The Planning Inspectorate

Appeal Decision

Site visit made on 24 August 2020

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2020

Appeal Ref: APP/L2820/W/20/3244224
Jessamine Cottage, 21 High Street, Rushton, Kettering, NN14 1RQ

- 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 Bryan against the decision of Kettering Borough Council.
- The application Ref: KET/2019/0665 dated 23 September 2019, was refused by notice dated 9 December 2019.
- The development proposed is a garden room/storage building.

Decision

1. The appeal is allowed, and planning permission is granted for a garden room/storage building at Jessamine Cottage, 21 High Street, Rushton, Kettering, NN14 1RQ in accordance with the terms of the application, Ref: KET/2019/0665 dated 23 September 2019, subject to the following 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: Location Plan at 1:1250 scale received by the Council on 23 September 2019; Site Plan received by the Council on 4 November 2019; Block Plan at 1:500 scale received by the Council on 19 November 2019; Revised Proposed Elevations and Floor Plan received by the Council on 4 November 2019.

   3) The building hereby permitted shall not be constructed unless with oak panels and a sedum roof as set out on the submitted application form and plans. No development shall take place until full details of the construction of the sedum roof and its maintenance have been submitted to and approved in writing by the local planning authority. The sedum roof shall only be constructed in accordance with the approved details and shall thereafter be maintained as such for the lifetime of the development.

Procedural Matter

2. The Council says there were some errors on the plans as originally submitted. Amended plans were subsequently received and interested parties reconsulted. As no injustice would be caused, I shall consider the appeal on this basis.

Main Issue

3. I consider the one main issue in this case is whether the proposed development would preserve or enhance the character or appearance of the Rushton Conservation Area.

Reasons

4. The appeal property is located on the north side of the High Street within the Rushton Conservation Area (CA). The dwelling is set slightly forward of its neighbours to the west, but aligns approximately with No 23 to the east. The majority of N0 21's private amenity space is located to the front, with a landscaped parking area at the lower level accessed from High Street. Steps lead up to the front garden which is considerably elevated above street level and is arranged with sections of paving, planting and grass. A public footpath runs between Nos 21 and No 23.

5. The proposed building would occupy a small irregularly shaped space in the elevated front garden bordered on two sides by woven hazel wood fencing and planting. The building would be 1.7m high to the eaves and approximately 2.0m high to the top of the curved roof. It would have an oak frame construction infilled with tongue and grove panelling, and with a curved sedum covered roof.

6. At the statutory level, as the site lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of the *Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990*.

7. The development plan includes the *North Northamptonshire Joint Core Strategy 2011-203*1 (CS), adopted July 2016, where Policy 2(b) states that proposals should complement their surrounding historic environment through the form, scale, design and materials. JCS Policy 8 seeks a high standard of design which respects and enhances the character and visual amenity of the area.

8. Paragraph 193 of the *National Planning Policy Framework* (the Framework) says when considering the impact of new development on the significance of a heritage asset (including conservation areas), great weight should be given to its conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, less than substantial harm, or total loss to its significance. Paragraph 196 says where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraphs 124, 127 and 130 of the Framework recognise that good design is a key aspect of sustainable development and support development that is sympathetic to local character and history, including the surrounding built environment.

9. The *Rushton Conservation Area Appraisal* (1986) sets out that an important characteristic is the setting of the village on a south-facing slope which overlooks the River Ise, and adjoining areas of open fields. The Appraisal says another important part of the character of the CA are the smaller 18th century stone-built properties, many of which front the High Street and give rise to the pleasing intimate character of the village. The appeal property is one of those

18th century stone-built dwellings fronting the High Street, many of which are set towards the rear of their plots with long gardens to the front. The Appraisal Map identifies these frontages as 'Significant Open Spaces' which contribute to the character of the village.

10. The Council says the location of the proposed outbuilding in front of the dwelling would be at variance with the historic form of the area, would cause visual harm, and would fail to respect the character and appearance of the site and CA. However, the proposed building is modest in floor area and height and would sit behind the 2.0m high hazel wood fences and would only be readily seen from the windows of the appeal property. This fencing and existing vegetation would conceal the building in views towards the site from the High Street and the adjacent public footpath. As such, I am satisfied it would not intrude into the 'Significant Open Space' identified in the Appraisal nor detract from the generally open and spacious character of this part of the CA.

11. The Council says it is inappropriate to rely on wooden fencing as a means to conceal the outbuilding, as fencing has a shorter lifespan than a building and could easily be replaced in the future buy another boundary treatment such as a hedge. However, the natural materials of the proposed building cannot be described as having the longevity of a stone building for example, and in the particular circumstances of this case I am nor persuaded by this reasoning.

12. On balance, I conclude on the main issue that proposed outbuilding would have a neutral effect that would preserve the character and appearance of the CA and would not materially harm its significance. Therefore, the question of public benefits to outweigh any harm does not arise. As such I find no conflict with JSP Policies 2(b) and 8 and paragraphs 193 and 196 of the Framework.

Other Matters

13. I note the comment received from a nearby resident saying that approval of the building would set a precedent for other similar front garden development. However, each application and appeal has to be assessed on its own merits, and given my conclusion regarding the effect of the proposal I do not consider that a harmful precedent would be set.

14. I also note the comment concerning the potential to use the outbuilding as a workshop/garage and possible disturbance from the use of power tools. However, the planning process is unable to take account of supposition about what may or may happen in the future, and the use of an outbuilding for purposes ancillary to the residential use of the dwelling is acceptable in planning terms. Nor do I find any reason to question the intended use as a garden room/storage building, as described in the application. I note the concern raised about possible fire risk. However, matters of fire safety fall under the remit of building control regulations

Conclusion

15. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

16. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*.

17. In addition to the standard time condition for the commencement of development, a condition is needed to secure compliance with the submitted plans for the avoidance of doubt and in the interests of proper planning. The suggested condition requiring further details of the proposed sedum roof is necessary in the interests of the character and appearance of the CA because full details of the type of sedum roof have not been included within the application.

Nigel Harrison

INSPECTOR