
Appeal Decision

Site visit made on 17 February 2020

by Paul Singleton BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/G2815/W/19/3241641

33 Wood Road, Kings Cliffe, Northamptonshire PE8 6XF

- 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 Andrew Pick against the decision of East Northamptonshire District Council.
 - The application Ref 19/00705/FUL, dated 16 April 2019, was refused by notice dated 6 August 2019.
 - The development proposed is a new bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on:
 - a) the character and appearance of the site and its surroundings and on the setting of the adjacent conservation area;
 - b) the living conditions of the future occupiers of the appeal dwelling and of the dwelling on Plot 2 of the adjoining residential development by reason of a loss of privacy; and
 - c) the biodiversity value of the site.

Reasons

Character and appearance

3. The proposed development would comprise a single storey, two bedroom dwelling located within what formerly comprised a substantial garden to Number 33 Wood Road. This has already been subdivided by the construction of two new detached dwellings which were granted permission in January 2019 (Ref:18/01971/FUL). At the time of my site visit these dwellings, which stand to the side and slightly forward of the original dwelling at No.33, appeared to be nearing completion but were not occupied. The appeal proposal would be sited in the south-east corner of the garden, close to its boundary with Wood Road.
4. From the crossroads to the west of the appeal site Wood Road extends a significant distance to its junction with Station Road to the east. Over this considerable length of frontage on both sides of Wood Road, the majority of

dwelling have a modest degree of set back from the road behind small front gardens. The houses at Nos. 29 to 33 (odds) on the north side are larger than most of these other properties and are set within much wider plots. They stand above the road level and are set back behind very long front gardens.

5. Although they have a different appearance to most of the dwellings fronting Wood Road their generous plot widths and degree of setback create an open character to a relatively long section of the road on the north side. This is complemented by the large area of open space immediately to the east of the junction with Oak Lane. The setting back of these properties behind such large gardens and the mature vegetation within those gardens make a positive contribution to the appearance of the street scene and help to give this section of Wood Road a distinctive open character.
6. Although of modest scale and height, the bungalow would be visible in views along Wood Road from the west, notwithstanding the proposed retention of the hedge to the roadside boundary. From this direction it would be seen as an encroachment into the open land in front of these properties and would obscure views across this area towards No. 35 and the properties on Oak Lane.
7. From the Oak Lane junction looking west, the boundary walls and vegetation to the roadside boundaries of Nos. 29-35 and mature trees within their gardens provide an attractive frontage to the road. As the first floors of the houses can be seen above the vegetation the viewer gets a sense of the degree to which the properties are set back and of the open character that this creates. The boundary wall and hedge to the appeal site would provide greater screening of the proposed dwelling from this direction but I consider that the proposal would still have an adverse effect on those views.
8. The proposal would result in a significant reduction in the extent to which the site contributes to the open character of this section of Wood Road and have a harmful effect on the character and appearance of the site and its surroundings. The Kings Cliffe Conservation Area includes all the properties opposite the appeal site. I consider that the open character of this part of Wood Road makes a positive, albeit relatively modest, contribution to the setting of the Conservation Area. Some degree of harm would be caused to that setting.
9. The proposal would, therefore, conflict with Policy 8(d) of the North Northamptonshire Joint Core Strategy (JCS) (2016) which seeks that new development should create distinctive local character by responding to the site's immediate and wider context. It would also conflict with Policy 2 which seeks that proposals should preserve or, where possible, enhance the setting of heritage assets.

Living conditions

10. My observations on my site visit suggest that the separation distance between the hall window in the bungalow and the nearest windows in the two storey dwelling on Plot 2 would not achieve the 14.5 metres (m) estimated by the appellant, although it would be closer to that figure than to the 8m asserted by the Council. I have not been provided with information as to what separation distances are normally considered acceptable within the District. However, the officer report describes the estimated 17m separation between the window to the kitchen in the proposed bungalow and that to the first floor bedroom of the dwelling on Plot 2 as "*not ideal*". A distance of less than 14.5m should,

accordingly give rise concern, particularly in a situation where one of the properties stands at a significantly higher level, so enabling the viewer to look directly down on the neighbouring property.

11. The window that would be nearest to the Plot 2 dwelling would be to the hall rather than to a bedroom or other main living space within the bungalow. However, both this window and the comings and goings through the front door to the property would be fully visible from the first floor window to the Plot 2 dwelling with a consequent loss of privacy to the occupiers of the proposed new bungalow.
12. Because the Plot 2 dwelling stands higher and its ground floor windows would be screened by the intervening fence, I do not consider that the privacy of the occupiers of that dwelling would be affected to a significant degree. I also agree that, due to the siting of the proposed bungalow, there would be no overlooking or loss of privacy to the residents of No. 35 Wood Road. The effect on the living conditions of the future occupiers of the appeal property does, however, lead to a conflict with part e) of JCS Policy 8 which seeks to protect the amenity of residential properties.

Biodiversity

13. It was apparent on my site visit that many of the trees within the site boundary which were identified on the Arbtech Tree Constraints Plan produced in June 2018 have been removed and that the hedge to the boundary with No. 35 has been severely pruned. The proposal would result in the loss of further trees and there are no proposals within the appealed application for the replacement of trees within the site.
14. It would be possible to require the submission of a landscaping scheme by means of a planning condition. However, without an indicative scheme to show where within the site significant new landscaping could be achieved there is no certainty that the biodiversity value lost as a result of the removal of trees and other vegetation could be replaced. As part of the discharge of conditions in relation to planning permission ref 18/01971/FUL, the appellant proposes to plant 3 new trees within the appeal site but I do not consider that this would provide adequate replacement for the number of trees and other vegetation already removed.
15. Whilst there would be an overall loss of biodiversity on the site, I agree with the appellant that most of that loss results from the removal of trees and vegetation that has already been carried out. The removal of the additional trees required to facilitate the appeal scheme would compound that loss but, taken in isolation, would not result in significant harm to biodiversity and would not, therefore, conflict with paragraph 175 of the National Planning Policy Framework.

Other Matters

16. I accept that policies within the JCS and the Neighbourhood Plan provide support for the development of small and medium sized dwellings. However, the support in JCS Policy 11 is qualified by the requirement that development should not harm the character of the settlement. For the reasons set out above, I consider that the appeal proposal would lead to such harm. The Parish Council has raised concern about parking arrangements within the site but I

consider that the 2 car parking spaces proposed are sufficient for a small, two bedroom bungalow.

Conclusion

17. For the reasons set out above I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR