

Appeal Decision

Site visit made on 22 January 2020

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2020

Appeal Ref: APP/V2825/W/19/3236520

85 Abington Street, Northampton, NN1 2BH

- 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 Boydev (Compton House Developments Ltd) against the decision of Northampton Borough Council.
 - The application Ref N/2018/01599, dated 14 November 2018, was refused by notice dated 6 March 2019.
 - The development proposed is Layout of the external areas within the curtilage of the existing building at Compton House, 83-85 Abington Street, Northampton, NN1 2BH
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area bearing in mind it would be within the setting of the Boot and Shoe Quarter Conservation Area;
 - highway safety.

Reasons

Character and appearance

3. The appeal site is a parcel of land connected to premises part in use as student accommodation and part in commercial use. Part of the site extends along the Lower Mounts road frontage with the remainder accessed through a roller shutter leading to the rear of Compton House.
4. The appeal site is within the setting of the Boot and Shoe Quarter Conservation Area (CA), which is characterised by traditional terraced dwellings and commercial buildings formally laid out with consistent, attractive architectural detailing. In my view, the significance of the CA is derived from its evolution from the footwear industry, the uniform architectural detailing and formal layout of the buildings within it.
5. The Council granted planning permission¹ for change of use from offices (use class B1) into 92 no 1-bed student accommodation units (sui generis) for a site encompassing the appeal site subject to conditions. That permission has been implemented and whilst I am told a number of conditions are yet to be discharged, the full details of the development including any agreed

¹ Council reference N/2015/1231

landscaping or bin storage arrangements, are not before me. The Council could enforce if it considers there has been any breach in planning control, I confirm that I have determined the appeal on merit on the basis of the evidence before me and the development applied for.

6. The existing plan² shows bins located in the part of the appeal site which extends along the Lower Mounts frontage positioned in one row close to the building. The proposal would increase the number of bins stored on the Lower Mounts frontage part of the appeal site with those bins arranged in a 'U' shape with a row of four recycling bins positioned close to the back edge of the footway. The proposed plans³ suggest the bins would be within a 1200mm high vertically boarded timber/steel fenced storage area. I also note the illustrations titled Example 1 and 2 showing PBH Laser Steel Cladding with Steel Roof and PBH Iroko and Steel Cladding with Steel Roof⁴. However, there are no accurate to scale detailed elevational drawings before me. Thus, I am unable to fully assess the visual appearance of the proposed bins storage.
7. That said, the proposed increase in bins and the large enclosure, positioned so close to the footway and extending along it for some length would inevitably be a visually prominent feature of the street scene. The examples suggest it would have a highly modern appearance in stark contrast with the traditional buildings in the CA.
8. Thus, without detailed evidence in the form of detailed drawings which demonstrates otherwise, I find the proposed bin storage arrangements would be an incongruous feature of the street scene which would harm the character and appearance of the area. Consequently, it would also harm the setting and significance of the CA. That harm would be less than substantial and must be weighed against any public benefits. I return to this matter in my conclusion below.
9. For the reasons given, the proposal would therefore be in conflict with Policy 1 of the Northampton Central Area Action Plan (2013) and Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) which seek to safeguard heritage assets, the character of an area and achieve good design.

Highway safety

10. I acknowledge the comments about whether or not the appeal site frontage to Lower Mounts is currently lawfully used for parking. I also observed vehicles parked there. However, it is not my place to determine what the lawful use of any part of the appeal site is. Instead I must make my determination on the basis of the development applied for and the evidence before me.
11. The application form clearly says at present there are seven parking spaces whereas the proposal would provide twelve, an increase of five spaces. The proposal would involve the provision of three parking spaces and a parking barrier on the part of the appeal site which has a frontage to Lower Mounts. The proposed parking spaces and barrier would be close to the intersection of Abington Street and Lower Mounts.

² Drawing No R1035-002 Rev 1

³ Drawing No R1035-100 Rev 21

⁴ Drawing Nos 5947/201 and 5947/202

12. The section of Lower Mounts nearby has three lanes and there is a bus stop and lay-by on the appeal site side of the road close to the point of access. At around mid-day on a week day I observed Lower Mounts nearby, notwithstanding short breaks as a result of the traffic lights on the intersection, to have an almost continuous and relatively heavy flow of traffic. There is no substantive evidence before me which leads me to believe this was unusual.
13. Due to the size of the site and the proposed layout, there would be insufficient space for vehicles to turn within the site and enter and leave any of the proposed parking spaces on the Lower Mounts frontage in a forward gear. This is confirmed by the vehicle tracking drawings. Consequently, vehicles using either of these proposed parking spaces would need to reverse into or out of them. Whilst, it may be possible to reverse out into the bus lane only, it is inevitable that in some instances any such manoeuvre would stray into the path of traffic approaching from the south east. Furthermore, visibility to the south east would be partly restricted by the building which is positioned adjacent to the edge of the footway.
14. Thus, the proposed parking spaces, would significantly increase the risk of collisions between vehicles using these proposed spaces and vehicles passing by the appeal site on Lower Mounts. The proposal would also increase the risk of collisions between vehicles using these proposed spaces and people using the footway.
15. In reaching these conclusions I have noted the comments about a blue badge holder being able to park on Lower Mounts and the effect this would have on highway safety compared to the appeal scheme. However, there is no substantive evidence to suggest that this would be likely to happen, indeed I find it would be highly unlikely given the circumstances I have identified.
16. Thus, on the basis of the evidence before me I find the proposal would be harmful to highway safety in the area in conflict with paragraph 108 of the National Planning Policy Framework which seeks to ensure new development is served by a safe and suitable access.

Conclusion and Planning Balance

12. There would be public benefits associated with the regeneration of the site, the provision of a disabled parking space and benefits associated with improved security for BBC cars and equipment. However, these modest benefits do not outweigh the harm to highway safety, the character and appearance of the area and the setting of the CA. Thus, on balance the proposal would not accord with the development plan and therefore having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR