
Appeal Decisions

Site visit made on 23 January 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 15 March 2017

Appeal A - Ref: APP/Z2830/W/16/3160555

21 High Street, Yardley Gobion, Towcester, NN12 7TN.

- 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 Mrs S Brown against the decision of South Northants District Council.
 - The application Ref. S/2016/1351/FUL, dated 25 May 2016, was refused by notice dated 28 July 2016.
 - The development proposed is the construction of a detached dwelling.
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Appeal B - Ref: APP/Z2830/W/16/3163051

21 High Street, Yardley Gobion, Towcester, NN12 7TN.

- 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 Mrs S Brown against the decision of South Northants District Council.
 - The application Ref. S/2016/1205/FUL, dated 4 May 2016, was refused by notice dated 24 August 2016.
 - The development proposed is the subdivision of the existing house to create two separate dwellings.
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Decisions

Appeal A - Ref: APP/Z2830/W/16/3160555

1. The appeal is dismissed.

Appeal B - Ref: APP/Z2830/W/16/3163051

2. The appeal is allowed and planning permission is granted for the subdivision of the existing house to create two separate dwellings at 21 High Street, Yardley Gobion, Towcester, NN12 7TN, in accordance with the terms of the application, Ref. S/2016/1205/FUL, dated 4 May 2016, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

3. The main issues are
 - Whether the proposals accord with the housing strategy in the development plan;
 - The effect of the development proposed on the character and appearance of the area including the Yardley Gobion Conservation Area;
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- The additional use of the existing access and the effect on highway safety;
- For Appeal B, whether the additional residential unit would have adequate amenity space.

Reasons

Background

4. The appeal sites lie to the rear of an existing house fronting the High Street in the village of Yardley Gobion. This house is a three storey property of a traditional form with single storey and two storey attached outbuildings stretching out at the rear. There is also a hard surfaced driveway at the side of the building which extends to the rear garden and also provides access to other open land in the appellant's ownership. To the south of the site lies Manor Farm which I noted at the site visit is formed by a group of traditional buildings and modern properties.
5. The proposal in Appeal A is to construct an additional detached dwelling in the rear garden, while in Appeal B the proposal seeks to subdivide the existing dwelling so that in effect the rear attached outbuildings would become a separate dwelling.

Policy context

6. The development plan for the area includes the West Northamptonshire Joint Core Strategy (2014) (the Core Strategy) and saved policies in the South Northamptonshire Local Plan (1997) (the Local Plan).
7. The relevant saved policies in the local plan, (H5, H6, EV9, G3 and H12) broadly accord with the provisions of the National Planning Policy Framework (NPPF), and therefore should be afforded full weight.
8. The appellant's agent challenges the Council's ability to demonstrate a five year supply of deliverable housing sites in accordance with the requirements of paragraph 47 of NPPF but little evidence has been submitted to substantiate this claim. Whereas the Council's case refers to recently published data which indicates that, as at April 2016, there was an 8.71 years supply. On the evidence before me, I am satisfied that paragraph 47 is complied with and that paragraphs 49 and the final bullet point of paragraph 14 of the NPPF are not engaged in these cases.

Accord with development strategy

9. I note that the appeal site in Appeal A falls mostly outside the village boundary defined in the local plan and therefore Policy H5, which generally allows 'infilling' within the village, does not apply. Moreover, the site is regarded as being in the countryside where Policy H6 applies, and this puts forward a general presumption against further development, other than exceptional cases, which would encroach into the countryside. It also appears to me that saved Policy H12 applies and this indicates that 'tandem development' will not be supported where a proposed house would be located to the rear of an existing house and sharing the same access.
10. In considering and applying these policies I have taken into account the development that has been approved and built on the adjacent land at Manor

Farm and in particular I noted at my visit that 'Unit 2' at this site, which would lie almost adjacent to the appeal site, has not yet been constructed. Nevertheless, I note that the Council says that this development at Manor Farm involved previously developed land within the farmyard boundary and the land does not form part of the Yardley Gobion Conservation Area. The circumstances of the Manor Farm site therefore appear to me to be materially different to those of the appeal site.

11. Based on my observations at my visit, and taking into account the approved development that I understand may be undertaken on neighbouring land, it appeared to me that the land to the rear of No.21 has the character and appearance of garden land and open land which visually and physically relates to the other similar land to the north and north east of the site. This is distinctly different in character to the now developed land at Manor Farm or the houses and gardens of the residential properties fronting the High Street to the north.
12. I find that the principle of new build residential development on the appeal site would result in a harmful spread of built development beyond the recognised built up fabric of the village and into the surrounding area of countryside. Such development would be contrary to the provisions of saved Policies H5 and H6. Further, the particular juxtaposition of the site and the existing property of No.21 would result in a form of development which saved Policy H13 seeks to prevent. For similar reasons, there would also be conflict with the detailed provisions set out in Policy R1 of the Core Strategy. The proposal in Appeal A therefore does not accord with the development strategy set out in the development plan.
13. In terms of Appeal B, the attached outbuilding to be converted and the allocated parking area would be contained within the defined settlement boundary, and therefore detailed aspects aside, I do not consider that the principle of the proposed sub-division to create two dwellings would be in conflict with the strategy put forward in the development plan.

Effect on the character and appearance of the area

14. As outlined above in relation to the nature of the appeal site in Appeal A, I find that the land is open and is in part a garden. The land forms part of the Yardley Gobion Conservation Area and its open character contributes positively to the setting of the village and is recognised as a Special Landscape Area.
15. The proposed development in depth would not maintain the character of this part of the village, but would be an intrusion into the open land notwithstanding the new development at Manor Farm which I comment on above. The presence in principle of a new house here would be materially harmful to the open character of the local part of the Conservation Area.
16. Further, although submitted plan 1281-38 shows that the proposed house would be lower than the houses proposed at Unit 2 and 23A High Street at Manor Farm, I do not consider that the proposed design shown on drawing 1281-34 and especially the bulk of building and the roof pitches indicated, would result in a form of dwelling which would integrate well with its surroundings. I recognise that the existing main traditional house has a relatively shallow pitched roof which is replicated on part of the existing outgutter, but the incorporation of a similar roof pitch on the proposed

detached dwelling gives rise to an awkward and imposing form, contrary to saved Policy EV9.

17. In terms of the scheme in Appeal B, the existing buildings contribute positively to the character of the Conservation Area. Their retention and subdivision into two dwellings would not in principle be harmful to this special character.
18. Overall on this issue, I find that the scheme proposed in Appeal A would neither preserve nor enhance the character or appearance of the Conservation Area and would cause substantial harm to this heritage asset, and this harm has not been demonstrated to be justified by bringing about other public benefits. The proposal therefore does not meet the statutory test and it also conflicts with the guidance set out in paragraph 133 of the NPPF. Nevertheless I find that the scheme in Appeal B would have a neutral effect on both the character and appearance of the Conservation Area.

Effect on highway safety

19. In considering this issue I have had regard to the additional traffic that would arise from either development both individually and collectively. Further I note that the existing driveway to the site is about 3m in width whereas the normal requirements of the Council based on the guidance of the highway authority are for developments of up to five dwellings to be served off an access with a minimum width of 4.5m to allow for two opposing vehicles to pass each other.
20. In terms of the nature of the access to the application sites, it appeared to me at the visit that within the village centre of Yardley Gobion there were many other examples of relatively narrow driveways serving single or small clusters of houses and that such arrangements are part of the distinctive pattern of buildings in the Conservation Area. Also the current entrance to the appeal sites includes a verge crossing where a vehicle entering the site could pull in off the highway if the driveway was in use by a vehicle leaving the site. The verge also separates the edge of the driveway access and the adjacent building and boundary wall either side from the footpath alongside the carriageway of the High Street and at my site visit I found that there was good visibility in both directions for the driver of a vehicle leaving the site.
21. Because of the specific nature of the site, I do not consider that the extra vehicle movements that would arise from an additional single dwelling would be harmful to highway safety. Nevertheless, I have a concerns about the scale of traffic arising from two additional dwellings and the Council says that the narrowness of the access would also prevent a fire tender from reaching the dwelling proposed in Appeal A as the house would be located more than 45m from the highway. These factors indicate that while the single additional dwelling proposed in Appeal B would be acceptable in highway terms, the limitations of the access would not provide an appropriate means of access to the development in Appeal A and as such this scheme would not accord with saved Policy G3(B).

Whether adequate amenity space

22. Based on the Council's formal reasons for refusal, this issue mainly relates to Appeal B and the Council's concerns appear to be based on the potential outcome of there being three dwellings on the site in total rather than considering the proposals separately. I also note that the policies referred to

relate to general development requirements and do not set out detailed aspects for the provision of outdoor amenity areas or garden.

23. The layout plan with Appeal B (drawing 1281-21) indicates the proposed provision of amenity space for the proposed units 21A and 21B. The area shown to go with the main part of the existing house would be very small, and would lie adjacent to the access drive. As such I do not consider it would be adequate for the scale of accommodation retained in unit 21A. However, notwithstanding proposal in Appeal A, the extent of existing residential garden within the red line of the application site and outside of the shared parking area could be utilised to provide additional garden area for unit 21A subject to the submission and agreement of an acceptable scheme of outdoor amenity area for this dwelling. I am therefore satisfied that in principle, this issue is capable of being resolved in Appeal B.

Planning balance

24. Bringing together my conclusions on the main issues, I have found that the new dwelling proposed in Appeal A would not accord with the housing strategy set out in the development plan as the site lies outside the village. The neighbouring development at Manor Farm has historical and spatial reasons for being there and does not set a precedent in favour of new development on the appeal site.
25. The loss of openness on the fringe of the village and the development of the new dwelling would also cause substantial harm to the character and appearance of the Conservation Area and would not preserve or enhance it. Finally, while I found that the narrow access to the site could accommodate the traffic from a single additional dwelling the location of the site some 45m from the highway means that it would not have a satisfactory access in terms of the accessibility of fire engines in an emergency.
26. For the reasons that I have given, the proposal in Appeal A would not accord with the development plan when this is considered as a whole. However, I have found that there is no objection in the development plan to the subdivision of the existing property into two dwellings and the specific arrangement of the existing access could be used for a modest increase in traffic movement without harming highway safety as it has adequate visibility and space for vehicles to pass. The proposal in Appeal B would also have a neutral effect on the Conservation Area.
27. I acknowledge that both appeal schemes would make a modest contribution to the increase in housing supply but the evidence submitted suggests that the Council is meeting its housing needs in a sustainable way. Further, given the environmental harms that would arise, the proposal in Appeal A does not fulfil the environmental role of sustainable development, as defined in the NPPF, even if there are other limited social and economic benefits.
28. Overall, I conclude that there are no other considerations which outweigh the conflict with the development plan for Appeal A and I will dismiss this appeal. Conversely the provisions of the development plan and national guidance broadly support Appeal B provided that both dwellings have adequate amenity space and this can be achieved by a condition requiring the submission of a scheme which must be agreed before development starts.

29. In terms of other conditions in Appeal B, in addition to the statutory condition on the timing of the development, a condition specifying the plans that are approved is necessary in the interest of clarity and the development must be undertaken in accordance with the details in order to maintain the appearance of the area. For similar reasons I shall also impose the recommended condition on details to be submitted for refuse storage. Finally, given the close relationship between the two properties and the tightness of the space around the buildings themselves, I will impose conditions taking away 'permitted development' rights to add further extensions or erect outbuildings so that the space available for each property is maintained in the interest of the living conditions of the occupiers.

Conclusions

30. For the reasons given above I conclude that Appeal A should be dismissed but I will allow Appeal B.

David Murray

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development shall be carried out in accordance with the approved plans- ref: drawing numbers: 1281-17; 1281-21; 1281-22.
3. No development shall take place until details of all refuse storage facilities and locations have been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall thereafter be provided in accordance with the approved details before the dwellings to which they relate are first occupied, and the facilities shall thereafter be retained.
4. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or structure shall be erected or placed within the curtilages of the dwellings hereby permitted without the prior written consent of the local planning authority.
5. Notwithstanding the provisions of Classes A to D (Inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, additions or other alterations to enlarge the buildings shall be carried out to the dwellings hereby permitted without the prior written consent of the local planning authority.
6. The development hereby approved shall not commence until details of the location and extent of outdoor amenity space for each property within the overall application site have been submitted to and approved in writing by the local planning authority. The new residential unit 21B shall not be occupied as a separate dwelling until the agreed amenity space has been made available for both properties and the space shall be retained thereafter for that purpose.