



Appeal Decision

Site visit made on 11 August 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/H2835/W/20/3249995

18 Broadway, Wellingborough NN8 2DA

- 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 Fenn, Fenn Holdings against the decision of Borough Council of Wellingborough.
 - The application Ref WP/19/00583/FUL, dated 9 October 2019, was refused by notice dated 21 November 2019.
 - The development proposed is two-storey 2-bedroom dwelling with associated off street parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey 2-bedroom dwelling with associated off street parking and amenity space at 18 Broadway, Wellingborough NN8 2DA in accordance with the terms of the application Ref WP/19/00583/FUL, dated 9 October 2019, subject to the schedule of conditions to this Decision.

Application for costs

2. An application for costs was made by Mr R Fenn against the Borough Council of Wellingborough. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of the occupants of 18 Broadway (No 18).

Reasons

Character and appearance

4. The proposal is for a two-storey detached dwelling, to be located between No 18 and 1 The Drive (No 1). This dwelling would be orientated towards and accessed from The Drive.
5. The nearby area is predominantly residential in character and includes groups of semi-detached dwellings in different styles. There are also individually designed, detached houses near the site along with a commercial building which incorporates a sizeable, flat roofed, single storey element. Such variations in building forms, along with scales, heights and a range of spacing between dwellings contribute to the varied appearance of the area and its distinct quality.

6. The houses along The Drive are generally set behind modest frontages which in some cases incorporate small gardens or are otherwise used for parking or to access garages.
7. The siting of the proposed dwelling would be broadly consistent with the established building line of nearby dwellings south of the appeal site. Furthermore, its hipped roof form and height would reflect those of No 18 and No 1. The new dwelling would also incorporate a projecting gable, bay window and a porch. These features, along with its proposed rendered finish with brick detailing, reference neighbouring architecture and would also result in an individually designed dwelling.
8. Due to the juxtaposition of the new dwelling to No 18, the minimum separation between these would narrow to about 1.6m. However, along the front this separation would widen to nearly 3m to complement a wider gap achieved between the two-storey element of No 1. As a consequence of this arrangement, together with its largely open frontage and the reduced mass and spacing achieved by its hipped roof form, the proposed dwelling would not appear unduly cramped.
9. The loss of some landscaping and openness associated with the appeal site would be mitigated by the appropriately designed dwelling including a part landscaped frontage, which would reflect the prevailing arrangement of frontages along The Drive. Also, its siting and detached form would not detract from the overall appearance and arrangement of the adjacent pairs of semi-detached dwellings.
10. For the above reasons, the proposed development would assimilate with and contribute to the varied street scene along The Drive and would not harm the character and appearance of the area. The proposal therefore accords with Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy (CS). This seeks to ensure that new developments create a distinctive local character by responding to the site's immediate and wider context.

Living conditions

11. Although part of the proposed dwelling would be located adjacent to the shared boundary with No 18 and would project beyond its rear elevation, which includes a rear facing, first-floor window, it would not significantly obscure this large window or dominate the outlook from it. Nevertheless, as a consequence of the proposed layout, the new dwelling would result in some overshadowing along the rear of No 18 during certain times. However, the new dwelling would only project along part of its sizeable retained garden and in part would be stepped back from No 18. Also, the rear facing windows for the host property would be mostly set-in from this new boundary. As such the effects of any overshadowing would be limited.
12. Consequently, the proposed development would not unacceptably harm the living conditions of the occupants of No 18. Accordingly, I find no conflict with Policy 8 (e) (i) of the CS, which seeks to protect the amenity of neighbouring properties.

Other Matters

13. Concerns have been raised by neighbours in respect of existing on-street parking stress and issues relating to highway safety. Nevertheless, there is

- limited technical evidence to show that the creation of the new dwelling and its vehicular access would significantly exacerbate demand for on-street parking or compromise highway safety. My conclusions on these matters are also supported by the lack of objection from the Councils highways advisers (Northamptonshire Highways). Similarly, there is no substantive evidence that the addition of a single dwelling would negatively impact on the existing drainage infrastructure, cause significant pollution, or that the excavations arising from its construction would undermine the footings of the garage at No 1.
14. Although the Council's reasons for refusal do not identify any harm to the living conditions of neighbours other than the occupiers of No 18, I have taken account of concerns raised by other neighbours and I am satisfied that because of its scale, siting and design, the proposed dwelling would not unacceptably harm the living conditions of those neighbours. Whilst most construction works result in some level of inconvenience, this would only be temporary.
 15. Representations were made to the effect that the rights of the adjoining occupier, at No 1, under the Human Rights Act 1998, Article 1 of the First Protocol, would be violated if the appeal were allowed. However, for the above reasons and in the context of an established residential area, any additional noise and light associated with the proposed single dwelling would not cause unacceptable harm to the living conditions of the occupier of No 1. Consequently, the degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol.
 16. I have not been referred to any minimum separation requirement for the proposed dwelling from the boundary with No 1 and any specific issue about maintenance of the neighbour's garage would be a matter between the relevant parties. Furthermore, other larger planned urban development schemes for the Borough do not preclude the appeal site from being developed. Matters relating to the extent of public consultation undertaken for the planning application are for the Council.

Conditions

17. In imposing conditions, I have had regard to the National Planning Policy Framework and the Planning Practice Guidance (PPG). In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty.
18. Conditions requiring details of proposed external materials/boundary treatments and landscaping, including the protection of retained landscaping are necessary to ensure the satisfactory appearance of the development. A condition in respect of managing surface water runoff from the driveway onto the highway is required in the interests of highway safety. Having regard to Policy 9 of the CS and its requirement to ensure high standards of resource efficiency, it is reasonable to require water efficiency measures to the optional standard set out in the Building Regulations to be provided within the development.
19. The Council's suggested condition requiring that the new dwelling is built to the National Accessibility Standards would duplicate the requirements of Building Regulations and is therefore not necessary. The PPG advises that conditions

restricting the future use of permitted development rights should only be used in exceptional circumstances. As no such circumstances have been demonstrated in this case, the removal of permitted development rights is not necessary. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

20. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following drawings: 19-049-03 - Existing and proposed floor plans proposed elevations, site and location plans and 19-049-04-Proposed Street View.
3. No development above slab level shall take place until details and samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
4. Notwithstanding the details shown on the approved plans, prior to the first occupation of the dwelling hereby approved, details of screen walls/fences and boundary treatments shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with approved details. The details shall include a boundary treatment plan (at a minimum scale of 1:200) detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition, appearance and installation method of boundary treatment throughout the site.
5. The dwelling hereby permitted shall not be occupied until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping (including parking areas), which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the dwelling or the completion of the development whichever is the sooner. All planting shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.
6. The dwelling hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external use of no more than 5 litres a day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).
7. Prior to the occupation of the development hereby approved drainage must be installed to ensure that surface water runoff from the driveway does not discharge onto the highway.