
Appeal Decision

Site visit made on 7 November 2017

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2018

Appeal Ref: APP/V2825/W/17/3179350

Land to rear of 79-83 Semilong Road, Northampton NN2 6DG

- 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 Drepher Homes Limited against the decision of Northampton Borough Council.
 - The application Ref N/2017/0342, dated 15 March 2017, was refused by notice dated 15 May 2017.
 - The development proposed is described as 'Proposed 2no. single storey dwellings with off road parking'.
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Decision

1. The appeal is allowed and planning permission is granted for proposed 2no. single storey dwellings with off road parking at land to rear of 79-83 Semilong Road, Northampton NN2 6DG in accordance with the terms of the application, Ref N/2017/3042, dated 15 March 2017 and the plans submitted with it, subject to the following 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: 17/D148/1a; and 17/D148/2.
 - 3) Prior to the commencement of development, details of all proposed external facing materials shall be submitted to and approved in writing by the local planning authority. The development hereby approved shall be carried out in accordance with the approved details.
 - 4) Prior to the commencement of development, details of the method of the treatment of the boundaries of the development site (including individual plot boundaries and gates) shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.
 - 5) Prior to the commencement of development, details of the existing and proposed ground levels and finished floor levels of the development in addition to the gradient of the access road shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A, B and C shall be carried out.
- 7) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the local planning authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the local planning authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the local planning authority within 2 weeks of the completion of the development.
- 8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be subject to approval in writing from the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining neighbours in terms of outlook and privacy.

Reasons

3. The appeal site comprises land that was formerly part of the gardens to properties 79-83 Semilong Road and is served by an existing access road between properties 75 and 79 Semilong Road.
4. Based on the submitted layout the rear (north) elevations of the proposed bungalows would be located adjacent to and facing towards a considerable section of the shared side boundary with the rear garden of 85 Semilong Road (No 85). This boundary includes a line of mature trees, which the appellant's agent asserts are to be retained. Whilst I do not doubt the appellant's intentions, from the submitted plans it is not clear if the existing trees are located within the appeal site. Therefore, I attach limited weight to their retention.
5. However, the appellant's agent has further advised that a 2m high boundary fence is also proposed along the shared boundary. This could be secured by a condition, if the appeal were to succeed.
6. The proposed bungalows would be located approximately 5m away from the shared boundary and would also be largely obscured from the rear garden of

No 85 by the proposed boundary treatment. These factors in combination with the single storey scale and hipped roof design of the bungalows would ensure that when viewed from the rear garden of No 85, the proposed bungalows would not appear unduly prominent or overbearing.

7. The proposed bungalows would also be in-line with the rear outriggers and amenity areas associated with properties 79 and 81 Semilong Road. In particular, the side (west) elevation of the proposed bungalow at Plot 1 would be approximately 8.7m from the outriggers. However, the bulk of this elevation would be screened from these properties by the existing boundary treatments, which are approximately 1.8m in height. Furthermore, I observed that the ground floor rear facing windows and amenity areas to these existing properties are already enclosed by and have an outlook onto the existing boundary treatments.
8. Although a limited section of the flank wall and roof of the proposed bungalow at Plot 1 would be visible above the height of the existing boundary treatments, this would be set back approximately 3m from these boundaries and due to its single storey scale and hipped roof design would not result in any unacceptable enclosing effect or overbearing impact on the ground floor windows and amenity areas associated with 79 and 81 Semilong Road, beyond the extent of the existing boundary treatments.
9. The rear facing first floor windows to properties 79 and 81 Semilong Road would have uninterrupted views over the proposed bungalows and consequently the outlook from these windows would be unaffected.
10. The single storey design of the proposed dwellings combined with the existing and proposed boundary treatments would safeguard against any overlooking and subsequent loss of privacy for adjoining neighbours.
11. For the above reasons the proposed development would not harm the living conditions of neighbours in respect of outlook or privacy. I therefore, find no conflict with Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted 2014 (WNJCS), which amongst other matters requires new development to have regard to impacts on the amenity of neighbours. I also find no conflict with Policy E20 of the Northampton Local Plan, adopted 1997 (LP), which amongst other things seeks new development to be designed and located to ensure adequate levels of privacy.
12. The Council's reason for refusal also refers to Policy S10 of the WNJCS. This policy does not specifically relate to the effects of development on the living conditions of neighbours. Therefore, I find no conflict with this policy.
13. For the above reasons the proposal would also accord with one of the core principles of the National Planning Policy Framework (the Framework), which seeks to secure high quality design and a good standard of amenity for all existing occupants of land and buildings.

Other Matters

14. I have taken into account the representations received from other interested parties including a number of neighbours, local Councillors and the Barrack Road Conservation Group.

15. Although the appeal site was formerly garden land at present it does not function as such. Nonetheless, a section of the appeal site would be incorporated as garden area to the proposed bungalows. Therefore, the part loss of former garden land does not weigh against the proposal.
16. I am also not persuaded that development of the appeal site would result in the loss of any significant 'green space'. Particularly, as this site is of a modest size, largely enclosed and not accessible to the public.
17. I acknowledge that the proposed development of bungalows with relatively small gardens located to the rear of existing dwellings is different from the prevailing character, density and appearance of surrounding development, which mainly comprises larger traditional terraced housing fronting roads with more generous sized gardens.
18. However, in my judgement the proposed dwellings are of a scale, density and design bespoke to the appeal site and there is nothing before me to suggest that the proposed development would have an unacceptable impact on the character or appearance of the surrounding area, particularly as the proposed development would only be visible from limited public vantage points.
19. The suitability of the access road to the appeal site for emergency services has been questioned. However, this access road already exists and was considered acceptable for a previously approved development¹ and I have not been provided with any technical evidence to suggest otherwise.
20. Other environmental concerns have also been raised. In the absence of any technical evidence and given the scale and residential nature of the proposed development, I am satisfied that it would not have any significant impact on the wider area in respects of noise and pollution. Furthermore, there is nothing before me to suggest that the proposal would cause any significant harm to wildlife.
21. The appeal site is located outside the Barrack Road Conservation Area (CA) and due to its scale and separation from the CA the proposed development would not harm its setting.
22. I note concerns that the 'study' rooms in the proposed bungalows could be used as bedrooms. Therefore, increasing demand for parking spaces. However, the plans before me are for one bedroom bungalows and I have determined the appeal on this basis. Furthermore, I have not been provided with any objective evidence to substantiate the claim that the development would exacerbate existing parking issues in the area to the detriment of highway safety.
23. Concerns have also been raised that allowing the appeal would set a precedent for other similar developments. However, I have determined this appeal on its individual planning merits and have found that it would be acceptable.
24. The Council's highways specialist is concerned over the lack of visibility for the car parking space to Plot 1, given that this space would be located off an access road serving a limited number of dwellings and vehicles using the parking space would manoeuvre at relatively low speeds, I am satisfied that this matter does not raise any significant highway safety issues.

¹ N/2015/1050 – Erection of 3 dwellings.

25. None of the other matters raised outweigh or alter my overall conclusion on the main issue.

Conditions

26. The conditions I have imposed are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
27. In addition to the standard condition which limits the lifespan of the planning permission I have also specified the approved plans as this provides certainty. A condition relating to materials is necessary to ensure that the appearance of the development would be satisfactory.
28. A condition requiring details and implementation of boundary treatments and gates is necessary to protect the living conditions of future occupiers and neighbours. I note that the Council's suggested condition on boundary treatments also makes reference to a gate to a pedestrian path to the rear of the site and the provision of electronic vehicle access gates. However, no pedestrian path is identified on the submitted plans and I have not been provided with any justification for the requirement of electric gates. As such, I do not consider these requirements to be necessary.
29. Details of ground and finished floor levels of the development in addition to the gradient of the access road are required in the interests of the living conditions of neighbours and highway safety.
30. In the interests of the protecting the living conditions of neighbours there is exceptional justification for the removal of some permitted development rights.
31. Conditions are proposed requiring the investigation and remediation of any land contamination prior and during the construction process in the interests of health and safety.
32. A condition removing permitted development rights for additional windows in the elevations of the proposed bungalows is not necessary as I am satisfied that due to the existing and proposed boundary treatments the installation of additional windows would not result in the loss of privacy to neighbouring properties.
33. Conditions 3, 4, 5 and 7, which prevent any development approved by the planning permission from commencing until they have been complied with, are considered fundamental to the development hereby approved.

Conclusion

34. For the reasons given above, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR