The Planning Inspectorate

Appeal Decision

Site visit made on 26 July 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 7 August 2017

Appeal Ref: APP/V2825/W/17/3172592
Land to rear of 54 Ashburnham Road, Abington, Northampton NN1 4RA

- 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 R Frampton against the decision of Northampton Borough Council.
- The application Ref N/2016/1456, dated 28 October 2016, was refused by notice dated 22 December 2016.
- The development proposed is conversion of existing coach house (photographic studio) into one bedroom dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing coach house (photographic studio) into one bedroom dwelling at land to rear of 54 Ashburnham Road, Abington, Northampton NN1 4RA in accordance with the terms of the application, Ref N/2016/1456, dated 28 October 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15/F83/1 and 15/F83/3.

    3) The external materials used in the alterations shall be constructed with materials of the same type, texture and colour as the external materials of the existing building.

    4) Notwithstanding the provisions 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 windows other than those expressly authorised by this permission shall be constructed on the north-west or north-east elevations.

    5) The wall surrounding the amenity space shall be provided as shown on drawing No 15/F83/3 before the occupation of the dwelling and retained thereafter.

Preliminary matter

2. Amended drawings were submitted with the appeal to show an additional ground floor and first floor window on the side elevation of the building. These windows would face a petrol filling station (PFS) and a service road which

provides access to the rear of the neighbouring houses on Ashburnham Road. I do not consider the amendments would materially alter the effect of the development on nearby occupiers. As such, though neighbouring occupiers have not seen the amended drawings, I do not consider they are prejudiced by this. Therefore, whilst I acknowledge the Council's comments, I have determined the appeal on the basis of the amended plans.

Main Issue

3. The main issue is whether the development would provide satisfactory living conditions for its future occupiers in respect of their outlook, amount of amenity space and safety.

Reasons

4. In addition to the windows facing the PFS referred to above, new openings would be provided in the roof slope facing the PFS and on the rear elevation addressing the outdoor amenity terrace area. The existing openings on the front elevation would be reused. The windows on the front elevation would look towards the rear gardens of the houses on Collingwood Road. Directly in front of the building there is a detached garage and a brick boundary wall around two metres in height. However as these are separated from the building by the width of the service road, and because of their relatively limited height, I consider a satisfactory outlook from the dwelling would be achievable. The side windows would face the PFS forecourt, which is generally open, and although there is a boundary fence of around two metres in height, this is on the other side of the service road. Consequently I do not consider the outlook from these windows would be significantly constrained. As such an acceptable outlook would be provided.

5. In addition the building's compact size, the position of the windows and the open plan layout of the ground floor leads me to conclude that all parts of dwelling would be well served by natural light.

6. The amenity space would be at first floor level and would be enclosed by a 1.8 metre high brick wall. Despite its enclosed nature, its elevated position means there would be little other development to overshadow the space. Also though it is small, I consider it would be appropriate for a one bedroom dwelling. Indeed I have not been provided with any substantive evidence to demonstrate that the area would be insufficient. The presence of Abington Park and The Racecourse within around a 5 minute walk from the site also contributes to the outdoor recreational space offer that would be available to the occupiers. Therefore I do not consider the amenity space would be unsatisfactory for future occupiers.

7. The dwelling would be behind the properties on Collingwood Road and Ashburnham Road. However the area in front of the entrance is closely overlooked by the first floor window on the rear elevation of 54 Ashburnham Road. Also despite the fence along the side of the PFS, the comings and goings and the amount of illumination provided there would mean the dwelling is not secluded or hidden.

8. In addition I noted, at my site visit, that there was external lighting at the site and a CCTV camera on the side of No 54 which was directed along the service road towards the building. There are also a number of similar cameras at the

PFS, and although these may not cover the appeal site, they may still act as a deterrent against crime due to their proximity to the site. Overall, I consider the site, and the routes to it, would be well illuminated and satisfactorily surveilled resulting in a safe environment for its future occupiers.

9. Consequently the proposal would provide satisfactory living condition for its future occupiers. It would therefore accord with Policy S10 of the West Northamptonshire Joint Core Strategy (WNJCS) which requires development to incorporate high standards of safety and security, Policy H1 of the WNJCS, which expects proposals to have regard to living conditions for future residents, and Policy E20 of the Northampton Local Plan which aims to ensure adequate standards of daylight. It would also comply with the advice in the Planning Out Crime Supplementary Planning Guidance which supports the provision of safe places, and the National Planning Policy Framework (the 'Framework') which, as one of its core principles, seeks a good standard of amenity for all occupiers.

Other matters

10. The Council briefly refer to the need to bring waste bins through the dwelling and up to the pavement on collection days. However I consider this is not dissimilar to the other dwellings nearby who may have to bring their bins from their rear gardens to the pavement via the service road.

11. I note the Highways Authority's concerns regarding parking, but the Council state that this is not part of their case, and hence I give this matter no further consideration. Also whilst I acknowledge the comments regarding the ownership of the service roads, this has no bearing my consideration of the planning merits of the case.

Conditions

12. I have considered those conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. Where necessary, in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.

13. In accordance with the advice in the PPG and the Framework I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty.

14. I have attached a condition requiring the finishing materials to match those of the main house, so as to protect the character and appearance of the area, and conditions preventing the insertion of further windows in the side and rear elevations of the development and preventing alterations to the wall around the amenity area, so as to protect the privacy of the adjoining occupiers.

15. I have not attached the suggested condition regarding details of waste storage as this is already shown on the plans.

Conclusions

16. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR