



Appeal Decision

Site visit made on 21 October 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/Y2810/W/19/3235102

De Laune, 49 Overstone Road, Moulton, Northampton NN3 7UU

- 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 Stephen Cousner against the decision of Daventry District Council.
 - The application Ref DA/2019/0413, dated 7 May 2019, was refused by notice dated 5 July 2019.
 - The development proposed is the demolition of an existing bungalow and build 1 No. two storey dwelling and 2 No. single storey dwellings with garages, roadway and gardens.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is made in outline form with all matters reserved. However, layout plan¹ was submitted as part of the planning application. This shows the footprint of the proposed dwellings, gardens, parking and access. The National Planning Policy Guidance allows an applicant to submit details of any of the reserved matters as part of an outline application, by indicating as such on the application form. Therefore, although the plan is not marked as indicative, siting is clearly reserved for later assessment. I have therefore only paid limited regard to it.
3. The Daventry District Settlement and Countryside (Part 2 Plan) Emerging Local Plan 2018 (ELP) was reported to Examination in June 2019. The Plan is now subject to a number of Main Modifications. The Council has confirmed that Policies SP1, ENV1, ENV5, ENV10 and RA1C of the ELP are subject to minor modification following the Inspector's comments. Parties have been given an opportunity to respond to how these modifications may have affected their cases.
4. In terms of the modifications Policy SP1(E) has had the word 'limited' deleted from its reference to allowing development to meet identified needs. Policies SP1(G), ENV1(D) and RA1(C)(iii)(iv) are not subject to modification. Policy ENV5 has been subject to change to align it with the Framework. Policy ENV 10(V), replaces the word 'incorporating' with 'integrating' in regard to existing landscape features. Overall, these modifications have only a limited

¹ Layout Plan reference 49/2

bearing on the main issues of this case. Nevertheless, the emerging policies are of greater weight due to the increasing status of the ELP.

Main Issues

5. The main issues are:

- whether the site would be a suitable location for residential development in consideration of policies of the development plan and the National Planning Policy Framework (The Framework),
- the effect of the proposed dwellings on the character and appearance of the area,
- the effect of the proposal on highway safety, and
- the effect of the proposed development on ecological interests.

Reasons

Locational suitability

6. The Development Plan for the district includes the West Northamptonshire Joint Core Strategy (JCS) Local Plan (Part 1) 2014. Policy R1 of the JCS establishes the Council's spatial housing strategy in rural areas. The policy seeks to direct new housing to its hierarchically preferred settlements starting with Primary Service Villages, then Secondary Service Villages, then Other Villages and finally Small Settlements and Hamlets. The site is within a Primary Service Village. Policy R1(G) states that once the rural housing requirement has been met for a settlement, further housing development will only be permitted by meeting 5 exclusions. This would include where it would result in environmental improvements or support local services under threat. Policies S3 and S1 of the JCS, set the rural housing requirement. This was met for the plan period in 2016.
7. The proposal includes development within the rear garden of an existing dwelling. This would result in the removal of the majority of planting and its replacement with hardstanding and built form. This would have a harmful urbanising effect which would not therefore result in environmental improvement. Furthermore, it is not in evidence that the proposal would support a specified local service that is under threat. Accordingly, the proposal would not satisfy the exclusions listed by policy R1(G)(i-v).
8. Accordingly, the proposal would be contrary to saved policies GN1(B)(E) and HS22(A)(C) of the Daventry District Local Plan 1997 (LP). These policies seek for development to protect the environment and in keeping with the character of the village. The proposal would also be contrary to policies R1(G)(i-v), SA and S1(D1) of the JCS. These policies include the requirement for housing development to protect the form and character of the village, protect the environmental conditions of the area and to enhance or maintain the distinctive character and vitality of the rural community. Furthermore, the proposal would be contrary to policies SP1(E) and H1 (a)(b)(c)(g) of the Moulton Neighbourhood Plan 2016 (NP), which seeks development to be in character and meet identified needs. These policies are consistent with the objectives of the Framework.

9. However, I do not find the proposal would be contrary to saved policy HS6 of the LP, as this seeks to resist development outside of the existing built up areas of Daventry.

Character and appearance

10. The site contains a bungalow with a large rear garden. It is within a residential area within the settlement of Moulton. Adjacent dwellings are of various styles including bungalows, detached and semi-detached dwellings. Dwellings either side of the site are two-storey. A residential development is under construction to the rear. This includes a community centre which appears to have been recently completed. The rear boundary of the site is adjacent to the car park of the community centre. However, the rear garden is also adjacent to similar depth gardens which collectively contribute towards a spacious and verdant landscape consisting of mature and semi-mature trees. The site therefore makes a positive contribution towards the character and appearance of the area.
11. The proposal seeks to replace the existing bungalow with a two-storey detached dwelling and place two single-storey dwellings within the rear garden. The indicative layout plan illustrates that the taller element would be adjacent to existing two-storey development on the frontage in a logical configuration. However, the proposal would also introduce buildings and activity into the rear garden. This would have an urbanising effect on the existing spacious character to the disbenefit of the surrounding area.
12. The proposal would place hardstanding and buildings in the long rear garden of the plot. This would result in a narrow and linear form of development out of character with the adjacent built form. The proposal would create a harmful juxtaposition placing new frontages and hardstanding adjacent to existing rear gardens. Consequently, development in the relatively narrow rear garden would result in a poor layout. In contrast, nearby recent development drawn to my attention, make a positive contribution to the local character. The proposal would therefore be substantially harmful to the existing character and appearance of the area.
13. The site contains a number of trees which would be removed to facilitate the development. However, it is not in evidence that the trees are protected. I also note that no tree survey has been submitted in support of the appeal. The trees make a positive contribution towards the character of the area. Nevertheless, as they are not protected, I can only afford their proposed loss moderate weight. However, even without a detailed layout plan or tree survey it is apparent that further trees would be removed to accommodate the proposal. This loss would be moderately harmful to the character and appearance of the area. This harm to the character would be in addition to the harm I have already identified through the introduction of built form to the rear garden.
14. Therefore, the proposal would not accord with saved policies GN1(B), GN2(A), EN42(A)(C), HS22(A)(C) and HS36(C)(D) of the LP, which seeks development that would protect and enhance the environment, be a scale and design in keeping with the locality, enhance local distinctiveness, not affect significant open land and be of a high standard of design. Furthermore, the proposal would fail policy S10(i) of the JCS, which includes seeking to conserve and enhance the natural and built environment. Also, the proposal would not accord

with policies SP1(G), ENV1(D), ENV10(V) and RA1(C)(iii)(iv) of the ELP, which seeks to enhance the natural environment, respect local distinctiveness and protect open land that makes an important contribution to the settlement. The proposal would also fail policy H1(a)(b)(g) of the NP, which seeks development to be of an appropriate scale and character to the existing settlement. These policies are also generally in accordance with key objectives of the Framework.

Highway safety

15. The existing bungalow includes a driveway providing access onto Overstone Road. The proposal would make use of the existing access. The footway is relatively wide, and the adjacent highway is comparatively flat and straight. Consequently, the access benefits from a relatively clear visibility splay in both directions. Furthermore, the majority of adjacent dwellings also benefit from access points onto the highway in a similar arrangement.
16. The Council requires the access to be a minimum width of 5.5m which would not be achieved on the indicative layout plan. A wider access drive would allow vehicles to pass without interference. However, nearby infill plots also do not appear to have access driveways of sufficient width to accommodate two-way traffic. Therefore, the minor intensification of the use of this access would not cause an unacceptable impact on highway safety.
17. The indicative layout plan shows 4 parking spaces for each bungalow and 7 for the two-storey dwelling. This appears sufficient to meet normal parking expectations. Furthermore, parking on the adjacent highway is unrestricted, this could accommodate occasional on-street parking if required for visitors. Consequently, there would be adequate parking provision for the proposal. Furthermore, as siting is a reserved matter the access width could be provided to meet the Council's requirements at the reserved matters stage if required. However, as the appeal fails for other reasons, I have not explored this matter further.
18. As such, the proposal would accord with saved policy GN2(B)(C) of the LP, which seeks a satisfactory means of access and to not have an adverse impact on the road network. Furthermore, the proposal would accord with the Framework as it would not have an unacceptable impact on highway safety.

Habitat interests

19. The Council has not identified that the site is a designated site of local ecological interests. Nevertheless, it considers that it has the potential to harbour protected species. No evidence has been submitted to refute this assertion. Policies S10 and BN2 of the JCS seek to protect existing designations and assets of biodiversity and resist development that has the potential to harm sites of ecological importance. Policy ENV5 of the ELP, seeks to support proposals that conserve areas for biodiversity including undesignated sites which make a positive contribution to the natural environment. Also, this policy requires all proposals to assess their impact through an ecological assessment.
20. The existing garden includes some areas of vegetation and would be likely to contain important natural habitat. Furthermore, the site is in a row of similar long rear gardens. Consequently, the garden would be likely, in combination with neighbouring land, be part of a connected foraging route for wildlife. Therefore, harm would be caused to the balance of wildlife interests in the

area. This harm should be considered through an ecological assessment to determine the extent of harm and the presence of protected species. This would then allow for mitigation to be delivered as appropriate.

21. As such, the proposal would not comply with policies S10(i) and BN2 of the JCS which seeks to protect, conserve and enhance the natural environment and to protect biodiversity. Furthermore, the proposal would fail to comply with policies SP1(G) and ENV5(B) of the ELP, which seek to protect the natural environment and assess its impact through an ecological assessment where harm will be caused. The proposal would also not accord with policy H1(g) of the NP, which seeks to promote sustainable development that addresses economic, social and environmental issues. The proposal would also fail to accord with the Framework which seeks to resist significant harm to biodiversity.

Other matters

22. The officer report refers to nearby development that is considered by the appellant to be similar. On my visit, I observed that there were some pockets of back-land development opposite the site. However, these appear to have resulted from site assembly and are relatively generous in spacing. Furthermore, those original plots would have been out of character with their adjacent smaller plots and the general characteristics of surrounding development.
23. The effect of nearby large development is raised in the appellant's Grounds of Appeal. However, the harmful effect is not adequately explained. Furthermore, nearby housing development to the rear, and infill development opposite the site, appears to be complementary to the local character in a co-ordinated manner. These developments therefore do not establish a precedent that would support the proposal.
24. The appellant has raised the difficulty of affording local house prices. This has not been supported with any substantive evidence. Therefore, although I am sympathetic to the cost of housing in the area, the proposal is not advanced as 'affordable housing' or supported by a legal mechanism to secure it as such. Consequently, this assertion has had only a limited bearing on the main issues.
25. The proposal would not be significantly overlooked by neighbouring occupiers. However, an absence of harm in this respect can only be considered as a neutral factor in the planning balance.

Conclusion

26. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR