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## Appeal Decision

Site visit made on 4 August 2020

**by Chris Forrett BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 September 2020**

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**Appeal Ref: APP/U2805/W/20/3250916**

**10 Lerwick Way, Corby, Northamptonshire NN17 2DZ**

- 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 David Vidler against the decision of Corby Borough Council.
  - The application Ref 19/00526/DPA, dated 30 October 2019, was refused by notice dated 28 February 2020.
  - The development proposed is to erect an attached one-bedroom bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:-

- (i) the effect of the development on the character and appearance of the area;
- (ii) whether the development would provide suitable living conditions for the future occupiers of the development with particular regard to the amount and quality of amenity space; and
- (iii) the effect of the development on the living conditions of the occupiers of Nos. 10 and 12 Lerwick Way with particular regard to privacy and outlook.

### Reasons

#### *Character and appearance*

3. The appeal site is located on the corner of Willowbrook Road and Scapa Road and is situated in a residential area of Corby. The properties in the area are largely two-storey in design and have a variety of roof designs and style. However, as I saw at my site visit, there are also some bungalows and a number of single storey buildings (including garages and other outbuildings) and single storey extensions in the surrounding area. Another feature I observed are the areas of open space, including the area between the appeal site and Willowbrook Road which is grassed with two trees.
4. The appeal site itself consists of the whole curtilage of 10 Lerwick Way, which is a residential property on a corner plot. The rear garden of No. 10 faces Willowbrook Road and also continues to the side, alongside the building and garden of 12 Lerwick Way. The proposal itself is to create a new bungalow to

- the side of both Nos. 10 and 12 with its main garden area being parallel to that at No. 12.
5. The shape of the proposed bungalow has clearly been influenced by the desire to ensure that the living conditions of the occupiers of Nos. 10 and 12 are not adversely affected by the proposal. Regrettably, this has resulted in a contrived design and shape which does not reflect the grain of development in the area. As a result, it does not represent good design and would be harmful to the streetscene and the overall character and appearance of the area.
  6. In coming to the above view, I acknowledge that the bungalow would be partially screened by the existing trees and fencing. Whilst this provides some mitigation, it does not overcome the harm, which is primarily as a result of the shape of the bungalow.
  7. I also acknowledge that there are other bungalows on corner plots on the estate. However, from the evidence before me, none of these are similar in terms of their shape to the appeal development and therefore have different characteristics. Moreover, each proposal must be considered on its individual merits.
  8. The Council have raised concerns over the cramped nature of the proposal. However, I consider that the proposal would not appear as a cramped form of development in the context of the surrounding area given the amount of space available at the site.
  9. Turning to the detailed design of the bungalow, it would have a pitched roof with a flat roof section where it joins Nos. 10 and 12. As the flat roof element would not be readily visible from the street, I consider that this is not a harmful element to the proposal.
  10. The Council have also referred to Policy P6(R) of the Corby Borough Local Plan (1997) in their reason for refusal relating to the character and appearance of the area. However, this policy largely relates to the effects on the amenity and privacy of existing dwellings and ensuring that there would be a safe vehicular access. In that sense, I find that there is no conflict with this policy.
  11. For the above reasons the development would harm the character and appearance of the area as a result of its contrived shape and design and would conflict with Policy 8 d) of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (JCS) which amongst other matters seek to ensure that development responds to the sites immediate and wider context and local character. It would also be at odds with the overarching design aims of the Framework.

*Living Conditions – future occupiers*

12. The bungalow would have a small piece of land to its side and rear which would be used as a garden area. In addition to this, there is an area of land to the frontage, which would also include the parking space for the bungalow.
13. From the Appellants statement, the garden area to the property frontage (excluding the parking space) would be around 54 square metres in size, plus around a further 4 square metres to the rear.

14. To my mind, and in the absence of any guidance from the Council in terms of what size would be acceptable, I consider that the size of the garden area for the bungalow would be sufficient to meet the reasonable expectations of the occupiers of this property. That is to say the spaces would be of a size to allow the occupiers to carry out all the domestic activities one would normally expect for the size of the dwelling.
15. I have also considered whether this area would be of a sufficient quality as well as quantity. In this respect, I note that it would not be too dissimilar to the amenity areas associated with the existing housing in the area. As such, I find that the quality of the provision would also be acceptable.
16. For the above reasons the development would provide suitable living conditions for the future occupiers of the bungalow and would be in accordance with Policy 8 e) of the JCS which amongst other matters seeks to incorporate flexible and resilient designs for buildings and their settings, including access to amenity space. In this respect, it would also accord with the overarching aims of the Framework.

#### *Living Conditions – existing occupiers*

17. The Council have included the effect of the proposal on the occupiers of both Nos. 10 and 12 as part of their reason for refusing planning permission. However, this conclusion appears at odds with the Officers' assessment in their delegated report. That said, I acknowledge that the report goes on to state that there would be some minor harm to the amenities of the occupiers of Nos. 10 and 12.
18. The biggest change which would result would be the loss of part of the garden area to No. 10. However, as noted by the Council, the remaining area would still be sufficient for the occupiers of No.10.
19. Whilst I agree that the proposal would introduce a change to the existing situation, I consider it would not be harmful to the amenities of the occupiers of either of these properties. This is particularly the case given the size and height of the bungalow and its juxtaposition to the respective habitable room windows.
20. For the above reasons the proposed bungalow would not harm the living conditions of the occupiers of Nos. 10 or 12 Lerwick Way and the development would accord with Policy 8 e) of the JCS which amongst other matters seeks to ensure that the development protects the quality of life and amenity of existing occupiers of neighbouring properties. In this respect, it would also accord with the overarching aims of the Framework.

#### *Other matters*

21. The Council, and their consultees, have also raised some issues in relation to parking provision and the proximity of one of the trees in the area of public open space adjacent to the appeal site. However, neither of these matters were considered to be so significant by the Council to warrant inclusion in its reasons for refusing planning permission.
22. Whilst I acknowledge both of these issues, I consider that neither of these provide a further compelling reason why planning permission should be not be granted.

**Conclusion**

23. Taking all matters into consideration I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR