



Appeal Decision

Site visit made on 25 June 2019

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2019

Appeal Ref: APP/G2815/W/18/3215144

138 Finedon Road, Irthlingborough NN9 5UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Sugars (Blenheim Realty Ltd) against the decision of East Northants District Council.
 - The application Ref 18/01132/OUT, dated 5 June 2018, was refused by notice dated 6 August 2018.
 - The development proposed is the construction of 7no. new dwellings, closing off existing vehicular access and forming a new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline planning permission with all matters reserved. However, a number of drawings were submitted with the application detailing the layout and design of the proposed dwellings and I have had regard to them insofar as they are relevant to the main issue.
3. The Council's third reason for refusal relates to the absence of mitigation for the Nene Valley Special Protection Area. Subsequent to the application being determined, the appellant paid the required mitigation fee to the Council and it no longer wishes to defend this reason for refusal. I have determined the appeal accordingly.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the surrounding area.

Reasons

5. The appeal site comprises a large detached dwelling positioned fairly centrally within a large and mainly open plot. The dwelling has a number of outbuildings positioned to its side and rear near to the boundary with 140 Finedon Road, one of which is linked to the dwelling by a glazed first floor extension. The dwelling is constructed from brick and is traditional in its design and appearance. Evidence suggests that it was constructed in the early part of the twentieth century and the Council consider it to be a non-designated heritage asset due to its historic and architectural merit.

6. Mature landscaping to the front boundary of the appeal site adjacent to Finedon Road means that the dwelling and outbuildings are currently well screened from the road. The immediate surrounding area comprises residential properties of varying scales and designs including a modern development at Ringwell Close to the rear of the site and at Gates Close further along Finedon Road.
7. In recognition of the Council's view that the existing dwelling is a non-designated heritage asset, Built Heritage Statements were submitted with the application and appeal. Whilst appearing to accept that the dwelling is a non-designated heritage asset, these conclude that its significance is limited as a result of changes which have been made to it and its setting and consider that the current garden setting makes a limited contribution to the significance of the existing dwelling. This is disputed by the Council which considers that the significance of the asset has been downplayed by the appellant.
8. I agree with the parties that the existing dwelling is a non-designated heritage asset. Whilst I have had regard to the findings of the Built Heritage Statements and whilst I acknowledge that some alterations have been made to the existing dwelling and its setting that have served to undermine its architectural and historic significance, having regard to its scale, form and history, I nevertheless consider the existing dwelling to be of moderate significance. Moreover, I consider that the existing open garden setting of the dwelling positively contributes to its significance, notwithstanding that the extent of the garden setting has been reduced by the development of a dwelling at 138a Finedon Road, and that this contribution is significant rather than limited as alleged by the appellant. The fact that the existing dwelling was not previously identified as a non-designated asset by the Council does not in itself mean that it is not one.
9. Although in outline form, the proposal is for 7 dwellings on the appeal site. The submitted plans indicate a layout for 3 pairs of semi detached dwellings towards the rear of the site and existing dwelling and one dwelling to the side of the existing dwelling close to the side boundary with No 140. The existing outbuildings on the site would be demolished. The plans also show alterations to the existing vehicular access, re-positioning it and forming an access road between the side of the existing dwelling and the proposed new dwelling near to No 140. This would necessitate the removal of a number of trees from the site including along the front boundary with Finedon Road.
10. Whilst the particular layout and detail of the dwellings is not fixed at this stage, the size and layout of the site is such that any scheme for 7 dwellings would be likely to create an unsatisfactory relationship with the existing dwelling and would result in a substantial and cramped form of development, out of keeping with the prevailing character and appearance of the area. The fact that the dwellings could meet minimum space standards for internal and external space, have similar designs and spacing to some dwellings nearby and seek to make the most efficient and effective use of space does not overcome the fact that they would appear cramped in their particular context. Moreover, the existing garden setting of the existing dwelling would be significantly diminished and this would have a harmful effect on the significance of the non-designated heritage asset.

11. Although there are some examples of infill and backland development near to the site which contribute to the mixed character of the area, including at Gates Close and at other sites referred to by the appellant, the circumstances of these other sites appear to differ from the appeal site and proposal in that they do not appear to affect non-designated heritage assets, have different site configurations and are for fewer dwellings. I therefore attach limited weight to these other examples and to other examples referred to elsewhere in East Northamptonshire and in any event, I must determine the proposal before me on its own merits. The fact that Inspectors have found other developments elsewhere not to be cramped is of no direct relevance to the proposal which, as stated, differs in its context and scale.
12. I note the fact that the Council appeared to accept the principle of new residential development on the site when refusing an application for other reasons in 2005 (Ref EN/05/01907/OUT) noting that the spacious character of the appeal site and No 138a was somewhat out of character with the surrounding pattern of development. However, that assessment was made some time ago and prior to the identification of the existing dwelling as a non-designated heritage asset.
13. Whilst the existence of the outbuildings on site mean that it may be possible to erect a dwelling in a similar position to them without harming the relationship with the existing dwelling and the dwelling at No 140 and being harmful to the streetscene, this would be dependent upon the scale, design and position of the dwelling and associated development such as access and parking facilities and on the retention and provision of appropriate landscaping.
14. The demolition of the existing outbuildings and link on the site would offer some benefits to the setting of the existing dwelling but these would be outweighed by the harm to its setting and significance and to the character and appearance of the area that would result from the proposal. Though I note that the proposal represents an amended scheme which seeks to overcome the Council's previous concerns, for the reasons stated, it remains harmful to the non-designated heritage asset and to the surrounding area.
15. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the existing dwelling and the surrounding area. It is therefore contrary to policies 2, 3 and 8 of the North Northamptonshire Joint Core Strategy 2011-2031 adopted July 2016 (CS) and to relevant paragraphs of the National Planning Policy Framework which seek, amongst other things, to protect the historic environment and landscape character and to ensure that development responds to the site's immediate and wider context and local character. Although the Council's reason for refusal relating to this issue also refers to Policy 11 of the CS, this relates to the spatial distribution of development and does not therefore appear to be relevant.

Other Matters

16. The proposal would provide an additional 7 dwellings in an accessible location and would therefore provide some economic and social benefits. However, these modest benefits would be outweighed by the significant harm to the character and appearance of the existing dwelling and the surrounding area.

17. The appeal site is located near to the Upper Nene Valley Gravel Pits Special Protection Area (SPA). Subsequent to the application being determined by the Council, the appellant made a mitigation payment to offset any impact of the proposed development on the SPA. The Council is now satisfied that the proposal would not adversely affect the SPA and in light of the submitted evidence, I see no reason to reach a different conclusion on this matter and am satisfied that the SPA would not be adversely affected.

Conclusion

18. For the above reasons and having regard to all matters raised, I therefore conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR