
Appeal Decision

Site visit made on 27 February 2017

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 21st March 2017

Appeal Ref: APP/Y2810/W/16/3165340

123 High Street, Flore, Northamptonshire NN7 4LW

- 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 Keith Williams against the decision of Daventry District Council.
 - The application Ref DA/2016/0197, dated 7 March 2016, was refused by notice dated 9 September 2016.
 - The proposal is for the demolition of agricultural buildings and the development of four new detached dwellings including garages and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the application form refers to 123 High Street, whereas the Council's decision notice refers to land to the rear of 121 and 125 High Street. I note that the appeal form states the land is the same as the Appellant's address, which is 123 High Street, and I have dealt with the appeal on this basis.
3. Since the determination of the application the Flore Neighbourhood Development Plan 2014-2029 (FNDP) has been adopted, and I give this significant weight in the consideration of this appeal.
4. The Council have also confirmed that reference to the Special Landscape Area and Policy EN1 of the Daventry District Local Plan 1997 (DDLPP) was in error and I have therefore given this matter no further consideration.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is located on the north side of High Street, essentially on land to the rear of the buildings of Nos 123 and 125. To the north is an agricultural field with a public right of way crossing it, whilst to the east is grassland. To the south and west are gardens to existing residential properties. The land rises away from High Street, plateauing on the agricultural land to the north.
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7. The Appellant suggests that the site is located within the settlement boundary of Flore and cites the Flore Village Design Statement (VDS) and that existence of the agricultural building on the site. However, the VDS has not been provided to me. Furthermore, the recently adopted FNDP defines the development area for the village at Map 2. This shows that the appeal site is outside of the adopted development area.
8. In addition to the above, the DDLP at paragraph 4.90 defines the existing confines of the village for the purposes of Policy HS22. This includes the existing main built-up area but excluding those peripheral buildings such as free-standing individual or groups of dwellings, nearby farm buildings or other structures which are not closely related thereto. In this case, the appeal site, including its existing buildings, is peripheral to the village. Consequently, I consider that the site is located beyond the defined development area for Flore and in planning policy terms is located in the countryside.
9. Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 (WNCS) identifies the housing requirement of 2,360 dwellings in the rural area between 2011 and 2029. Policy R1 does allow for further development once the level of rural housing has been exceeded for the plan and sets out a criterion for such further development. In this case, no evidence has been put forward to demonstrate that these criteria have been met and it is clear that the development of the site has not been agreed through an adopted neighbourhood plan.
10. In terms of the physical impact of the development, the new dwellings would be highly visible from the public footpath to the north and would erode the open character and quality of the area by extending the built development in an undesirable fashion. Furthermore, the two storey nature of the development would be significantly higher than the existing building on the site. In coming to that conclusion I acknowledge that there would be areas of greenery remaining, albeit as part of the residential gardens and that views from High Street would be somewhat restricted.
11. Turning to the impact on the trees, there are five Oak trees along the High Street frontage which form a group of trees (group 1) in the schedule to the Flore TPO/DA/56 Tree Preservation Order 1984. Of these five trees, only one of them is in proximity to the appeal site access being sited behind the existing brick wall to the west of the access. Whilst the position of the access would move eastwards along High Street, in the immediate vicinity of the tree it would be broadly in the same position as it is now. However, the submitted drawings show a significant lowering of the land levels along the driveway in close proximity to the oak tree.
12. The submitted Arboricultural report identifies this oak tree as a category B tree with a high amenity value and I have no reason to disagree with that view. However, the Arboricultural report does not consider the impact of the lowering of the access road and the effect this would have on the root systems of the tree.
13. Given the lowering of the land levels in proximity to the tree, it is highly likely that some root damage would be inevitable which would be detrimental to the health of the tree and ultimately its amenity value and its contribution to the character and appearance of the area.

14. With respect to the other trees within the site, none of these are protected by a Tree Preservation Order. Whilst the loss of one mature tree would be regrettable, this is not a determinative matter.
15. The Council have also raised concerns that part of the site would result in a cramped form of development. Whilst the two plots in the north-west corner of the site would be sited close together, it is significant to note that both of these plots have sufficient amenity space at the rear and circulation space to the fore. In the village I also saw several properties which have a similar close-knit relationship such as on Meadow Farm Close and Bliss Lane. However, this does not outweigh the harm I have identified.
16. For the above reasons, the proposed dwellings would result in significant harm to the character and appearance of the area contrary to Policies S1(D), S10, R1 and BN5 of the WNJC, Policies HS22(b), HS24 and EN42 of the DDLP, the FNDP and the objectives of the National Planning Policy Framework which seek, amongst other matters, to ensure that development protects the character and appearance of the area.

Other matters

17. I have also had regard to the effect of the development on the setting of 121 and 123 High Street which are grade II listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these buildings. In this case, I agree with the Council that the development would not have an adverse impact on the setting of these buildings. Therefore, I find that the proposal would accord with the conservation aims of the Framework.
18. The Council have also referred to the adequacy of the garage spaces for the dwellings, including the lack of plans for the detached garages. However, each plot has at least two parking spaces outside of the proposed garages and as such I consider that a suitable level of parking provision would be made.
19. Finally, the Council has referred to the accuracy of the submitted plans and in particular the existing garage at 119. The Council have already noted that the existing garage is not within the application site. Whilst the plans showing the garage within the site are clearly misleading I am satisfied that, in this instance, this error does not give rise to any material harm.

Conclusion

20. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR