



---

## Appeal Decision

Site visit made on 25 November 2019 by Darren Ellis MPlan

**Decision by P J Davies BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> January 2020**

---

**Appeal Ref: APP/Y2810/D/19/3236579**

**2 Old Road, Scaldwell, NN6 9LA**

- 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 Chris Heywood against the decision of Daventry District Council.
  - The application Ref DA/2019/0251, dated 19 March 2019, was refused by notice dated 14 June 2019.
  - The development proposed is a two storey side and front extension and new entrance porch.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. I have been provided with two submission versions of policy ENV10 of the emerging Settlements and Countryside Local Plan (Part 2) For Daventry District 2011-2029. This policy is in draft form and as I do not know if it will change prior to adoption I give it limited weight.

### Main Issues

4. The main issues are the effect of the development on: the character and appearance of the area, including the setting of the Scaldwell Conservation Area; and the living conditions of the occupiers of the neighbouring property with regards to outlook.

### Reasons for the Recommendation

#### *Character and Appearance*

5. The appeal site comprises a two-storey semi-detached dwelling located on the outskirts of a small rural settlement, Scaldwell. In its immediate context the appeal property is one of a group of three similarly designed semi-detached pairs of properties, some of which have been previously extended. This includes a large front extension at No 1, but because this is situated on the end it has not unduly disrupted the uniform pattern of the group which retains its
-

legibility in the street scene. The Conservation Area boundary runs along the front of Nos 1-6 Old Road. As a whole, it derives much of its character from the rural setting, informal green spaces, and traditional buildings that are mostly simple in scale, appearance and form. The appeal property is outside but abutting the Conservation Area, and owing to its elevated and set back position, it is prominent in views on the approach into the village. Through its modest qualities and coherent relationship with the surrounding built form, it makes a positive contribution to the setting of the Conservation Area.

6. The proposed extension would introduce a forward projecting asymmetrical front gable. Whilst the appellant has provided several examples of front gables which I note are not uncommon in the area, in the main, these are of even construction and visually balanced. Notwithstanding some diversity to the housing form, I saw that gables are regular features that together with the use of similar external brick, provide continuity and uniformity to the street scene. In these circumstances, the unequal shape and design of the proposed front extension would be incongruous. Moreover, this unacceptable effect would be exacerbated by the height and scale of the extension which would result in a visually dominant development and an unbalanced appearance to the semi-detached pair. The existing trees and landscaping to the front of the property would provide a degree of screening when in leaf. However, landscaping of this nature is not permanent, and it can be reduced in size, removed or could die off, and as such the existing trees and landscaping would not provide adequate screening. Consequently, the proposed front extension would detract from the character and appearance of the group of properties and the surrounding area.
7. I note that No 4 Old Road has a side extension with a lean-to roof, but this is a small single storey development contained to the side of the dwelling. Unlike the appeal proposal it has not had any significant influence on the character or appearance of its surroundings.
8. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The appeal property influences the experience of the Conservation Area by its proximity, and by contributing to a context that is harmonious with the characteristics of the Conservation Area. Given the proximity to and visibility from the Conservation Area, the proposed front gable would stand out as an overly large and unsympathetic extension. Although the harm caused would be less than substantial, paragraph 196 of the Framework requires less than substantial harm to a heritage asset to be weighed against the public benefits of the proposal. In this case, the public benefits of the proposed extension would be limited, and consequently would not outweigh the harm that would be caused to the setting of the Conservation Area.
9. I have had regard to paragraph 130 of the Framework, which states that design should not be used as a valid reason to object to development. However, the Framework clarifies that proposals should accord with clear expectations in plan policies, and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. I have found that the proposal would be unacceptable for this reason.
10. For the reasons set out above, the proposal would cause material harm to the character and appearance of the area, and to the setting of the Conservation

Area. It would therefore conflict with policies GN2 and EN42 of the Saved Policies from The Daventry District Local Plan, which seek in various ways to ensure that a development is of a type, scale and design that is in keeping with the locality and would not adversely affect the setting of a Conservation Area. The proposal would also conflict with the relevant sections of the Framework.

### *Living Conditions*

11. While the proposed extension would be set further away from the boundary than the existing single-storey utility room and store, it would result in a tall flank elevation close to the boundary with No 3 Old Road. I acknowledge that the occupiers of Nos 3 and 4 Old Road have no objections to the scheme, however the effect that the proposal would have on the current and future occupiers of the neighbouring property is a material planning consideration. The appeal property is set forward of Nos 3 and 4, and the proposed extension would project further forwards than the existing front elevation. Given this projection and the proximity, height and scale of the extension, the proposal would result in a significant feeling of overdominance and overbearing from the front garden and the front window of No 3 nearest to the appeal site, which appears to serve a kitchen.
12. The appellant states that climbing plants will break up the appearance of the wall. However, plants and landscaping are not permanent fixtures and can be reduced in size, removed or could die off. As such planting and landscaping would not be sufficient to overcome the harm that would be caused.
13. Consequently, the proposal would cause material harm to the living conditions of the occupiers of the neighbouring property, contrary to the advice in the Council's Supplementary Planning Guidance 'Designing House Extensions', which amongst other things seeks to protect neighbours.

### **Other Matters**

14. I understand the appellant's reasons for the development, to bring his property up to a standard and size that reflects changes in circumstance and need, and that alternative designs may not provide the space required by the appellant. I also note that there is a disagreement between the parties regarding the comments from the Parish Council. Nonetheless, these factors would not outweigh the harm identified in this case.

### **Conclusion**

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Darren Ellis*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*P J Davies* INSPECTOR