



Appeal Decision

Site visit made on 9 December 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/G2815/W/19/3238051

Land adjacent to Rectory View, Church Road, Hargrave NN9 6BQ

- 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 Darren McLoughlin, on behalf of Prestige Design and Build, against the decision of East Northants District Council.
 - The application Ref 19/00454/FUL, dated 8 March 2019, was refused by notice dated 19 August 2019.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is allowed, and planning permission granted for the erection of two dwellings at land adjacent to Rectory View, Church Road, Hargrave, NN9 6BQ, in accordance with the terms of application Ref 19/00454/FUL dated 8 March 2019, and subject to the conditions within the attached schedule.

Procedural matters

2. The description of development was altered, from 3 to 2 dwellings, during the planning consideration process following the receipt of amended plans. I have therefore adjusted the description accordingly. I am satisfied that no parties would be prejudiced by doing so.

Main Issues

3. The main issues are:
 - the effect of the proposed dwellings on the character and appearance of the area, and
 - whether the type of dwellings proposed would accord with the housing needs of the Development Plan.

Reasons

Character and appearance

4. The site is within the small village of Hargrave. The appeal site is to the rear of a site subject to two recently approved dwellings¹. These are currently being constructed and directly address Church Road adjacent to 'Rectory View'. Therefore, the site is accessed via a driveway between other dwellings and is back-land in character. The site is open land and originally formed part of the

¹ Planning Application Reference: 2018/01293/FUL

garden of Rectory View. There is residential development on all sides of the plot apart from an open field to the rear. The built form of the village consists of two-storey dwellings and bungalows within relatively spacious plots. A plot to the south of the site is occupied by a bungalow which sits on a large back-land site. Estate roads such as Elm Close, have evolved the village from a linear development into a more nucleated form. The character of the area can be characterised as being mostly low-density and consisting of large dwellings, of various styles and heights, on generous plots.

5. The proposed dwellings would be of traditional design, with multi-red brick walls and traditional roof tiles. These would be similar to the materials used on the dwellings under construction on the frontage. As such the proposal would be in keeping with the local character. The site is elevated from Church Road and as such the proposal would be taller than houses on Church Road. However, the proposal would be largely hidden by frontage development.
6. To appreciate the height of the proposed dwellings an observer would need to be a substantial distance from the village to the west. There is a large detached dwelling opposite the site entrance and many mature trees surround it and the wider village. As such, there would be very limited opportunity for distant views to be read in combination with the proposal. Furthermore, such distant views would read the proposed dwellings in context with the surrounding village limiting any overall effect. Furthermore, the impact on the streetscene would be limited due to the distance of the proposed dwellings from Church Road and the relatively narrow view between the approved frontage dwellings. Subsequently, the proposal would be in character with the local area. It would therefore not dominate or be anomalous with the existing built vernacular.
7. Accordingly, the proposal would comply with policy 8d of the North Northamptonshire Joint Core Strategy (JCS) which seeks development to respond to the site's immediate and wider context.

Housing type

8. The proposal consists of two large two-storey dwellings. Policy 30a of the JCS requires housing development to provide a mix and tenure of house types. The mix should reflect the need to accommodate smaller households (being dwellings with 1-3 bedrooms) and reflect the existing housing stock to address any gaps in provision. The purpose of this policy is partly to address a need identified in the Council's Strategic Housing Market Assessment. This reveals that there are growth demands within the population for an increasingly elderly demographic.
9. Although only being two dwellings, the proposal would provide a 4-bed and 5-bed dwelling, providing some variety to the local market. Therefore, whilst the policy is applied to large and small developments, schemes with low numbers of units may be less capable of providing small units. Furthermore, the Council has not identified why this specific village or site should meet a general aspiration for smaller units.
10. Nevertheless, the proposal would fail to satisfy policy 30a of the JCS as it requires development to accommodate small households with an emphasis on small and medium sized dwellings, including where appropriate dwellings be designed for older people. However, this broad policy alone is not sufficient to preclude the site from this proposal for larger dwellings. Furthermore, such an

approach applies no consideration to the local character and the effect that smaller units might have on the local context and infrastructure.

Other matters

11. A neighbour has raised concerns that the proposal would overshadow and overlook them. However, there would be a substantial distance from the side of the neighbouring bungalow of 'Xanadu'. The only first floor side window would serve a non-habitable room and is required to be obscurely glazed. Also, being located to the south the occupier of this bungalow would not suffer a demonstrable loss of daylight or sunlight. Accordingly, the proposal would not have a direct impact on the living conditions of occupiers of the neighbouring dwelling with respect to sunlight, daylight or privacy.
12. Representations have identified that the proposal would not satisfy the objectives of the 'village design statement' which advises against back-land development. However, evidence suggests that this document has not been subject to consultation or adoption by the local planning authority. It is also suggested that the Framework seeks to resist garden development. However, paragraph 70 of the Framework explains that Development Plans should consider the case of policies that resist development in gardens if development would cause harm to the local area. Policy 11 of the JCS allows infill development in villages where this would not harm the character of the settlement or residential amenity. These objectives have been satisfied as I have not found harm to the local character. Representations have also raised concern that the proposal would set a precedent for future development. However, back-land development is already part of the established character of the village and in any event each case must be judged on its own merits.
13. The ecology report was updated in June 2018², it is less than 2 years old and its conclusions are still robust. Furthermore, although the proposal makes no provision of social housing it is below the threshold of policy 8(d) of the JCS.
14. Concerns have been raised that further surface water run-off would add to existing drainage problems on Church Road. Condition 9 of this decision requires surface water drainage to be managed on-site to prevent run-off.
15. It has been stated that the site provides essential open space to the village and is an open vista. However, it is not in evidence that the site is of particular note, no policy has been identified that refers to the site as an important open area or that it makes a strong contribution to a key vista or vantage. Furthermore, on site I observed that the site makes only a limited contribution to the open and spacious character of the area. Also, the density of the proposed development would maintain many open views through the site.
16. Some representations have raised concerns in regard to the proposal's impact on local traffic flow and access. However, traffic movements associated with two dwellings would have only a negligible effect on local traffic levels. This would be insufficient to result in an unacceptable impact on highway safety. I also recognise that the County Highway Engineer has raised no objection to the proposal and I see no reason not to concur with these conclusions.

² Prime Environment, Ecology-Arbiculture Report June 2018

Conditions

17. I have considered the use of conditions in line with the Government's Planning Practice Guidance. The Council has suggested 16 conditions, I have included many of these. I have adapted the wording where necessary to comply with the Framework and for clarity.
18. The Framework advises that conditions should not be used to restrict permitted development (PD) rights unless there is clear justification to do so. Also, the Planning Practice Guidance states that exceptional circumstances should be shown when removing these rights. The plots are generous and the surrounding land relatively flat, there are therefore no over-riding physical reasons why rights would need to be removed. The character of the area would also not be demonstrably affected if PD rights were retained. I therefore find that the removal of PD rights, associated with extensions and roof alterations, would not be necessary or reasonable in this context. Furthermore, a condition requiring gates to be set-back into the site would not be reasonable for a similar reason.
19. Conditions 3-6 require details to be submitted and agreed by the Council prior to the commencement of development. The appellant has agreed to these, following formal notification under a Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
20. Consequently, I have applied the conditions that are necessary and reasonable. Conditions have therefore been applied in the interests of certainty (1 and 2), to safeguard the character and appearance of the area (8, 10 and 11), to satisfy archaeological requirements of the site (4), to safeguard the proper drainage of the site (9), in the interests of highway safety (5 and 12), to comply with the ecological and tree protection requirements of the site (6 and 7) and to protect living conditions of existing residents (3 and 13).

Planning balance and conclusion

21. The proposal would conflict with policy 30a of the JCS. However, policies 8d and 11b seek development to be in character with its surroundings and allows for infill development in villages where this would not materially harm the character of the settlement. Furthermore, the Framework seeks to significantly boost the supply of housing. Consequently, although I have found some conflict with the development plan, the balance weights in favour of allowing the proposal when taking the development plan into account as a whole and the objectives of the Framework. The proposal therefore complies with the development plan and no other material considerations have been drawn to my attention to indicate otherwise.
22. For the above reasons, the appeal is allowed, and planning permission is granted.

Ben Plenty

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 19-01 Site location plan, 19-05 rev C revised site plan, 19-03 rev A Plot 4, 19-04 rev B plot 5, 19-06 garages. The following agreed materials shall be used: Walls: Wieneberger Olde Farndale Multi bright red textured stock bricks with handmade type surface creases, and cream, grey and ochre multi shades. Roof: Wieneberger Alban Sussex blend. Windows: 'Residence collection' timber flush design in heritage cream and stone villa half bath window cills. Doors: "Solidor" composite in the Oak colour.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted by the applicant and approved in writing by the local planning authority. The approved scheme shall be followed for the duration of the development.
- 5) No development shall take place until details of measures to ensure that mud and other such loose material do not migrate onto the highway have been submitted to and shall be approved in writing by the local planning authority. Such measures as may be approved shall thereafter be implemented and maintained for the duration of the construction period.
- 6) No development shall take place until measures for the protection of trees to be retained has been installed in accordance with the submitted Tree protection strategy Section 6 (dated November 2018). The measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
- 7) The site should be kept clear of piles of dead vegetation that will create a dry, safe shelter for hedgehogs. Any arisings from vegetation clearance should be removed by hand and replaced if a hibernating hedgehog is found underneath them. Further, the measures contained in the ecology enhancement strategy (section 3.6 of the Ecology report dated June 2018) shall be carried out concurrently with the development and thereafter maintained.
- 8) Prior to the commencement of any above ground works, details of the location, height, design and materials of all boundary walls and fences shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the development hereby permitted. Such approved details shall be erected and retained in perpetuity thereafter.
- 9) Prior to the commencement of any above ground works, details of a positive means of drainage to ensure that surface water from the site does not discharge onto the highway shall be submitted to and be

approved in writing by the local planning authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be retained and maintained.

- 10) Prior to the commencement of any above ground works, a landscaping scheme for the common areas of the site and front gardens (excluding rear garden areas) shall be submitted to and approved by the local planning authority. This landscaping scheme shall be implemented strictly in accordance with the approved details in the first planting season following the occupation of the development. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- 11) Prior to the first occupation, the access, parking turning areas and waste storage area (for waste collection day) shall be laid out as detailed on drawing 19.05.C and they shall thereafter be permanently retained and maintained in this condition.
- 12) Prior to first occupation, the means of vehicular access shall be of a minimum width of 4.5m for the first 10m from the highway boundary, with a maximum gradient of 1:15. That area shall be paved with a hard-bound surface for the first 5m from the highway boundary; such surfacing shall thereafter be retained.
- 13) The dwellings hereby permitted shall not be occupied until the first-floor windows on the south-west elevation of Plot 4 and north west elevation of Plot 5 have been fitted with obscured glazing (to Pilkington Glass level 3 or equivalent), and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows shall be permanently retained in that condition thereafter.

End of conditions