



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: 22 September 2020

Appeal Ref: APP/H2835/W/20/3253121

30 Hatton Park Road, Wellingborough, Northamptonshire NN8 5AT

- 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 Bunyan against the decision of Borough Council of Wellingborough.
 - The application Ref WP/20/00005/FUL, dated 16 December 2019, was refused by notice dated 11 March 2020.
 - The development is a proposed detached dwelling with parking and amenity. Proposed new vehicular access to existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have described the development as a 'proposed detached part two storey, part single storey three bedroom dwelling with parking and garden to front and rear. Proposed new vehicular access and hardstanding to existing dwelling' on its decision notice. The Appellant has also utilised this description on their appeal form. Given that this revised description accurately describes the proposal, I have determined the appeal on the basis of the revised description.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of 28 and 30 Hatton Park Road with particular regard to the light and outlook.

Reasons

Character and appearance

4. Hatton Park Road is located in a predominantly residential area of Wellingborough and has a variety of detached, semi-detached and terraced residential properties situated on it. In terms of scale, there are a mixture of single storey, two storey and three storey dwellings. From the evidence before me, the site is not located within, or in proximity to, a Conservation Area.
5. The appeal development would be located between two three-storey semi-detached Victorian dwellings on an area of land which has been cleared of its previous building and soft landscaping.

6. The Council have set out that they consider that the existing gap between 28 and 30 Hatton Park Road goes along way to defining the character of this area as Nos.26 to 32 Hatton Park Road are of an almost identical design.
7. However, as I observed at my site visit, Nos.26 and 28 are built up close to their respective boundaries and a new dwelling, No.26A, has been built to the side of No.26. I also saw that the setting of No.32 is somewhat different as it is a corner plot with Hatton Street. Therefore, the area of land to the side of No.32 performs a different function than the gap between Nos.28 and 30.
8. Whilst the existing space between Nos.28 and 30 may well have been purposely designed when these dwellings were built, there has no doubt been significant changes to the overall character and appearance of the area since that time.
9. Taking all of these factors into account, I consider that the infilling of the gap between Nos.28 and 30 with a detached property would not be, in principle, harmful to the character of the streetscene or the area in general. That said, the size and design of the dwelling and how it fits in with the surrounding development is key to its success.
10. In this case, the proposed dwelling would be sited between two substantial Victorian properties. However, the modern design and much lower height of the appeal proposal would be in stark contrast to its existing neighbouring properties to the extent that it would appear as an incongruous addition to the streetscene.
11. The Council has also raised concern over the amount of render and cladding on the proposed dwelling. That said, there is a mixture of brickwork and rendered properties in the immediate area and I consider that this is not objectionable in principle. However, the overall appearance of the new dwelling does not fit in with its immediate surroundings and the use of these materials does little to assist in its integration in the streetscene. Whilst the exact details of the materials could be controlled through a suitably worded planning condition, this would not overcome the harm I have identified.
12. In coming to the above views, I acknowledge that there would be a degree of screening by the existing landscaping at the site and that there is already a variety of differing designs and heights of properties in the locality. However, neither of these facts alter my view that the development would be harmful to the streetscene and the wider character and appearance of the area.
13. The Appellant has specifically drawn my attention to No.26A which is a modern dwelling to the side of No.26. Historically, this appears to have infilled one of the important gaps which the Council were concerned about. However, the context of this is somewhat different to the appeal site as No.26A is situated between a substantial three-storey Victorian property and a modern bungalow. It therefore provides a natural stepping up between No.24 and No. 26
14. For the above reasons the development would harm the character and appearance of the area and would conflict with Policy 8(d) (i) and (ii) of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (NNJCS) which amongst other matters seeks to ensure that proposals create a distinctive local character by responding to the sites immediate and wider context (drawing on

the best of that local character). It would also be at odds with the overarching aims of the National Planning Policy Framework (the Framework).

Living conditions

15. The appeal dwelling would be located between Nos.28 and 30 Hatton Park Road and both of these existing properties have side facing habitable room windows.
16. In respect of the effect on the occupiers of No.28, the Appellant has indicated that the previous building and landscaping would have no doubt restricted light into the side window of the kitchen to No.28. Whilst this may well have been the case, given that none of this exists now this is not a matter I can give any significant weight to in my decision.
17. From what I observed on site, there is one clear glazed habitable room window which faces the appeal site. This window serves the kitchen area of a dining kitchen which also includes french doors facing the rear garden. At my site visit, I was able to view the appeal site from the kitchen of No.28 and I saw that whilst light clearly came into the kitchen from the side facing window, there was also light from the rear aspect as well.
18. That said, the appeal proposal would clearly have some impact in terms of both sunlight and daylight especially given the relative position of the existing and proposed properties from sunrise through to sunset.
19. The shading study¹ indicates the kitchen window currently has an average of 6.6 hours of sun daily and this would reduce to 3.2 hours at the centre point of this window. The shading study also shows that during the winter period, there would be a great deal of sunlight blockage to the side kitchen window to the extent that it would receive little direct sunlight. To that end, I consider that the proposal would result in an unacceptable loss of sunlight to the kitchen which would have a detrimental impact on the living conditions of the occupiers of No.28.
20. In coming to that view, I acknowledge that during the summer period the level of sunlight blockage would not, in my opinion, be significant. However, this does not provide a justification for the loss of sunlight during the winter months.
21. In addition to the above, the proposal would result in the loss of some daylight into the kitchen area. However, given that the window would have some direct views over the flat roofed rear projection of the new dwelling, there would also be some daylight available to the window. This, coupled with daylight from other windows to the kitchen, would not harm the living conditions currently enjoyed in the kitchen to an unacceptable degree.
22. In terms of outlook, I consider that the siting of the dwelling to the side of the existing property would be such that it would not have a significant impact. This is particularly the case as there would be some views possible across the flat roof rear element of the new dwelling from the side kitchen window.
23. Having said that, these acceptable aspects to the proposal do not outweigh the harm I have found in respect of loss of sunlight during the winter months.

¹ Haskoll Sun Shade Analysis provided by the occupants of 28 Hatton Park Road

24. In respect of the first-floor bedroom, the window facing the appeal site is obscurely glazed. The bedroom also has a window facing No.26 which has clear glazing. Therefore, the window facing No.26 is the principle window to that bedroom.
25. The first-floor rear wall of the proposed dwelling would be located partway along this obscurely glazed window and it is clear that there would be some loss of light as a result. However, given that this window is a secondary window to the bedroom I consider that any loss of sunlight or daylight would not have such a significant impact to warrant the withholding of planning permission on this ground. To my mind, this is clearly demonstrated by the shading study which indicates that this bedroom would still have an average of 6.5 hours sunlight per day falling on the centre point of this window.
26. I have also taken into account that the proposal would result in the loss of daylight and sunlight to the other, non-habitable, rooms at No.28. However, given the use of these rooms, this is not a barrier to the granting of planning permission.
27. Additionally, concern has also been raised in respect of overshadowing and loss of privacy to the rear garden of No.28. However, I consider that there would only be a limited amount of overshadowing to the garden area and certainly not to an unacceptable degree. In respect of privacy, any overlooking potential would not be any worse than that from No.26. To that end, neither of these factors weigh against the proposal.
28. Turning to the effect on the occupiers of No.30, as I noted at my site visit the ground floor habitable rooms of the existing property have side facing windows. However, they also have windows on other elevations. With that in mind, I consider that despite the proximity of the new dwelling to these windows the impact would not be so significant that it would cause an unacceptable impact to the occupiers of No.30. This is particularly the case as they are located on the north-east side of the dwelling and would have little sunlight into these rooms from that direction.
29. In addition to the ground floor windows, there are two first floor windows to the side elevation of No.30. I saw that both of these rooms are bedrooms, albeit that one of these is currently being used as a study.
30. The rearmost bedroom window is located broadly in line with the first-floor rear elevation of the new dwelling. However, the eaves of the new dwelling would be around the height of the bottom of this window. This means that whilst there would be some obstruction to outlook and light, the impact of the new dwelling on this habitable room would be minimal.
31. In respect of the study room, the effect would be much greater owing to the height of the side wall of the new dwelling. That said, there would still be an element of outlook from the window above the new dwelling and to my mind a sufficient amount of daylight would be able to enter the room.
32. I have also considered the impact that the new dwelling would have on the remaining rear amenity area for No.30. Whilst there would be a much smaller garden area, it would be of an adequate size and quality for the reasonable expectations of the occupiers of the property. The scale of the new dwelling would not appear excessive nor would it result in an oppressive environment.

In summary, I consider that the proposed dwelling would not have an unacceptable impact on the amenity enjoyed by the occupants of No.30.

33. For the above reasons the proposal would harm the living conditions of the occupiers of 28 Hatton Park Road and would be in conflict with Policy 8 (e) (i) of the NNJCS which amongst other matters seeks to ensure that the quality of life of existing residents is not harmed and in particular by not resulting in an unacceptable impact on the amenities of neighbouring properties by reason of loss of light. In this respect, it would also be at odds with the overarching aims of the Framework.

Other matters

34. The Appellant has suggested that there could be a significant side extension and/or outbuilding constructed at the site without the need for planning permission. Whilst this may well be the case, it is unclear what these might be. I am also conscious that they would not provide the type of development currently applied for and as such I can only give this limited weight in my decision. With that in mind, the potential development which could take place without planning permission does not provide for a compelling reason why planning permission should be granted for an otherwise unacceptable development.

Conclusion

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

Chris Forrett

INSPECTOR