



Appeal Decision

Site visit made on 8 November 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 23rd November 2017

Appeal Ref: APP/Z2830/W/17/3179806

Studleigh Cottage, 20 Church Street, Rothersthorpe, NN7 3JD

- 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 Paul Robinson against the decision of South Northamptonshire Council.
 - The application Ref S/2016/2722/FUL, dated 31 October 2016, was refused by notice dated 14 March 2017.
 - The development proposed is the demolition of double garage and construction of an accessible four/five bedroom house with associated parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of double garage and construction of an accessible four/five bedroom house with associated parking and amenity space at Studleigh Cottage, 20 Church Street, Rothersthorpe, NN7 3JD in accordance with the terms of the application, Ref S/2016/2722/FUL, dated 31 October 2016, subject to the attached schedule of conditions.

Main Issues

2. The main issues are the effect the proposed development upon:
 - (a) the character and appearance of the area including the Rothersthorpe Conservation Area and the setting of grade II* and grade II listed buildings, and;
 - (b) the living conditions of neighbouring occupants at Studleigh Cottage and No 22 Church Street in respect of outlook.

Reasons

Character and Appearance

3. The appeal site forms part of the side garden area to Studleigh Cottage, a 2-storey grade II listed 18th Century cottage with later 20th Century additions. The Cottage has a thatched roof and painted rendered walls to the front elevation. The side and rear elevations are formed of coursed ironstone rubble. The later extensions are brick with plain tiled roofs.
4. Studleigh Cottage is set behind the Church of St Peter and St Paul. This is a grade II* listed building which dates from the 13th and 14th Centuries and was later restored during the early 20th Century. The Church is of coursed ironstone construction and has a distinctive saddleback roof to its tower. It

occupies an elevated position above Church Street and acts as a focal point along this road.

5. The appeal site is accessed via Fishers Lane, a narrow road which runs from Church Street and around the rear of the church yard. A separate modern double garage of brick and timber construction with a pitched roof is located within the appeal site, to the east of the Cottage, set at an angle following the bend of Fisher Lane.
6. The site is within Rothersthorpe Conservation Area (CA) which is characterised by traditional vernacular buildings which predominantly date from the 17th and 18th Centuries. In general these are of a 2-storey domestic scale and are built in the local ironstone. As set out in the adopted Conservation Area Appraisal (2013), development within the 19th Century brought about some infill developments which were largely constructed in the newly available materials of the date – predominantly red brick and slate. The Baptist Chapel and village school are such examples in close proximity to the appeal site. Development in the 20th Century also continued to infill the gaps along Church Street. Nos 22 and 24 are two such modern semi-detached bungalows which infill the corner of Church Street and Fishers Lane, to the north of the appeal site.
7. Plots vary in size from very modest plots of the smaller cottages to larger farmyards giving the area a varied grain and character. Along Church Street buildings are of varying sizes which are generally clustered around the Church, including Studleigh Cottage. Views of Studleigh Cottage and the garage are gauged from Church Lane around the junction with Fishers Lane.
8. The significance of the listed buildings relates to their age, architecture and historic interest. The setting of these assets makes an important contribution to their significance and specifically the Cottage forms part of the cluster of development around the Church, forming a group when viewed from Church Street. Both Studleigh Cottage and the Church also therefore make a positive contribution to the CA.
9. The development would comprise of the demolition of the modern garage and the erection of a 5-bed detached dwelling in a T shaped plan form. This would be set back into the plot, close to an existing side boundary wall between the appeal site and the rear gardens of Nos 24A and 26 and the rear boundary of No 22. The larger section of the proposed dwelling runs roughly in a north to south direction. This would be 2-storey in height with a flat roof and vertical cladding to first floor and rendered blockwork below. This would also include a wide rendered external chimney stack to the rear. A single storey wing would be roughly in line with Studleigh Cottage and would be rendered to the front and have ironstone walls to the rear, with a pitched slate roof and full height glazing. A courtyard would be created to the front area and the side and rear garden would be subdivided to create a private garden for the proposed dwelling.
10. The architecture of the dwelling would be contemporary utilising modern materials and design details such as large areas of glazing. The single storey wing would have a more traditional design. There can be no doubt that the development would represent a contemporary addition to the CA and the setting of listed buildings. However, I consider that the design of the proposed dwelling has been carefully considered in light of its historic context and forms a creative and sensitive response in this regard.

11. Specifically, in light of the mixed sizes of dwellings in the area and the general grain and pattern of development, I consider that the scale of the building would be acceptable and would not represent an overly large addition. I note that this would be similar in its footprint to Studleigh Cottage and I consider that this would positively contribute to the clustering of development around the Church.
12. I accept that the area is characterised by traditional steeply pitched roofs and that the proposed flat roof would contrast with this. Nonetheless, in respect of the overall design ethos of the site, I do not consider that the flat roof in itself would cause harm. In my view this element ensures that the scale of the development better reflects the domestic scale of the buildings in the area. The mass of the property is also broken up by the single storey wing which of a more simple design, using more traditional materials and finishes which would complement Studleigh Cottage.
13. I am also mindful that the appeal property would be sensitively positioned in the plot. The proposed development would effectively be tucked behind Nos 22 and 24 and would be well screened when viewed from Church Street as these properties are in a slightly elevated position. The vegetation within the appeal site along the boundary with No 22 also helps to provide screening. Views from the churchyard would also be limited by mature vegetation along the boundary.
14. While large areas of the building comprise of full height glazing, the fenestration pattern is simple in its form. Rather than being an alien and strident feature, I consider that the timber cladding would tone with the warm colour of the local ironstone and would complement the wider rural environs.
15. As identified within the Conservation Area Appraisal, the majority of roofs have chimney stacks which are generally plain and functional in appearance with very little detailing. The proposed chimney would be wide, at around 2.6m. However, it reflects the simple and functional appearance of traditional stacks in the area and is located to the rear elevation and thus I do not consider this element to dominate.
16. Overall, in this context, I find that the development would comfortably integrate into its sensitive historic surroundings as infill development as part of the continued evolution of the village. I consider that the significance of the listed buildings as derived from their setting would not be harmed and the character and appearance of the CA would also be preserved.
17. In reaching this decision on the design, I am mindful that the National Planning Policy Framework (the Framework) requires good design that seeks to reinforce local distinctiveness and the historic character of an area. However it is noted that paragraph 60 of the Framework states that decisions should not impose architectural styles or particular tastes.
18. Part of the appeal site as shown on the red line site plan is located beyond the village confines boundary. The Council consider this to be in the open countryside and cite their concern with regard to the rural character of the area.
19. At present, Studleigh Cottage comprises of a formal garden area, including the appeal site which is bounded by a hedgerow. Beyond this, and in the

ownership of the appellant, are open fields which lead down towards a watercourse. As shown on the red line site plan, the proposed development would incorporate a formal garden area as well as part of the open fields beyond. However, this area is clearly demarked on the proposed site plan (ref 100 Rev D3) as fallow grass and beehives and designated open countryside. The land would be separated by hedging and a gated access development and the use would clearly be distinct. This could also be further secured by a landscaping condition. I am therefore satisfied that the development would not change the use of this land and would there would be no encroachment into the countryside as the existing arrangement would be maintained.

20. A public footpath to the rear of the appeal site would allow for public views of the rear of the development, but again in light of its design, positioning and lack of encroachment into the countryside, the development would not be incongruous in views from this vantage. Nor would it interfere with views of Studleigh Cottage and the Church.
21. Overall, subject to conditions, the proposed development would cause no harm to the character and appearance of the area and would preserve the special interest of Studleigh Cottage and the Church of St Peter and St Paul, in respect of their setting. The development would also preserve the character and appearance of the Rothersthorpe Conservation Area.
22. The development would be in accordance with saved policies of the South Northamptonshire Local Plan 1997 (LP) including G3, EV9, EV10 and EV11 which reflect the statutory duties in respect of listed buildings and conservation areas. Policies EV12 and EV13 as cited by the Council in their decision notice relate to alterations and extensions to listed buildings and are not strictly applicable to the proposals before me. The development would not be in conflict with Policies EV2 and H6 in which seek to protect the character of the countryside.
23. The development would also comply with Policies SA, BN5 and R1 of the West Northamptonshire Joint Core Strategy 2014 (JCS). Policy SA identifies a presumption in favour of sustainable development while Policy BN5 seeks to secure and enhance the significance of heritage assets and their settings. Policy R1 defines a spatial strategy and seeks to protect and enhance the character and quality of rural areas, historic buildings and areas of historic or environmental importance. There is also no conflict with the Framework, cited Supplementary Planning Guidance or other documents.

Living Conditions

24. The northern elevation of the main 2-storey wing of the development would be in close proximity to the shared boundary between the appeal plot and No 22. This property is set at an angle and there would be a separation distance of around 8m from the bottom corner of this property to the proposed development. The Council consider that this would fall short of the recommended 12m distance as specified in their Residential Extension Supplementary Planning Guidance (1998) and thus it is held that the development would have an overbearing impact and would create a sense of enclosure.
25. While the development would fall short of this distance, the SPG, which is of some age, relates to extensions and not infill development. Even if I were to

accept the 12m distance was applicable to new development, in light of the circumstances of the appeal site, I consider that any enclosure would be limited.

26. Specifically, No 22 is a bungalow which is located in an elevated position to the appeal plot and the proposed dwelling would be of a similar height to No 22. Moreover, there is also existing mature vegetation which runs along the inside of the boundary within the appeal site which already provides screening and a degree of enclosure.
27. While views of the proposed development would be gauged from No 22, from both within the property and from within its garden, I am satisfied that the development would not have any harmful overbearing or enclosing effect.
28. Similarly, the development would be located around 4m away from the end gable of Studleigh Cottage. However this would be the single storey wing of the proposed development. In addition, the existing garage block, although at an angle to The Cottage, is in much closer proximity. On balance, I therefore find that the outlook would be preserved.
29. Overall I find no harm to the living conditions of neighbouring residents in respect of outlook. There would be no conflict with saved Policies G3 and EV1 of the LP which requires development to pay attention to the relationship with adjoining land and buildings and would not unacceptably harm the amenities of neighbouring properties. Policy H17 and the SPG as cited by the Council in their decision notice relate to residential extensions and are not strictly applicable to the proposals before me.

Other Matters

30. A number of other matters were raised by the Parish Council and local residents.
31. In terms of highway safety Fishers Lane is a small road which provides access to Studleigh Cottage and The Old Rectory. Adequate parking is proposed for the development I agree with the Council's assessment that on street parking on Fisher Lane, in addition to the off-street space created, would be sufficient for Studleigh Cottage and would not impede highway safety.
32. I also note that recent utility works have necessitated the alteration of a grass verge alongside the boundary with the Church, thus improving the access. Highways effects in respect of construction can also be conditioned.
33. Concerns were raised that windows to the east elevation of the proposed dwelling would overlook into the rear gardens of Nos 26A and 26. However as set out within the documentation, these windows would be opaque and non-opening at first floor level. A condition can be imposed accordingly and as such I consider there would be no harm in this regard.
34. I consider that cited concerns regarding the potential for noise complaints against No 26 to be unfounded. No 26 is located a considerable distance away from the appeal site which is currently in use by the appellant as a garden. Furthermore, any impacts upon the adjacent garden wall would be covered by other regulations including the building regulations.

35. Concern is raised in respect of loss of views. While the development is likely to be gauged from private views from neighbouring dwellings, consideration of loss of daylight, sunlight and outlook (in relation to the sense of enclosure) are well established principles, as a component of living conditions, in planning generally. Based on the submitted evidence in the amended Daylight and Sunlight Summary document, I find no harm in this regard.

Conditions

36. I have had regard to the conditions suggested by the Council and I have attached a condition limiting the life of the planning permission in accordance with the requirements of the Act. I have also specified the approved plans as this provides certainty.
37. A condition in respect of archaeology is necessary due to the location of the site. I have combined the Council's 2 suggested conditions to be concise. Due to the nature of the works this is a pre-commencement condition. The Council have suggested a number of conditions in respect of materials and samples. Again I have combined these for precision. These are necessary in terms of the protection of the character and appearance of the area, including in respect of designated heritage assets. A separate condition requiring a sample panel for the areas of ironstone wall is also necessary for the same reasons, although I have amended this from a pre-commencement condition to be undertaken prior to the construction above ground level.
38. To avoid repetition, I have combined the Councils suggested landscaping conditions in respect of soft landscaping and hard landscaping including parking surfacing and means of enclosure as well as implementation and maintenance. This condition is necessary to preserve the character and appearance of the area as well as highway safety and living conditions.
39. Conditions in respect of parking for Studleigh Cottage as well as the new dwelling are necessary in terms of highway safety. I have omitted the Council's suggested conditions 22 and 23 in respect of gradient and gates put forward in respect of highway safety as these would be covered by the landscaping conditions. I have however, imposed a condition in respect of a construction management plan, in order to protect highway safety and residential amenity.
40. For the reasons as stated above, a condition relating to obscure glazing of the first floor eastern elevation is necessary in order to protect living conditions of neighbouring occupants.
41. I have imposed a condition in respect of the habitat survey as well as a contaminated land condition. These are necessary in order to preserve habitats and the wider environment.
42. Given the sensitive location of the appeal site in respect of heritage assets and in respect of proximity to neighbouring dwellings, I consider it is necessary to restrict permitted development rights in respect of alterations to the external appearance of the building and extensions, porches, ancillary buildings, satellite antenna, gates, fences, walls or other means of boundary enclosure. I have amalgamated the Councils 2 suggested conditions and I have made it clear the precise schedule and part of the Order which applies. I have removed reference requiring prior written permission of the Council as it is unnecessary

given that the condition in itself would require the submission of a planning application.

43. Finally, I have omitted the condition in respect of finished floor levels as I do not agree that this is required in order to safeguard visual amenities. The plans condition will suffice in this regard.

Conclusion

44. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson

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 hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev D3, 002 Rev D3, 003 Rev D3, 010 Rev D3, 020 Rev D3, 021 Rev D3, 090 Rev D3, 100 Rev D3, 110 Rev D3, 120 Rev D3, 130 Rev D3, 140 Rev D3, 200 Rev D3, 210 Rev D3, 220 Rev D3, 230 Rev D3, 500 Rev D3, 510 Rev D3 and 520 Rev D3.
- 3) No development shall take place until a Written Scheme of Investigation and a timetable for that work has been submitted to and approved in writing by the local planning authority. This should include the provision to be made for publication and dissemination of the analysis and records of the site investigation and the provision to be made for archive deposition of the analysis and records of the site investigation within 6 months of the completion of the work. No development shall take place other than in accordance with the Written Scheme of Investigation.
- 4) No development shall commence above ground level until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. These shall include details/samples of render, wood cladding, windows, doors, conservation roof lights and roof tiles, including (where relevant) their colour. Development shall be carried out in accordance with the approved details/samples.
- 5) Where indicated on the approved plans, the external walls of the dwelling shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the development hereby permitted takes place above ground level. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.
- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) means of enclosure and retaining structures;
 - ii) boundary treatments (including vehicular access gates);
 - iii) hard surfacing materials including parking, access driveway and manoeuvring areas;
 - iv) minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];
 - v) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

- vi) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation, details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- vii) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- viii) an implementation programme (including phasing of work where relevant) and a maintenance programme for a period of 5 years from the completion of the development.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 7) The works comprised in constructing the proposed dwelling above slab level, of the development hereby permitted, shall not take place before the works comprised in reconfiguring the parking serving Studleigh Cottage are substantially completed unless otherwise approved in writing by the Local Planning Authority.
- 8) Prior to the first occupation of the proposed dwelling hereby permitted pedestrian visibility splays of at least 2m by 2m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.6m above the access/footway level.
- 9) The access, driveway and parking area shown on the approved plan shall be constructed, drained, surfaced and completed before the new dwelling is occupied and shall not thereafter be used for any purpose other than private motor vehicles.
- 10) The windows in the first floor east elevation shall be obscure glazed, using manufactured obscure glass, (not an applied adhesive film) before the dwelling is first occupied and shall be permanently retained as such thereafter. They shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed, and shall be permanently retained as such thereafter.
- 11) The development hereby permitted shall be carried out in accordance with the recommendations set out in 'Extended Phase 1 Habitat Survey Report Land Adjacent to Studleigh Cottage, Rothersthorpe (Version 2)' by ecologylink, dated September 2016 and received 28th October 2016 unless otherwise agreed in writing by the Local Planning Authority.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved

in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- 14) 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 development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out.