
Appeal Decision

Site visit made on 6 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/G2815/W/16/3163475

42 Little Street, Rushden, Northamptonshire NN10 0LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Betts against the decision of East Northants District Council.
 - The application Ref 16/00592/OUT, dated 29 February 2016, was refused by notice dated 19 May 2016.
 - The development proposed is residential development of 1 No 2-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was submitted in outline with only access and scale to be agreed at this stage. I have dealt with the appeal in the same manner, and have treated all plans, aside from those relating to access and scale, as indicative only.
 3. Amended plans were submitted with the appeal; these are stated to have been submitted on the same day as the Council made their decision on the application, and were not taken into account by the Council. The plans that were decided upon contain an 'L' shaped dwelling, with a single storey element to the rear. The revised plans show a single plan form property with no rear extension. Both plans show the scale of the proposal in terms of height and volume.
 4. I am conscious that these plans have not been consulted upon. Given the objections from the neighbour to the rear of the site and that the appeal seeks to consider the scale of the proposed dwelling, I consider it would not be fair to consider all elements of these plans. In making this decision, and considering all plans submitted I have borne in mind that layout is a reserved matter, but also that scale is to be agreed at this stage. The scale of a building does not just relate to its height, but also to its volume.
 5. Since the determination of the application the North Northamptonshire Joint Core Strategy 2011-2031 (the Core Strategy) has been adopted. This has superseded the previous spatial strategy. I have referred to the relevant policies in my decision and both parties have had the chance in their submissions to refer to this change.
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Main Issues

6. The main issues in this case are as follows:

- The effect of the proposed dwelling on the living conditions of the occupiers of No 44 Little Street, with reference to outlook, daylight and sunlight.
- Whether the proposed dwelling would provide adequate private amenity space for future residents.
- The effect of the proposed dwelling on the character and appearance of the area.

Reasons

7. The appeal site lies to the south of Rushden town centre, and comprises an area of unkempt grassland to the rear of Nos 42 and 44 Little Street. The site is roughly rectangular and is a corner site, fronting onto both High Street South and Harborough Road. As its name suggests, High Street South is a fairly busy road linking the town centre with the A6 to the south. A close boarded fence surrounds the site, which is set higher than the land to the rear, with the rear of Nos 42 and 44 being set down.

Living conditions of neighbouring occupiers

8. The proposal seeks to construct a 2 storey dwelling. Although layout is a reserved matter, access is not and the proposal seeks to utilise an existing gateway on the side of the site in front of No 42, meaning that the footprint of the proposed dwelling would need to be set on the south side of the site, in the region of the area of the site in front of No 44.
9. The rear of No 44 is set fairly close to the existing close boarded fence delineating the site edge, described in the plans as being 2.1m high. No 44 has a rear gable, but there are no windows set on this gable at 1st floor height facing the site. However, at ground floor level the property's kitchen looks out to the rear, directly towards the site.
10. The view from this kitchen window encompasses the terraced rear garden of No 44, with the existing fence line prominent. The fence line and terraced garden effectively fill the majority of the view from the window. A tree marked on plans is to the side of the view but is trimmed so as to remove lower branches. The appellant is of the view that due to the orientation of the plot and potential site layouts that shadowing created in the late afternoon from the proposal would be no greater than that created by the existing fence. However, it was clear to me from my site visit and my viewing from inside the kitchen of No 44 that the positioning of a 2 storey house beyond this fence line within the limited site available would virtually fill the remaining view from this window, appearing overbearing and dominating the property.
11. At present due to the factors outlined above the rear kitchen is quite gloomy; this was noticeable even at my visit which took place around midday on a reasonable day. Whilst sunlight may not be significantly affected over and above the effect of the existing fence, the scale of the proposal would remove more daylight from this principal room and make the room gloomier still.
12. The appellant considers that the roofline and eaves of the proposal could be lowered and the dwelling set slightly into the land, and this could be

conditioned. However, even with such a measure, due to the existing effect of the fence line when combined with the local topography, I am still of the view that the two storey proposal and pitched roof would appear overbearing and reduce daylight to the kitchen of No 44 unacceptably. It is also suggested that the proposal could be located closer to the highway. However, there is limited space available on the site and the effect of this would not be so significant with regards to the impact of the scale of the proposal on No 44.

13. I therefore conclude that the proposed dwelling would have a significant adverse effect on the living conditions of the occupiers of No 44 Little Street, with reference to outlook and daylight. The proposal would be contrary to policy 8 (e) of the Core Strategy which states that development should ensure quality of life by protecting amenity by not resulting in an unacceptable impact on the amenities of neighbouring properties, by reason of loss of light, and to the National Planning Policy Framework, which states that as a core planning principle that planning should always seek a good standard of amenity for all existing occupants of buildings.

Living conditions of future residents

14. The size of the plot is stated by the appellant to be 230m². However, based on the access and parking space proposed a significant amount of this land would be utilised for these purposes, and limited details are provided of the volume or distances of private amenity space that the occupants of the proposed dwelling might have available to them.
15. With the level of detail provided it is difficult for me to come to a firm view on the amount of amenity space that would be provided. However, I note that there would be an area at the rear of the parking spaces and depending on layout space would also be available around the side and rear of the house.
16. The appellant has submitted some detailed figures showing the amount of space available to other nearby plots along both Little Street and High Street South. These demonstrate that, even with the proposed access and parking area on site, the site would be as large, or larger than other similar plots nearby. Whilst examples of other properties with possible sub-standard levels of private amenity space do not justify the proposal, I consider that given the size of the proposed house, the indicative plan demonstrates that adequate private amenity space would be available for the future occupants of the 2 bedroom property.
17. I therefore conclude that the proposed dwelling would provide adequate private amenity space for future residents. In this respect the proposal would comply with Policy 8 of the Joint Core Strategy, which states that development should protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers.

Character and appearance

18. The indicative appearance of the property shows a reasonably well detailed house. At present, the plot acts as a dead space in the street scene, with a large blank expanse of close boarded fencing fronting and surrounding the site. The proposal would remove this fence line and create a single detached dwelling, filling the gap between the pub to the north and further built up

development on the other side of Harborough Road, providing a frontage to site and improving the street scene.

19. The indicative plans show that such a property could be designed in the local vernacular. Above I have concluded that the property would provide adequate private amenity space for its future occupants. Given the character of the area of reasonably small plots and properties I consider that the appeal site, whilst not overly large, would assimilate into this local character.
20. I therefore conclude that the proposed dwelling would have a positive effect on the character and appearance of the area. The proposal would therefore comply with policy 8 of the Core Strategy, which states that development should respond to the sites immediate and wider context to create new buildings which draw on the best of local character without stifling innovation. The plot also borders on to Rushden Conservation Area. In this regard, I consider that the proposal would comply with paragraph 132 of the Framework, which seeks to ensure that the setting of heritage assets, including Conservation Areas, is not adversely affected by development proposals.

Conclusion

21. I have concluded that the proposal would provide adequate living conditions for future occupants, with regards to the provision of private amenity space. I also consider that the proposal could have the potential to have a positive effect on the character and appearance of the area. However, this does not outweigh the significant harm that I consider would be caused to the living conditions of the occupants of No 44 Little Street by the scale of the proposed development.
22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR