
Appeal Decision

Site visit made on 17 December 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2020

Appeal Ref: APP/Y2810/W/19/3238327

Rear of 28 Western Avenue, Daventry, Northamptonshire NN11 9EY

- 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 Mrs E Wright and Mrs J Dexter against the decision of Daventry District Council.
 - The application Ref DA/2019/0303, dated 4 April 2019, was refused by notice dated 31 May 2019.
 - The development proposed is described as 'outline application for construction of dwelling and demolition of garage'.
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Decision

1. The appeal is allowed and planning permission is granted for outline application for construction of dwelling and demolition of garage at Rear of 28 Western Avenue, Daventry, Northamptonshire NN11 9EY, in accordance with the terms of the application Ref DA/2019/0303 dated 4 April 2019, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan - Drawing No 1904-01 and Site Block Plans Drawing No 1904-02 (but only in respect of those matters not reserved for later approval).
 - 5) Demolition or construction works shall take place only between the hours of 07.30 to 18.30 on Monday to Friday and 08.00 to 13.00 hours on Saturdays, and shall not take place at any time on Sundays or on Public or Bank Holidays.

Procedural Matters

2. I have used the development description provided by the appellants on the appeal form rather than the application form, as this more accurately describes the development proposed.
3. The application is in outline with all matters reserved. I have had regard to the indicative site block plan, but have considered all elements of this as indicative.
4. Reference has been made by the Council to the Settlement and Countryside Local Plan (Part 2) for Daventry District Submission version (2018). The Council has suggested that it is closer to adoption than when the application was determined. However, I have little information to suggest when the plan is likely to be adopted or if any policies will be modified. Therefore, I can only give the emerging policies limited weight in the determination of this appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

6. The appeal site is located in the rear garden of No 28 Western Avenue. The site contains an existing garage which is accessed from Holden Grove, a residential cul-de-sac. The proposal seeks to demolish the existing garage and replace it with a dwelling which would front on to Holden Grove. Holden Grove is predominantly residential in character with dwellings mainly being semi-detached pitched-roof with side gables. However, the dwellings immediately adjacent to the site have dormer features and have more variety in their overall appearance.
7. The site has development on both sides. On one side there is a house¹ and the other side has a garage, which stretches across the width of the adjacent garden. Due to the positioning of the existing development, the built form in this area is readily visible from the road and forms part of the street scene. Although the existing garages are lower in height than the adjacent dwellings, their built form is readily apparent from the highway. Although the application is in outline, the site would be of a sufficient width to accommodate a dwelling without appearing cramped and gaps could be achieved between the nearby properties No 2A Holden Grove and Mandela House. Therefore, the introduction of a new dwelling on the site would not significantly reduce the openness in the area.
8. Although, the proposed development would change the appearance of the built form on the site from a garage to a residential dwelling, given the surrounding context of the site, a dwelling in this location would not be an unexpected feature. Therefore, it would not appear as an incongruous feature in the street scene.
9. For the reasons set out above, the proposed development would not have a detrimental effect on the character and appearance of the site and surrounding area. Therefore, it would accord with saved policies GN1 (B), GN2 (A), EN42 (A) and (C) of the Daventry District Local Plan (1997), Policy S10 of the West

¹ Planning application reference DA/2007/0156

Northamptonshire Joint Core Strategy (2014) and Paragraphs 122 (d) 127 (a) and (c) and 130 of the National Planning Policy Framework. These policies, amongst other things, seek development to achieve appropriate densities, maintain the area's character and setting and respect the local context.

Other Matters

10. I note that nearby residents have raised concerns around the highway safety of the proposed development. The issues raised include the access being unsafe with the potential to cause accidents due to poor visibility, an increase in vehicles using the street, no turning circle and parking problems. However, the site already has a garage which can be accessed by vehicles. As such, the proposal is unlikely to significantly increase vehicle movements in this area. I have not been presented with substantive evidence to indicate that the existing arrangements have caused issues of highway safety. Therefore, the proposed development would not have a harmful effect on highway safety.
11. I also note that the Local Highway Authority has stated that insufficient information has been provided to show that a suitable access could be provided. However, the appeal is outline with access to be considered as part of the reserved matters, therefore, it is not necessary to consider this any further at this stage. Nevertheless, as that the site can already be used by vehicles, I do not consider the proposed development would have a significant harmful effect on highway safety in this regard.
12. Issues have also been raised around the impact on local residents, noise and environmental issues. However, any impact raised by the construction of the dwelling would only be temporary and as the proposal is only for one dwelling the impact is unlikely to be significant. However, the hours of construction and demolition can be managed as part of a condition to ensure the living conditions of the occupiers of nearby properties are not unduly harmed.
13. Comments were also put forward by Daventry Town Council, who stated that that should permission be granted the dwelling should be in-keeping with existing dwellings in the local vicinity. However, these details of the proposal will be considered as part of the reserved matters.

Conditions

14. The Council has suggested a number of conditions which I have considered against the Planning Practice Guidance and amended as necessary.
15. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. In addition, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
16. Given the proximity of nearby dwellings, it is necessary to restrict the hours of construction and demolition to protect their living conditions.
17. The Council has suggested restricting development within Use Classes. However, this is overly restrictive, and it is not necessary to secure acceptable residential amenity, visual amenity and highway safety. The Council have also requested details of boundary treatments, external roofing and facing materials and vehicular cross-over. However, this is not required for this permission, as these details will be considered as part of the reserved matters.

Conclusion

18. For the reasons set out above, I conclude that the appeal is allowed.

D Peppitt

INSPECTOR