



Appeal Decision

Site visit made on 10 August 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/Y2810/W/20/3252288

6 West Way, Weedon, Northamptonshire NN7 4QW

- 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 & Mrs McLoughlin against the decision of Daventry District Council.
 - The application Ref DA/2019/0812, dated 17 September 2019, was refused by notice dated 16 January 2020.
 - The development proposed is a three bed two storey detached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs McLoughlin against Daventry District Council. This application will be the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are the effects of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 7 West Way with regard to outlook and levels of natural light; and,
 - highway safety.

Reasons

Character and appearance

4. West Way is a small residential cul-de-sac characterised by regularly spaced two storey semi-detached houses. The appeal property, 6 West Way, and its attached neighbour, No 5, are located at the head of the cul-de-sac and have wider gaps than are found elsewhere on the cul-de-sac separating them from their unattached neighbours.
5. The appeal plot has been created by the subdivision of land associated with No 6. It consists of land to the side of the house currently occupied by twin single storey garages attached to the dwelling together with the garden area directly behind. The proposed development would involve demolition of the garages and the construction of a two storey house in their place. The house would be detached and wider than the other unextended houses on the Close.

Positioned hard up against the side of the appeal plot next to No 6 it would occupy the vast majority of the width of the plot with only a nominal gap separating it from the donor house. As a result, the proposed house would appear cramped within its plot and out of keeping with the pattern of development that characterises the Close. The use of external materials to match the existing houses on the cul-de-sac would not overcome the significant adverse effects described.

6. For these reasons, I therefore conclude that the proposal is poorly designed and would cause unacceptable harm to the character and appearance of West Way, contrary to policies RA1 and ENV10 of the Settlements and Countryside Local Plan (Part 2) for Daventry District (S&CLP), policies H1 and S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (WNJCS) and section 12 of the National Planning Policy Framework ('the Framework'). These policies and the Framework require, amongst other matters, the protection of the character and appearance of a locality through high quality design that respects local design features.

Living conditions

7. The western side of the proposed dwelling would be positioned close to the front boundary of the wide garden that wraps around the side and rear of the house at No 7. Although the proposed house would be visible from the garden of No 7, in occupying only part of the wide outlook enjoyed from within it, it would not unduly enclose views from within it or be overbearing.
8. In relation to sunlight, the proximity of the proposed house would result in some overshadowing of the side garden and flank wall of No 7 during the first half of the day. Given though that at any one time only part of the garden would be affected, and that the primary windows to habitable rooms in the house would not be placed in the shade, there would not be a significant adverse effect on sunlight levels at No 7. With regard to levels of daylight, the proposed house would enclose too little of the garden to have a harmful effect.
9. I therefore conclude that the proposed development would not harm the living conditions of the occupiers of the house at No 7. As a result, in this regard it would comply with policies R1 and H1 of the WNJCS and policies RA1 and ENV10 of the S&CLP which, amongst other matters, seek to protect the amenity of existing residents.

Highway safety

10. Reference has been made to policy GN2 of the Daventry District Local Plan 1997 which seeks to protect highway safety. However, since the Council determined the application this policy and plan have been replaced by the S&CLP and no longer form part of the development plan. No other policy from the development plan has been cited by the local planning authority in relation to highway safety. The Framework though is an important material consideration. It advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
11. The Highway Authority's Parking Standards require a minimum of 2 parking spaces for three bedroom houses such as the proposed dwelling. At present No 6 makes use of hardstanding in front of the house to park two cars and has another two parking spaces in front of the twin garages. The cars in the plans

of the proposed house are shorter in length than a standard car. However, I am satisfied that there is just about sufficient space available for 2 standard length cars to be parked in front of both the existing and proposed dwellings whilst still providing pedestrian access to the house entrances. Even if this was not the case, the appellant states, and this has not been refuted by the Council, that the Highway Authority Parking Standards, which include parking space dimensions, have not been adopted by Daventry District Council. As a result, their non-adoption means that only limited weight can be attached to them.

12. West Way has limited on road parking provision. At the time of my site visit, during normal office hours, there were only one or two available on road parking spaces. Concerns have been expressed that the development would exacerbate on road parking pressures. However, as two off road parking spaces would be provided to No 6 and also to the proposed house the development is unlikely to do so.
13. Taking all these matters into account, I therefore conclude that the proposed development would not result in unacceptable harm to highway safety and so would comply with the Framework in this regard.

Conclusion

14. The appeal site is located within the confines of a Primary Service Village where owing to the range of services and facilities available, including public transport, the principle of residential development is supported by the spatial strategy of the development plan. In accordance with the development plan, the proposal would make efficient use of land, contribute a dwelling to the local housing stock of a size that is most in demand in the district and could contribute to the need for self-build plots in the area. In certain regards, such as its orientation, the security, energy efficiency and access measures it would incorporate and the fact that it is in an accessible location, the proposal would also comply with many of the sustainable development principles contained in policy S10 of the WNJCS.
15. However, the proposal would cause unacceptable harm to the character and appearance of the area. As a result, it would be contrary to policies RA1 and ENV10 of the S&CLP, policy H1 of the WNJCS, a specific criterion of policy S10 of the WNJCS and section 12 of the Framework. As a result, I find that the proposed development would be contrary to the development plan considered as a whole.
16. The other considerations put forward in favour of the appeal include the absence of harm to any other matters of acknowledged planning importance. However, this is a matter of neutral rather than positive weight that weighs in favour of a proposal.
17. Considered separately outside of the development plan the social and economic benefits of the proposal described in paragraph 14 above are insufficient to outweigh the harm that would be caused and non-compliance with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the proposal would not be a sustainable development and that the appeal should be dismissed.

Ian Radcliffe

Inspector