



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: 11 October 2019

Appeal Ref: APP/G2815/W/19/3230502

19 Cotterstock Road, Oundle, Peterborough PE8 5HA

- 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 David Hicks (Country Court Care) against the decision of East Northants District Council.
 - The application Ref: 18/02133/FUL, dated 31 October 2018, was refused by notice dated 15 April 2019.
 - The development proposed is the demolition of a seven-bedroom dwelling and erection of care home with 36 bedrooms.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application form states that the proposed development is the erection of a care home with 41 bedrooms. However, the scale of the proposed development was amended over the course of the application, which is reflected in the description of the development contained on the Council's Decision Notice, and the Appeal Form. As the planning application was determined in accordance with the revised details, I have decided this appeal on the same basis.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon the living conditions of the occupiers of the neighbouring properties; and
 - whether the proposed development would make suitable provision for library services.

Reasons

Character and appearance

4. The appeal site consists of a substantially proportioned, fire damaged, dwelling surrounded by a significantly sized garden in Cotterstock Road. The dwellings within this road can be characterised as being two-storey houses that are

generally set back from the highway by a consistent amount and sited within landscaped grounds.

5. Whilst existing dwellings are constructed in a mixture of styles, there is a strong relationship between them in terms of their position on plots, their heights, and general proportions. The proposed building would have a footprint that is demonstrably larger than the surrounding dwellings and would have a height that would be notably taller than other buildings within the vicinity, including the two houses on the adjoining plots. Furthermore, the proposed development features front dormer windows. Whilst front dormer windows occur within the wider area, they do so on an infrequent basis. Cumulatively, these factors result in a bulky form of development.
6. As a result of the greater footprint, height, and the use of dormer windows, the development would have a significant massing that would be in marked contrast to the smaller two-storey houses that are prevalent elsewhere in Cotterstock Road. Accordingly, the proposed form of development would be incongruous and unduly strident within the suburban setting of its surroundings, whilst being poorly related to the surrounding, existing buildings.
7. The inappropriate form of development would be exacerbated by the fact that the proposed development would be closer to the highway than many of the surrounding buildings. Consequently, there would be clear views of the side elevations of the proposed development, which would conflict with the prevailing character, thereby exacerbating the inappropriate form of development. Additionally, the front projection of the development would remove some existing landscaping, which would erode the more verdant character of the street.
8. Whilst I note that the alignment of the existing building differs from many nearby houses, its angled alignment effectively links two different linear forms of development on each side of the site. In contrast, the proposed form of development, would be closer to the highway than the dwellings on either side giving rise to the concerns previously described. Accordingly, I do not find that the form of the existing development allows me to disregard the harm as previously identified.
9. I acknowledge that the separation distances between existing dwellings elsewhere within the vicinity may be smaller than proposed within the appeal scheme. However, it is the significant projection at the front of the building, combined with its greater height and more bulky proportions that lead to the noteworthy harm to the character and appearance of the surrounding area.
10. A larger car park and vehicle manoeuvring area is proposed to be sited at the front of the site. It is indicative that this has been designed to enable large commercial vehicles to turn around, which would erode the landscaped character of the site, and the wider area. In addition, the inappropriate form of the development is emphasised by the placement of a sizeable refuse store at the front of the site, in a prominent location. Such a structure is not reflective of the form of development carried out on the adjoining plots.
11. In reaching this view, I have given consideration as to whether the impacts of the parking area could be mitigated through the imposition of a condition requiring the planting of additional landscaping. However, there is a very limited amount of space between the car park and the front boundary.

Accordingly, I believe that any landscaping planted in this area would only have a partial screening effect and therefore such a condition would not overcome the harm as identified.

12. Although several nearby properties feature driveways and parking areas; these are generally smaller than that proposed and are more readily screened by landscaping and boundary treatments. Furthermore, as the neighbouring plots are generally smaller than the appeal site, any sizeable areas of hard standing on neighbouring plots are broken up by the presence of side boundary treatments.
13. As a result of the proportions of the entrance, there would be greater views into the site than possible at other, smaller residential dwellings. As such, the incongruous form of development would be readily apparent when viewed from the street.
14. I acknowledge the appellant's suggestion that future occupiers of the site may opt to remove the landscaped area at the front of the site, should it be used as a single dwelling. I cannot be certain if this would happen owing to the evidence before me, or indeed if planning permission would be required for a new car parking area in association with the use of the property as a single dwelling. In any event, I have determined this appeal on its individual planning merits and on the basis that planning permission is sought for the proposed parking and manoeuvring areas.
15. I conclude that the development would have an adverse impact upon the character and appearance of the surrounding area. The development, in this regard, would not comply with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (the Core Strategy), which, amongst other matters, seeks to ensure that new developments respond to the site's immediate and wider context and respond to local character.

Living conditions

16. The appeal site is adjoined on both sides by residential properties (17a and 19a Cotterstock Road), which feature rear gardens that run alongside the appeal site. To the rear is St Peters Road. Dwellings in this road are most commonly bungalows, including some of a chalet style. The gardens of these properties are notably smaller than those present at properties in Cotterstock Road. The boundary treatments of the site are currently a combination of hedges, trees and low-level fences.
17. The proposed building would be constructed in close proximity to the rear gardens at Nos. 17a and 19a, as well as the rear boundary of the adjoining dwelling in St Peters Road. Owing to the large proportions of the building, which owing to the presence of dormer windows would appear in places to be three storeys in height, the development would have a substantial overbearing impact upon the gardens of the neighbouring properties. This would lead to a notable enclosing effect, and a loss of openness within the rear gardens.
18. Whilst I am aware that an individual cannot claim the right to a view over a third party's land, it is the height and massing of the development in close proximity to private rear gardens that would result in an overbearing effect from which some harm would be derived.

19. The design of the development includes a number of side and rear windows. These would offer substantial views into the adjoining gardens, which would prevent a satisfactory level of privacy from being secured for the occupiers of existing properties. Whilst I appreciate that the actual number of windows may not be particularly high, they are evenly spaced across both side and rear elevations and, amongst other activities, would serve a communal lounge area. In consequence, the adjoining rear gardens would be overlooked for almost their entirety.
20. The development includes a first-floor balcony at the rear of the building. This would serve a communal dining and lounge area. As such, residents of the development might use the balcony as an area for social activity, particularly during periods of good weather. By reason of its elevated position, clear views would be possible into adjoining gardens which would prevent the occupiers of neighbouring properties from experiencing a satisfactory level of privacy.
21. Whilst the balcony would be some distance away from the site's rear boundary, it would be close to the shared boundary with No. 17a. For this reason, combined with the lack of suitable landscaping features to diffuse views, the development would result in the loss of privacy of the occupiers of neighbouring properties.
22. I acknowledge the appellant's suggestion that had I been minded to allow this appeal, I could impose a condition requiring the installation, and retention, of a screen to the side of the balcony area. However, such a screen would only mitigate the impact on the section of garden of No. 17a that is directly adjacent to the balcony. Given that a notable array of views into private rear gardens would still be possible from the balcony, I therefore find that such a screen would not overcome my concerns.
23. I conclude that the development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard would fail to comply with Policy 8 of the Core Strategy which, amongst other matters, seeks to ensure that new developments respond to the character and overall form of settlements; and avoid an unacceptable impact upon the living conditions of the occupiers of neighbouring properties.

Library services

24. The site is on the periphery of the town of Oundle, although there are bus stops within the vicinity, which means that the town centre and other services are accessible by sustainable means of transport.
25. My attention has been drawn to Policy 10 of the Core Strategy. This is written in a general form, in that it states that appropriate mitigation and infrastructure should be secured in the event of a development proceeding. Whilst the policy's preamble mentions that libraries are a piece of infrastructure that should be secured, I do not appear to have been provided with any background information to explain the scale of the requested financial contribution.
26. Furthermore, it has also not been made clear as to how this contribution is to be spent, or indeed whether it would be spent on enhancing the services available within the local Oundle library. The Council's submissions do not appear to thoroughly explain how the operation of the proposed development

would lead to an increase in demand for library services. Accordingly, I am unconvinced that such a financial contribution is necessary in order to mitigate the impacts of the development.

27. In addition, the evidence before me is indicative of the care home operators making their own private library provision, such as in communal areas. I am also aware that the appeal site is in relatively close proximity to the existing public library in Oundle. Libraries, of course, can play a role in providing a venue for social activity, as well as other services. As a result, I have had regard to the layout of the proposed development, which includes several areas where residents might socialise.
28. In addition, the appeal site is near the centre of Oundle, which contains an array of services. As a result, the evidence provided is not suggestive of the local library being the only venue in which residents of the proposed care home might undertake social activity, or that the library would not be able to meet the potential additional demand generated by the proposed development. Consequently, and with reference to the appropriate tests prescribed in paragraph 56 of the National Planning Policy Framework, I am not persuaded that there is sufficient justification to insist upon such a financial contribution.
29. Consequently, I conclude that that, on the evidence provided, no significant harm would arise from the non-provision of a financial contribution to library services. As a result, the development is in conformity with Policy 10 of the Core Strategy, which seeks to ensure the timely delivery of infrastructure, services and facilities necessary to meet the needs arising from a development.

Other Matters

30. My attention has been drawn to the likely economic benefits of the development. Whilst the development would generate employment opportunities during both the construction stage and its operation, such benefits are likely to be of a smaller scale and localised in impact. Therefore, they do not overcome the harm as previously identified.
31. The appellant has highlighted that an adequate amount of outdoor recreation space has been provided within the proposed development. Given that none of the reasons for refusal refer to an under provision of such a facility, I have no reason to disagree with this conclusion. As a result, this matter is of neutral weight in my assessment.
32. Although the development is unlikely to result in harm to the highway system, or highway safety, but these are only some of the matters that must be considered in assessing the merits of the development. Accordingly, I do not find that this view requires me to disregard my previous conclusions in respect of the main issues.
33. Although it would appear that the existing fire damaged dwelling may be unsafe and beyond economic repair, I do not believe that this outweighs the harm that I have identified in regards to the impacts on the character and appearance of the area, and the living conditions of the occupiers of neighbouring properties.
34. I acknowledge the proactive approach taken by the developer, through pre-application consultation with the local community, which resulted in changes to the submitted scheme; and through subsequent amendments to

the application, once submitted to the Council. This is explained within the submitted documentation. However, in considering this appeal, I have limited my assessment to the planning matters before me.

35. Concerns regarding the manner in which the Council considered the application, and how it was reported to the Planning Committee have been drawn to my attention. Notwithstanding these concerns, it is incumbent upon me to assess the proposed development on its own individual planning merits.

Planning Balance and Conclusion

36. I note that, within the vicinity of the appeal site, there appears to be a notable need for developments of the type proposed and that the development would add to the variety of uses, and extent of services, on offer in the town of Oundle. Whilst these are benefits arising from the proposal, I considered that these are demonstrably outweighed by the significant harm that arises due to the inappropriate layout, scale, massing and siting of the building.
37. Whilst I have not been persuaded regarding the necessity of a financial contribution to fund increased library provision, this is outweighed by the significant harm to the character and appearance of the surrounding area; and the living conditions of the occupiers of adjoining properties. Accordingly, for the preceding reasons, the appeal is dismissed.

Benjamin Clarke

INSPECTOR