



Appeal Decision

Site visit made on 3 September 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/H2835/W/19/3232297

74 Ecton Lane, Sywell, Northampton NN6 0BA

- 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 and Mrs Murphy against the decision of the Borough Council of Wellingborough.
 - The application Ref WP/18/00639/FUL, dated 8 October 2018, was refused by notice dated 9 January 2019.
 - The development proposed is the demolition of an existing bungalow. The new build of a 4-bedroom, two storey, detached house with three first floor balconies and a separate quadruple garage. The formation of hardstanding to the front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the appeal form. Whilst neither of the main parties has provided written confirmation that a revised description of development has been agreed, the proposal was amended before the Council determined it. The amended proposal was consulted on and the Council's report and decision were produced on that basis. The description within the appeal form consequently forms a more accurate description of the proposal. Therefore I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of No 72 Ecton Lane with regard to sunlight, daylight and outlook, and the living conditions of the occupiers of No 76 Ecton Lane with regard to outlook.

Reasons

Character and appearance

4. The appeal site is a single storey property and garden which lie within a linear series of dwellings along a rural lane. The property has a neutral effect on the character and appearance of the area due to its limited scale and muted design.

5. The design of other properties in the vicinity is diverse in scale, layout and materials. However, the appearance of the area is partially characterised by substantial dwellings within large gardens and the surrounding mature woodland. These factors contribute positively to the spacious and verdant appearance of the area.
6. Dwellings within the row are well set back from the highway, behind a lengthy stone wall of some age which runs along property frontages. Views of natural form within front gardens and the woodland to the rear are available above the wall as a result of the set back position of properties. These views contribute positively to the area's appearance. There is a loose building line to development within the row, however this is not so uniform that minor deviations within it cause any significant harm to the area's appearance.
7. A number of detached garages are positioned to the front of plots in the vicinity. Whilst these are generally visible above the frontage wall, they occupy a limited area, thereby avoiding any undue prominence of built form within close proximity to the highway.
8. The appeal proposes the construction of a garage of approximately 15 metres in length and 7.8 metres in width. This would lie immediately behind the roadside wall. It would occupy a significant proportion of the width of the site within views from the highway due to its scale. This would result in views of a considerable mass of built form within close proximity to the highway. It would additionally be substantially larger than other garages in the vicinity. These factors would cause it to appear incongruous and intrusive within the street scene. Furthermore, it would cut off the views of natural form above the wall which contribute positively to the area's appearance. The proposed garage would cause moderate harm to the character and appearance of the area as a result of these factors.
9. Turning to the effect of the proposed dwelling, this would be a substantial two storey property between single storey dwellings. Whilst it would consequently have a greater height than its immediate neighbouring properties, its wider context includes several substantial detached dwellings of a similar or larger scale. These lie nearby within the row to both directions, and consequently form part of the setting of the appeal site. The row additionally contains a number of examples of adjacent one and two-storey development. The comparative scales of surrounding neighbouring properties are consequently already diverse. The ownership of these properties at the time of construction of the larger dwellings has only minimal bearing on the effect of the appeal scheme on the appearance of the area.
10. Furthermore, the footprints of the neighbouring dwellings at Nos 72 and 76 Ecton Lane are of a generous size, so that whilst the height of the proposed dwelling would be greater, its floor area would not be so dissimilar from its neighbours as to appear out of keeping with the prevailing pattern of substantial dwellings. The proposed dwelling would additionally be set farther back within its plot than Nos 72 and 76, which would reduce its prominence. This set back would be in keeping with the prevailing loose building line and hence would not cause unacceptable harm. The frontage wall and garage would additionally screen the majority of the proposed dwelling within immediate views from the highway. As a result of the above factors the

proposed dwelling would have an acceptable effect on the character and appearance of the area.

11. However, its garage would cause moderate harm in this regard. This harm would conflict with Policy 8 (d) (i) and (ii) of the North Northamptonshire Joint Core Strategy (2016) ("the CS"), which state that development should respond to the site's context and local character.

Living conditions

12. No 72 Ecton Lane is the adjacent property to the north of the appeal site. As the proposal entails the replacement of a single storey dwelling with one of two storeys, it may result in a reduction in the levels of sunlight and daylight reaching parts of the dwelling and garden to No 72 at some times of the year.
13. A number of wall openings lie within the side and rear elevations to No 72, and some additional shadowing of these may occur. However, I concur with the submission that the dual aspect design of the majority of the rooms likely to be most affected would allow for the admission of light from an alternative source, and hence would reduce any harm to living conditions in this regard.
14. Whilst some additional shadowing of the garden to No 72 may occur, the considerable area of garden which would be unaffected by shadowing and would remain available for use would serve to mitigate any harm.
15. Furthermore, any additional harm by shadowing to both the dwelling and garden at No 72 would be limited by the reasonable distance between the proposed dwelling and the common hedgerow with No 72.
16. The appellants have submitted shadow studies which suggest that the proposal would result in a limited degree of additional shadowing of part of the house and garden at No 72 on the selected dates in February and October. The full study is not before me and therefore I am unable to consider whether a suitable methodology was employed, which the Council suggests may not be the case. Due to the resulting limitations of this evidence, I am able to attach only limited weight to it.
17. I attach only minimal weight to the relevance of a light study submitted in respect of the effect of the proposal on the occupiers of No 72, as it relates to the superseded scheme, for which the property had a different scale and position within the site. Therefore it cannot accurately show the effect of this scheme.
18. Thus, the evidence does not demonstrate that the proposal would cause any significant harm to the living conditions of the occupiers of No 72 with regard to sunlight and daylight.
19. The north elevation of the proposed dwelling would face the garden at No 72, and would lie within oblique views from the rear of the dwelling. It would consist of brickwork with a single central window and a chimney towards the rear. The position of the proposed dwelling would allow for a reasonable distance to the rear wall openings to No 72. Furthermore, the window and chimney within the proposed elevation would serve to relieve the visual effect of otherwise blank brickwork. Moreover, mature trees within the intervening hedgerow would limit some views of the development from the dwelling and garden at No 72. The scale of the rear garden to No 72 would additionally

allow for a reasonable level of distance to the proposed dwelling, which would mitigate the effect on outlook from the garden, and for a significant level of generally unaffected views of the garden from the dwelling. Therefore the proposal would have an acceptable effect on the living conditions of the occupiers of No 72 Ecton Lane with regard to outlook.

20. The property No 76 Ecton Lane is similarly separated from the appeal site by relatively dense mature hedgerow and trees. Its side elevation faces the appeal site, and contains an obscure glazed window at first floor level. A ground floor window serves a bathroom according to the plans provided, and hence is similarly likely to be obscure glazed. Thus, the appeal would have an acceptable effect on the outlook from the side elevation to No 76.
21. A single window would lie towards the front of the side elevation to the proposed dwelling. The section of the side elevation which would be visible from the rear elevation to No 76 would consequently consist of blank brickwork. However, the set back of No 76 within its plot would be relatively similar to that of the proposed dwelling. Visibility would therefore be limited to approximately half of the proposed side elevation from the rear of No 76.
22. Furthermore, views of the proposed dwelling from much of the rear elevation to No 76 would be restricted by the "L" shaped design of that dwelling, with the shorter element extending into the rear garden near the boundary with the appeal site. The scale of the rear garden to No 76 would allow for a significant level of generally unaffected views of the rear garden from the dwelling. The garden is of a sufficient size that only the outlook from a small part of it would be particularly affected by the presence of the proposed dwelling. The dense vegetation and trees of the hedgerow would additionally offer some screening of the development from both the dwelling and garden at No 76. Thus, the proposal would have an acceptable effect on the outlook from the rear elevation and garden to No 76.
23. The proposal would consequently have an acceptable effect on the living conditions of the occupiers of No 72 Ecton Lane with regard to sunlight, daylight and outlook, and the living conditions of the occupiers of No 76 Ecton Lane with regard to outlook. Therefore it would comply with Policy 8 (e) (i) of the CS, which sets out that development should protect amenity by not resulting in an unacceptable impact on the amenities of neighbouring properties.

Other Matters

24. The Council considers that the proposal conflicts with guidance within its "Residential Extensions: A Guide to Good Design" Supplementary Planning Guidance (2002) ("the SPG") concerning the extent of building projection. However, as this document relates to extensions to existing dwellings rather than the construction of a new dwelling it concerns a materially different type of proposal to the appeal scheme. I therefore attach only limited weight to the relevance of the SPG in determining the appeal.
25. I have had regard to other matters raised, including concerns about privacy. However, as I am dismissing the appeal on a main issue for the reasons given above, I have not pursued these matters further.

Conclusion

26. I have found that the proposal would have an acceptable effect on the living conditions of the occupiers of neighbouring dwellings with regard to sunlight, daylight and outlook. However, this would be a neutral effect and would not outweigh the harm I have identified regarding the effect on the character and appearance of the area. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR