the road to the established building line in the street. However, the appearance of the house would not be consistent with that of its immediate neighbours in this part of Sywell Road in a number of important respects. The dwelling would have an east-west duo pitched roof and a gabled front elevation with timber boarding to the upper storey and full height windows incorporating Juliet balconies. I note this design is intended to reflect the gabled Victorian cottages seen elsewhere on Sywell Road and Overstone. However, that is not the context in which the appeal site would be seen. The combination of features referred to above would be out of keeping with the north-south roof pitch, the window proportions and horizontal emphasis of the front elevations and the facing materials of the dwellings in this section of street frontage. As such the proposed development would fail to blend with and reflect the uniformity of the surrounding architecture which is an important part of the character and appearance of this part of Sywell Road.
7. On this basis, I conclude that the proposed development would cause unacceptable harm to the street scene in Sywell Road and to the character and appearance of the surrounding area. Consequently, it would fail to comply with saved Policy EN42 of the LP and would conflict with paragraph 58 of the Framework.

Spatial Strategy for Rural Areas

8. The village of Overstone is located within the rural areas of Daventry District, as defined in the West Northamptonshire Joint Core Strategy (2014) (the JCS). The relevant policies guiding the development of housing in the rural areas are set out in the JCS and the saved policies of the LP. The Council can demonstrate a 5 year supply of deliverable housing sites. Therefore, under paragraph 49 of the Framework the relevant policies for the supply of housing in the district should be considered up to date.
9. Policy S1 of the JCS supports limited new development in rural areas. Policy S3 of the JCS identifies the scale of housing to be provided in the rural areas at about 2,360 net additional dwellings in the period up to 2029. Saved Policy H22 of the LP defines Overstone as a restricted infill village, where small scale residential development within the confines of the village is allowed, provided it does not affect open land that is of particular significance to the form and

character of the village. These criteria are carried forward into Policy R1 of the JCS, which sets out the overall spatial strategy for the rural areas.

10. The proposed development of one house would be small scale, within the confines of Overstone and would not affect any open land in the village. However, Policy R1 goes further and states that once the housing requirement for the rural areas has been met through planning permissions or future allocations, further housing development will only be permitted in the circumstances set out in criteria i)-v) of the policy.
11. The Council states that the housing requirement for the rural areas of Daventry district has been met. The most recent assessment of Housing Land Availability for the district is at 1 April 2016. This shows the housing requirement of 2,360 dwellings for the rural areas is exceeded by 192 dwellings from sites already completed or with planning permission. I note from the most recent monitoring report that the delivery of some sites currently under construction has slowed. However, I have seen no evidence to suggest the overall requirement cannot be delivered within the plan period. In any case deliverability does not form part of the tests as expressed in Policy R1.
12. I have been referred to two appeal decisions on another site in Daventry district, which deal with the interpretation of Policy R1 in respect of the rural housing requirement. Both decisions relate to the same appeal (Reference: APP/Y2810/W/15/3135439). The decision issued on 21 December 2016 was a redetermination of the appeal following the quashing of the earlier decision by the High Court. I concur with the findings of the redetermined appeal decision in respect of Policy R1. Although Policy S3 of the JCS sets a housing requirement for Daventry's rural areas of "about" 2,360 dwellings, the wording of Policy R1 offers no flexibility in permitting further housing development once a threshold of 2,360 dwellings has been met, unless criteria i)-v) can be satisfied.
13. Criterion i) would allow further housing development if the proposal resulted in environmental improvements on site, such as through the re-use of previously developed land or best practice in design. Although the proposed dwelling would replace an existing garage on the site, it would also take up significant areas of the side and rear garden of no. 162. The Framework is clear that previously developed land excludes private residential gardens. Given my conclusion in respect of the effect of the proposed development on the character and appearance of the surrounding area, it would not represent best practice in design either. Accordingly, the appeal proposal would not satisfy criterion i) of Policy R1.
14. Criterion ii) would permit further housing if it is required to support the retention or improvement of local services under threat. However, I have seen nothing to show that the provision of one dwelling would be required to achieve this locally. The remaining criteria iii)-v) of Policy R1 would only be triggered if the proposal satisfied criteria i) or ii). However, even if this were the case, no evidence has been submitted to indicate whether the proposal has been informed by a community involvement exercise, agreed through a neighbourhood plan or is a rural exceptions site.
15. Therefore, I conclude that the appeal proposal fails to comply with Policy R1 of the JCS. Consequently, it would cause harm to the spatial strategy for housing development in the rural areas of Daventry.

Living Conditions

16. Whilst not part of the Council's grounds for refusal, I have considered the concerns raised by the occupiers of the neighbouring property at no. 164 about the effects of the proposed dwelling on their living conditions. Policy R1 of the JCS expects residential development in rural areas to protect the amenity of existing residents.
17. With regard to privacy, no windows are proposed in the side elevation of the new dwelling facing no. 164 and therefore there would be no risk of overlooking. In terms of the effect on sunlight, the new house would be positioned to the east of no. 164. It would therefore block early morning sunlight to the conservatory and side windows of no. 164 which may penetrate the gap between no. 162 and 164. However, any sunlight reaching the main north-west facing rear windows and south-east facing front windows of no. 164 would be unaffected by the proposal. As such any loss of sunlight caused by the proposed dwelling would be limited and not lead to unacceptable harm to the living conditions of the occupiers of no. 164.
18. I have no specific evidence from which to judge the effect on daylight. However, with respect outlook, due to the constrained width of the appeal site, the proposed dwelling would have an elongated layout extending around 6 metres beyond the rear facing two storey elevation of no. 164. There is a conservatory and dining room at ground floor level and a bedroom at first floor level on this side of no. 164, with windows facing to the side and the rear. The proposed development would result in a 6 metre long two-storey high blank brick wall within 3.6 metres of the conservatory, dining room and bedroom. This would have an unduly overbearing and oppressive impact on the outlook from these three habitable rooms.
19. Accordingly, I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupiers at 164 Sywell Road, with particular regard to outlook. Therefore, it would be contrary to Policy R1 of the JCS. It would also conflict with one of the core planning principles in paragraph 17 of the Framework which seeks to secure a good standard of amenity for existing and future occupants of buildings.

Other Matters

20. I note the Council's concerns about the proposed access and parking arrangements at the front of the property. However, it appears from the most recent comments of the highway authority dated 14 December 2016, that the revised site plan submitted during the appeal process demonstrates an acceptable parking and access layout with visibility splays. From my own observations on site it was clear that given the width of the verge at the front of the property there would be adequate visibility in both directions along Sywell Road for vehicles to exit the property safely without causing a danger to other road users. If I were minded to allow the appeal this is a matter that could be secured by condition.
21. I have also considered the neighbour's concerns about the effect of the proposal on the mature oak tree on the rear boundary of property. However, the rear wall of the proposed dwelling would not extend to the canopy of the tree and I have seen no evidence to suggest that it would affect the roots of the oak.

22. Nevertheless, the acceptability of the proposal in respect of highway safety and its effect on the oak tree, does not outweigh the harm the proposal would cause to character and appearance, the spatial strategy for rural areas and the living conditions of the occupiers of 164 Sywell Road.

Conclusion

23. For the reasons given above and taking all other matters taking into account, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR