



Appeal Decision

Site visit made on 13 October 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/G2815/W/20/3256989

8 Hayway, Irthlingborough NN9 5QP

- 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 Mrs Natalie Whiting against the decision of East Northants District Council.
 - The application Ref 20/00151/FUL, dated 29 January 2020, was refused by notice dated 6 April 2020.
 - The development proposed is 2-storey 2-bedroom dwelling including access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site is located within the 3km buffer of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), a European Designated Site protected due to the number and type of bird species present. The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal. I have therefore considered this important matter under the first main issue.
3. A revised 'Proposed Plans & Elevations / Proposed Street Scene' drawing no 19-111-02 Rev B was submitted during the planning application process. However, the decision notice confirms that the Council based its decision on the original drawings submitted including Ref 19-0111-02A and so shall I.

Application for costs

4. An application for costs was made by Mrs Natalie Whiting against East Northants District Council. This application is the subject of a separate Decision.

Main Issue

5. The main issues are the effect of the proposal on:
 - the integrity of the SPA; and
 - the character and appearance of the area.

Reasons

Integrity of the SPA

6. The Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document - Addendum to the SPA SPD: Mitigation Strategy' (SPD) includes a map which clearly identifies Irthlingborough as sitting within the SPA 3km buffer. Given the location of the appeal site within the built-up area, any adverse effects on the SPA would be likely to be through the potential for increased recreational pressure from occupants of the development. Even a single dwelling has the potential to have an impact. However, it is likely to be the case that the impact would be more significant when taken in combination with other residential development in the area. Such a cumulative impact has the potential to adversely affect the integrity of the SPA.
7. The SPD sets out that for most residential developments within the 3km buffer a contribution towards mitigation will remove the adverse effect on the integrity of the SPA. Developments of 9 or fewer, such as the appeal proposal, require a contribution of £269.44 (index linked with a base date of 2016) towards Strategic Access Management and Monitoring (SAMM). The appellant was made aware of this requirement at the pre-application stage and this is also referred to in the appellant's statement. As part of the planned mitigation strategy, I am satisfied that such a contribution would be appropriate and effective in respect of mitigating the impact of the appeal proposal.
8. However, the appellant has not provided a legal obligation setting out that in the event of planning permission being granted, such a contribution would be made. I am therefore not in a position to secure the appropriate mitigation. Without this, I cannot be certain that the development would not have an adverse effect on the integrity of the SPA.
9. Consequently, I conclude that in the absence of appropriate mitigation, the proposal would be likely to adversely affect the integrity of the Upper Nene Valley Gravel Pits SPA. In that regard, the development therefore conflicts with Paragraph 177 of the National Planning Policy Framework (the Framework) and Regulation 63 of the Conservation of Habitats and Species Regulations. The development would also fail to comply with the requirements of the SPD.

Character and Appearance

10. The appeal site is located within a close-knit residential area. Hayway is predominantly characterised by two-storey semi-detached and terraced dwellings. There is a degree of uniformity to the street in terms of the scale of properties and the hipped roof forms to the end terraced dwellings and many of the semi-detached dwellings. However, there are dwellings of alternative layout and design in the area including the corner dwelling at No 8 Hayway which incorporates gabled roof forms.
11. The dwelling would be of a comparable height to neighbouring dwellings to either side. The variation in ridge lines on the dwelling would be marginal and would not unduly disrupt the stepped reduction in ridge heights between the dwelling at No 8 and the end terraced dwelling at No 10 Hayway. The mix of hipped and gabled roof forms would also positively respond to the respective roof shapes on these neighbouring dwellings.

12. The dwelling would have a similar amount of window and door fenestration to the nearest neighbouring dwelling at No 10. Consequently, any reduction in comparable width in relation to neighbouring dwellings would not be highly perceptible from the street. The bay window would be similar to that at No 8 and other dwellings in the area. The rendered finish would positively correspond with the finish on neighbouring terraced dwellings and a condition could be attached to secure this.
13. Overall, I conclude that the design features incorporated would ensure that the detached dwelling would effectively assimilate into the street scene in this particular instance. Consequently, the dwelling would have an acceptable effect on the character and appearance of the area. In that regard, it would comply with Policy 8 (North Northamptonshire Place Shaping Principles) of the North Northamptonshire Joint Core Strategy (2016) which amongst other things states that development should create a distinctive local character by responding to the site's immediate and wider context.

Planning Balance and Conclusion

14. A single dwelling would make a limited contribution towards the Council's housing requirements and would add to the housing mix in the area. The development would have an acceptable effect on the character and appearance of the area.
15. However, in the absence of a legal obligation to secure appropriate mitigation, I cannot be certain that the development the development would not have an adverse effect on the integrity of the SPA. This is a matter which significantly and demonstrably outweighs the benefits, when assessed against the policies of the Framework as a whole.
16. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR