
Appeal Decision

Site visit made on 7 June 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/U2805/W/17/3170931
16 Main Street, Middleton LE16 8YU

- 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 Myles Knauer against the decision of Corby Borough Council.
 - The application Ref 16/00417/DPA, dated 26 September 2016, was refused by notice dated 24 November 2016.
 - The development proposed is the partial demolition of double garage and construction of new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the partial demolition of double garage and construction of new dwelling at 16 Main Street, Middleton LE16 8YU in accordance with the terms of the application, Ref 16/00417/DPA, dated 26 September 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the living conditions of nearby residents, with regards to outlook, privacy, noise, daylight and sunlight; (ii) whether the proposal would preserve or enhance the character or appearance of the Cottingham and Middleton Conservation Area (CMCA); (iii) the effect of the proposal on the setting of neighbouring listed buildings; and (iv) the effect of the proposed development on highway safety.

Reasons

Living Conditions

3. Opposite the appeal site is Cannam House which partly overlaps the siting of the proposed dwelling. Thus, there would be some views from the first and second floor bedroom windows of Cannam House. These rooms each have two windows either side of a central landing window. The first floor master bedroom in the east side of the south elevation of Cannam House would be almost directly facing the west side of the proposed dwelling's north elevation.
4. Revisions made to the previous appeal scheme¹, include a 'dummy window' in the first floor elevation facing the master bedroom of Cannam House and internal alterations to the room layouts. This means that the bedroom in the west side of the proposed dwelling's north elevation would be served by a window in the first floor flank elevation facing Cornerstones. Notwithstanding

¹ Appeal Decision Ref: APP/U2805/W/15/3141328

the slight ground level differences, due to these changes, they negate the potential for any overlooking or loss of privacy between this bedroom and the master bedroom of Cannam House, even if they would only roughly be 13 metres away from each other. Similarly the dummy window would ensure that there would not be any overlooking or loss of privacy from this bedroom into the ground floor lounge and dining room of Cannam House. While, the first floor landing window could be obscure glazed, I do not consider that this is necessary given the window would not serve a main habitable room.

5. The other bedroom windows in the first and second floors of Cannam House would either face the access and have oblique views of the proposed dwelling or face the dwelling's front roof plane. The relationship would not result in an unacceptable impact to the living conditions of either set of occupants', even though I acknowledge the proposed dwelling would be a change.
6. Although the proposed dwelling would support a family, I do not consider that noise from their occupation or from traffic movements would lead to an unacceptable impact on nearby residents' living conditions in terms of noise, given the number of dwellings on Main Street and the use of the highway.
7. The dwelling's scale would be greater than the existing garage. Still, it would either be broadly consistent or lower than Cannam House and 18 Main Street. Also, a considerable gap would remain to Cornerstones, even though the house would be closer. Thus there would not be any overshadowing effect, even if there would be a difference between the scale of each property. In terms of daylight I am not satisfied that the proposal, even with its steep roof pitch, would cause an unacceptable impact due to the siting of the two properties. The rooms in the front elevation of Cannam House would therefore receive a good standard of daylight during the day.
8. I gather the ground floor ceilings of Cornerstones are not very high. However, even if vehicles park in front of the window next to the access or in front of windows facing Main Street itself, they are likely to be transient as the proposal includes off-street parking provision. As a result, I do not consider that parked vehicles would result in an unacceptable impact to the occupants' daylight.
9. For these reasons, I conclude, on this issue that the proposed development would comply with Core Strategy Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS); which seeks, among other things, development to not to result in an unacceptable impact on the amenities of neighbouring properties by reason of noise, loss of light or overlooking to ensure quality of life and healthier communities.

Heritage assets

10. The appeal site is within the CMCA which consists of the village of Cottingham and the adjacent village of Middleton. The CMCA centres largely on the historic core of the two villages which have been developed and adapted during the 18th and 19th centuries. The appeal site is in the village of Middleton on Main Street which is characterised by two and three storey residential properties that generally address the road. This forms a strong sense of enclosure. Main Street is used for on-street parking, while properties are typically of a cottage design, even if there are variances in the design of each property. Local stone and red brick provide their external finish.
11. A pitched roof double garage and attached smaller outbuilding are next to the narrow footpath on the southern Main Street. The outbuilding adjoins No 18.

The garage is said by the Council to be of local interest in the Cottingham and Middleton Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD), due to the contribution of the low brick boundary wall and railings which make up the rest of the boundary with the road. On this basis, the Council consider it to be a non-designated heritage asset. The rest of the site is open and linked to 16 Main Street which is positioned behind a row of tall leylandii that provide a strong screen of the dwelling.

12. The site is also among a small cluster of listed buildings on either side of Main Street. Cornerstones (No 12) and Nos 18, 20 and 21 Main Street are grade II listed buildings. They are fine examples of two or three-storey vernacular stone cottages with slate roofs. Cannam House is a three-storey grade II listed property dating from the 18th century. Its substantial size and grandeur, partly formed by the regular window arrangement and central entrance door, is a stark contrast to other, more humble vernacular properties in the street scene. Consequently, and due to its position on Main Street, set behind cast iron railings extending across its front façade, it is a dominant part of Main Street. While an opinion has been expressed that Cannam House merits a higher listing, I have determined this appeal on the basis of the evidence before me.
13. While the site may not have been included on a draft list of possible sites for infill development, this would not prevent schemes coming forward. In any event, I have considered this appeal on its planning merits.
14. Notably, my colleague Inspector concluded in his decision in July 2016² that the proposal before him would preserve the character of the CMCA and would not harm the setting of the listed buildings. Nevertheless, the appellant has made changes to this scheme, with the view to obtaining a successful outcome. Even so, careful consideration of the scheme is required given the heritage assets. Great weight should be given to the asset's conservation³. I have had regard to the various listed building summaries, the CMCA, the SPD and the views expressed by the respective parties and residents'. This level of detail is *sufficient to understand the potential impact of the proposal* on the significance of the heritage assets in accordance with paragraph 128 of the National Planning Policy Framework (the Framework).
15. The proposed dwelling would sit between the existing built form that lines the street, albeit set back from the existing boundary wall and railings which would be retained. This would reveal the dwelling's ground floor from Main Street and allow an open sense of space to Cornerstones and the rear of the site containing the leylandii. While the double fronted dwelling would not be a small cottage property, a physical link to No 18 would be maintained, so that there would be a break in the built form at first floor. The dwelling would be broadly consistent with the scale of No 18 and Cornerstones either side. Given this, along with the variety found along Main Street, I do not consider that the proposal would appear as a larger detached executive-type dwelling, despite the very slight level differences between Cannam House and the site. A balance would remain between built form and open space. As such, the proposal would not dominate or overcrowd the heritage assets, nor would the parking area seem to be an overspill car park.
16. While the proposed fenestrations and proportions are in tune with those of Cannam House, I do have some concerns regarding the use of constituted

² Appeal Decision Ref: APP/U2805/W/15/3141328

³ National Planning Policy Framework, Paragraph 132

stone and manufactured roof slate, given the use of materials along Main Street and the siting of the dwelling among a cluster of listed buildings. Yet, a suitably worded planning condition would allow samples to be approved by the Council prior to work commencing. Having regard to paragraph 206 of the Framework, this would overcome any harm in respect of this matter, so that the proposal would respect the local vernacular style.

17. The leylandii and the hedgerow across the site's frontage contribute, albeit not significantly to the setting of the heritage assets. Despite concerns, in particular relating to T8 to T12 regarding excavation, T9, T11 and T12 are situated far enough away from the retaining wall to ensure the bulk of their roots would be unaffected. Works in the root protection area of the closest trees, T8 and T10, would be done by hand and the larger roots would be retained. This would ensure both remain, even if their height would be reduced by roughly half⁴. Also, as the dwelling would be set back from the boundary wall, this would allow the hedgerow to be retained. On this basis, the proposal would not harm the verdant setting of the heritage assets. Moreover their retention would continue to offer potential habitat for ecological species.
18. Although views are expressed that the proposal would result in harm to the heritage assets, this is not a view that I share. I conclude, on this issue, that the proposal would, for the reasons set out above, preserve the character and appearance of the CMCA and would not harm the setting of the listed buildings and the non-designated heritage asset. The proposal would therefore accord with JCS Policy 2, saved Policies P1(E) and P4(E) of the Corby Borough Local Plan and the SPD. These together seek, among other things, development to complement the general character of the area through its form, scale, design and materials; and restrain and not intrude into the setting of important buildings, so that proposal's conserve the heritage significance of an asset or group of heritage assets in a manner commensurate to its significance.

Highway Safety

19. The proposed dwelling would use the existing vehicular access from Main Street which extends to 14 and 16 Main Street. My Inspector colleague in the previous appeal decision⁵ considered the effect of the then proposed parking area would not pose a risk to highway safety. While, concerns are again raised in respect of the parking area, the current appeal scheme would result in a larger parking area that would not need a car to exit the site in order for another to leave. It would also allow three vehicles to park and manoeuvre off the highway. Hence, the on-site car parking provision would be carefully considered and it would not result in harm due to the use of the shared access. While visitors could use the area next to Cornerstones for parking, photographic evidence points to this already occurring. Visitors could also make use of unrestricted on-street parking.
20. I acknowledge the proposal would result in an intensified use of the access, which is unlikely to be able to achieve a visibility splay of 2 metres by 43 metres. This is largely due to Cornerstones which hinders a driver's ability to see oncoming traffic. Nevertheless, this is an existing access and Main Street is not a heavily trafficked route. As Main Street is narrow and used for parking, vehicle speeds are unlikely to be particularly high, even if there are instances when drivers do exceed the speed limit. Also, the effect of drivers braking

⁴ Council Application Ref: 15/00002/TPO

⁵ Appeal Decision Ref: APP/U2805/W/15/3141328

suddenly at the sharp bend leading onto The Hill would not have a bearing on the proposal, as the bend is a considerable distance from the proposed access.

21. Based on the available evidence, I do not consider that Main Street is a particularly dangerous stretch as drivers can adequately see along the street in either direction. Also, the width of the access does allow good visibility of oncoming pedestrians using the footpath. However, given the increased use of the access and the potential for vehicles to be parked next to Cornerstones, planning conditions, as suggested by the Council, would enable suitable visibility splays to be provided. Thus, I do not consider that the proposal would result in a severe harm to highway safety.
22. Although no specific policy was referred to in evidence, given the content of JCS Policy 8, I consider it to be relevant to this issue along with the SPD and the Council's Parking Standards. For the reasons explained above, I conclude, on this issue, subject to the imposition of planning conditions that the proposal would comply with JCS Policy 8, the SPD and the Council's Parking Standards, which together seek to ensure developments provide a satisfactory means of access and provision for parking and manoeuvring.

Other Matters

23. I understand points around the effect of the dwelling's construction, however while I recognise there is likely to be traffic, noise, dust and disruption, the effects of this would be temporary. There would not be a long lasting effect on the heritage assets.
24. Although housing may be planned elsewhere and housing may be available, the Framework seeks to boost significantly the supply of housing⁶ and does not place an upper threshold on new homes coming forward.

Conclusion and Conditions

25. I have had regard to the conditions that have been suggested by the Council and the appellant's comments. A condition in respect of the plans is necessary and I have imposed it in the interests of certainty. I have also imposed a condition regarding samples of the materials in the interests of the character and appearance of the CMCA and the setting of the listed buildings, so that the dwelling assimilates into its surroundings. In the interests of highway safety, I have imposed conditions for vehicular and pedestrian visibility splays.
26. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

⁶ National Planning Policy Framework, Paragraph 47

SCHEDULE OF 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: Site Location Plan; Main 1610, Main 1611, Main 1612, Main 1613, Main 1614, Main 1616 and Main 1617.
- 3) No development shall take place until samples of all materials to be used in the external construction of this development shall be provided on site and details (including photographs) shall be submitted for the approval in writing by the Local Planning Authority. The development shall be in accordance with the approved details.
- 4) Prior to first use or occupation of the development hereby permitted, vehicular visibility splays of 2.0 metres from the carriageway edge along the centre of the vehicular access by a distance of 43 metres* measured from the centre of the vehicular access along the carriageway edge. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

* This dimension may be reduced subject to the receipt of a vehicle speed survey proving the 85%ile speeds are less than 30mph.
- 5) Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.4 metres x 2.4 metres (2 metres x 2 metres where there is turning space within the site) shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.