



Appeal Decision

Site visit made on 27 August 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/U2805/D/19/3225792

9 Lawrence Court, Corby, Northamptonshire NN18 0SB

- 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 Petrisor Maximilian Dobos against the decision of Corby Borough Council.
 - The application Ref: 18/00660/DPA, registered by the Local Planning Authority on 28 September 2018 was refused by notice dated 28 March 2019.
 - The development proposed is an outbuilding consisting of an office and reception room (single storey).
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Decision

1. The appeal is allowed, and planning permission granted for an outbuilding consisting of an office and reception room (single storey) at 9 Lawrence Court, Corby, Northamptonshire NN18 0SB, in accordance with the terms of the application, 18/00660/DPA, registered 28 September 2018, 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: location plan and plans on sheets numbered 1, 2, 3, 4 and 5.

Procedural Matter

2. The Council's refusal notice states that a business would be operational from the proposed outbuilding, and that insufficient information has been submitted to fully assess its impacts. The Council's delegated report highlights that additional information submitted prior to determining the application stated that the applicant was a 'sole trader'.
3. Whilst the planning application form refers to an office, this is elaborated on the appeal form, and other evidence, which provides no indication that a business would not be run from the proposed outbuilding. Given that it is possible for a home office to be an incidental function, with users being reliant upon the main dwelling for other activities and facilities, I have determined the appeal on this basis.
4. I have also had regard to the fact that should it be proposed to intensify the use of the outbuilding, or change the way in which it is used, to the extent that it would no longer be incidental to the main use of the site as a residential dwelling, a further application for planning permission would be required.

However, the evidence before me is not indicative that this scenario would arise.

Main Issues

5. The main issues are:

- the effect of the development upon the future living conditions of the occupiers of the existing property; and
- the effect of the development upon highway safety.

Reasons

Living conditions

6. The appeal site consists of a semi-detached house, set back from Lawrence Court. To the rear is a broadly rectangular private garden. This is accessed through a pair of gates directly from Lawrence Court. In addition, there is a door leading directly from the house to the rear garden. The proposed outbuilding would be offset from the house and located behind some existing garages.
7. Whilst I note that the proposed outbuilding would be relatively large and apart from the dwelling, the actual separation distance is relatively short. This results from the position of the existing house's backdoor and the gates, which are in proximity to the site of the outbuilding. Therefore, the development is well related to the existing dwelling and accordingly, this arrangement will enable the existing house and proposed outbuilding to operate in unison.
8. I acknowledge that residents would need to, briefly, be outside in order to move from one building to another which, during periods of significant inclement weather, might be inconvenient. However, owing to the relative infrequency when such scenarios might occur, combined with the relatively short distance that would need to be travelled and the fact that residents can co-ordinate movements to avoid some adverse weather conditions, I do not believe that this arrangement would be sufficient to prevent satisfactory living conditions being secured for the occupiers of the property.
9. My attention has been drawn to Policy 8 of the North Northamptonshire Joint Core Strategy (2011-2031) (2016) (the Core Strategy). Whilst I note that one of the objectives of this policy is to secure satisfactory living conditions, this is limited to preventing excessive noise; odours; vibrations; loss of light; pollution; or loss of privacy. Given that the development is unlikely to result in such occurrences and that the land between the two buildings is already in use as the appellant's private garden, this policy has not been breached.
10. I conclude the development would not adversely affect the future living conditions of the occupiers of the property, and in this regard, is in conformity with Policy 8 of the Core Strategy which, amongst other matters, seeks to ensure a satisfactory quality of life for future occupiers of developments.

Highway safety

11. The appeal site includes an existing area of hard standing to the side of the dwelling, which is behind gates, and in addition there is some hardstanding to

the front of the dwelling. Both are in use as car parking. On street car parking is available in Lawrence Court, as well as several of the neighbouring streets.

12. Whilst an additional building would be provided as a result of the development taking place, it would be for purposes incidental to the main dwelling. Therefore, it does not follow that the proposal would result in a notable increase in vehicle movements to and from the property. Consequently, there would not be a demonstrable impact upon the surrounding road network in terms of usage.
13. I note that the property features two off street car parking areas. As these would be retained post development it is unlikely that vehicles would be displaced onto the surrounding streets. As a result, the development is unlikely to result in more vehicles being parked within the surrounding area.
14. I acknowledge the comments of the Local Highway Authority, submitted in respect of this appeal. It would appear that the existing off street car parking is not in conformity with current standards. As the evidence before is not indicative of these parking areas being unauthorised, I believe that they could be used by the occupiers of the development irrespective of whether the development proceeds or not.
15. I therefore conclude that the development would not have a negative effect upon highway safety. The development, in this regard, is therefore in conformity with the requirements of Policy 8 of the Core Strategy and Policy P10(R) of the Corby Borough Local Plan which, amongst other matters, seek to ensure that highway safety is not prejudiced.

Conditions

16. I have had regard to the list of conditions suggested by the Council. In addition to the standard implementation condition, a condition in respect of the approved plans is necessary in the interests of precision.
17. There are several dwellings to the rear and side of the appeal site and therefore to ensure that the living conditions of the occupiers of these properties are not unduly affected, I am satisfied that a condition limiting future permitted development rights is appropriate. However, I have amended the suggested wording to better reflect the advice of the National Planning Practice Guidance (PPG).
18. I acknowledge the Council's suggestion that a condition requiring that the use of the outbuilding remain ancillary to the main dwelling. However, given that the users of the outbuilding would be reliant upon the main dwelling for other facilities, the building would have an incidental use. Should it be intended that the use of the building change or become of a type or intensity that this would no longer be the case, a further application for planning permission would be required. Accordingly, and with reference to the PPG, I do not believe that such a condition is necessary.
19. I note that the Council has requested a condition regarding the proposed building materials of the building. However, given its relatively small scale and the fact that the majority of views of the structure would be obscured by boundary treatments and existing garage buildings, I do not believe that such a condition would be reasonable.

20. The Council has also suggested a condition removing permitted development rights. However, as the development is for an outbuilding incidental to the enjoyment of the dwelling house, rather than a dwelling by itself, I do not believe that there are exception circumstances to render such a condition as being necessary or reasonable. Accordingly, I have not imposed this condition.

Conclusion

21. For the foregoing reasons, I conclude that the appeal should be allowed, and planning permission granted subject to conditions.

Benjamin Clarke

INSPECTOR