
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/G2815/W/19/3231289

Zephyra, 11 Orchard Lane, Woodnewton, Peterborough PE8 5EE

- 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 Miss Pauline Slator against the decision of East Northants District Council.
 - The application Ref: 18/01902/OUT, received by the Council on 27 September 2018, was refused by notice dated 6 December 2018.
 - The development proposed is outline planning permission for one dwelling to reinstate planning approval of 15 February 1989 (Planning Reference: Application EN/88/1589) Plot Allocated 15 Orchard Lane.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was made in outline, with all matters reserved except for access. I have had regard to the submitted layout (which also provides information regarding the building's height) but have regarded all elements of this drawing as indicative, apart from details pertaining to access.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon the character and appearance of the surrounding area;
 - the effect of the development upon the living conditions of neighbouring properties; and
 - the effect of the development upon highway safety.

Reasons

Character and appearance

4. The appeal site consists of a detached house with a notably sized garden to the side. The adjoining dwellings (including those within the adjacent Wades Close) are typically two-storey houses. The appeal site also includes a notable amount of planting on the front boundary, in addition to containing several fruit trees. These, in conjunction with other trees, hedges and planting within the vicinity create a notable verdant character.

5. Whilst the application has been submitted in outline form, the evidence before me indicates that the building would have a maximum height of 4m. This is indicative of a single-storey dwelling which contrasts with the two-storey houses that define this section of Orchard Lane, and Wades Close. On account of the relatively narrow width of the appeal site, it is likely that any development would be in proximity to both the existing dwelling, and the two-storey houses in Wades Close. As the proposed dwelling would be significantly lower, it would appear to be a cramped and contrived form of development that would erode the prevailing character.
6. I realise that there are some chalet bungalows on the same side of Orchard Lane as the appeal site, albeit not immediately adjacent. However, they are not in the majority, and have a comparable ridge height to a two-storey house. In consequence, they appear to be complimentary to the predominately two-storey houses that define the character of this side of Orchard Lane. As a result, the presence of these buildings does not lead me to set aside my previous observations.
7. Whilst the number of trees in Woodnewton may have diminished over time, a significant number of the remainder positively contribute to the area's character. There is some debate as to when the fruit trees were planted on the site. However, I find that, irrespective of their age, they do make a significant contribution, in tandem with the hedge at the front boundary, to the character of Orchard Lane on account of their prominence. Therefore, their removal would harm the character of the site and surrounding area.
8. Owing to the positioning of the proposed access, it can be anticipated that at least a significant proportion of the boundary hedge would need to be removed, or substantially reduced in height. This would therefore lead to an adverse impact upon the verdant character of Orchard Lane, owing to the loss of such landscaping and its replacement with a more dense, urban form of development.
9. Although I note that the dwellings in Orchard Lane may have been constructed at different times, the result of this pattern of development is for dwellings to be located on larger plots within landscaped surroundings. This makes Orchard Lane a transitional space between the open countryside and the more densely developed centre of the village.
10. I have given consideration as to whether a condition to require new planting could be imposed. Nevertheless, owing to the likely positioning of the dwelling (as shown on the indicative plans), and the need for appropriate vehicular access to be provided, I do not consider there is room for adequate mitigation.
11. I conclude that the development would harm the character and appearance of the surrounding area. The development, in this regard fails to comply with Policies 3, 8(d), and 11(2b) of the North Northamptonshire Joint Core Strategy (2011-2031) (2016) (the Core Strategy), which, amongst other matters, seek to ensure that new developments respond to their context, do not harm the character of the settlement and retain features of landscaped importance, or provide appropriate mitigation.

Living conditions

12. The side of the appeal site is directly adjacent to properties in Wades Close. Whilst the neighbouring dwellings have relatively wide gardens, they are narrow in depth. Notwithstanding the significant hedge at the front of the property, the side boundary treatments of the appeal site comprise a combination of relatively low hedges and wooden fences.
13. Although the submitted site plan has been provided on an indicative basis, the narrow width of the appeal plot means that any dwelling on this site is likely to be in proximity to the shared boundaries with the properties in Wades Close and the original dwelling. On account of this, and the shallow depth of gardens in Wades Close, it is likely that a dwelling on the appeal site would have a notable overbearing, and enclosing, effect on the adjoining properties, including their private rear gardens.
14. Furthermore, irrespective of the positioning of the dwelling, it is apparent that any views from rear or side facing windows would overlook the gardens of adjoining properties, including that of the original dwelling. This would lead to a loss of privacy, which would prevent satisfactory living conditions for the adjoining occupiers from being created. I recognise that some windows could be fitted with obscure glass. However, owing to the likely proximity to boundaries and the lack of screening through landscaping, users of the adjoining gardens would still experience a notable perceived loss of privacy.
15. Whilst I acknowledge that there are existing boundary treatments, including a hedge, these are of variable heights. Consequently, in places, it is already possible to gain views into the neighbouring gardens. The presence of a dwelling is likely to increase the frequency of such occurrences to the detriment of the living conditions of neighbouring properties.
16. I note that the indicative location of the dwelling is broadly in line with the garages at 1 and 3 Wades Close. Whilst this siting would reduce the impact upon the dwellings themselves, it would not overcome the overbearing effect, or loss of privacy, to gardens as previously identified.
17. As a result, I conclude that the development would harm the living conditions of the occupiers of neighbouring properties. The development, in this regard, fails to accord with the requirements of Policy 8(e) of the Core Strategy, which amongst other matters, seeks to ensure that the living conditions of the occupiers of neighbouring properties are protected.

Highway safety

18. Orchard Lane is a narrow road, with pavements on each side. There are several dropped kerbs in the vicinity of the appeal site, leading to residential properties. Additionally, there is a dropped kerb in front of the appeal site, but there is no access into the site at this juncture, owing to the presence of the hedge.
19. Given that the development is for a single dwelling, it is likely that the number of additional vehicle movements in the vicinity would not be significant. Accordingly, it follows that there would not be a severe adverse impact upon the surrounding highway system. Owing to Orchard Lane being relatively straight, oncoming pedestrians and road users would have adequate opportunity to view vehicles in the process of leaving the site.

20. The details before me demonstrate that a driveway of suitable proportions could be provided. In addition, it appears that the front boundary treatment would be significantly reduced in height. This would enable drivers to observe oncoming traffic and pedestrians when leaving the site. Furthermore, the site appears to be large enough to provide a suitable manoeuvring area in order to prevent vehicles from having to leave the site in a reverse gear.
21. In order to achieve a suitable access, there would need to be a significant reduction in the front boundary hedge and, potentially, the site's trees. Whilst this ensures that the development would not impinge upon highway safety, it does add to my previously identified concerns regarding the adverse impact on the character and appearance of the surrounding area.
22. I conclude that the development would not lead to an adverse impact upon highway safety. Therefore, in this specific matter, the development is in conformity with the requirements of Policy 8(b) of the Core Strategy, which, amongst other objectives, seeks to ensure satisfactory means of access to developments and provide appropriate manoeuvring spaces.

Other Matters

23. My attention has been drawn to the fact that there have been previous approvals for dwellings on this site, although these have never been implemented. Whilst this is the case, these were granted a significant amount of time ago. As a result, they predate contemporary planning policies by a significant margin. Accordingly, I have determined the appeal on its own merits and do not find that the presence of previous approvals requires me to disregard my previous conclusions.
24. I have given the personal circumstances of the appellant careful consideration. I am mindful that, in general, planning decisions regarding land use need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.
25. I note that the evidence before me is indicative of the development being unlikely to lead to an adverse impact upon nature conservation sites; and that the Council's Environmental Health officers have not raised any issues regarding potential ground contamination. However, these matters are only some of those that must be considered in assessing a development and therefore they do not overcome the significant harm, and policy breaches as previously identified.

Conclusion

26. I have concluded that the proposed development is unlikely to lead to an adverse impact on highway safety. However, the means of achieving this and the general form of development would harm the character and appearance of the surrounding area and result in the loss of landscaping. The development would also adversely affect the living conditions of the occupiers of neighbouring properties. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR