



Appeal Decision

Site Visit made on 12 January 2021 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/G2815/D/20/3261434 16 Rose Avenue, Rushden, NN10 9NX

- 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 Tom Larkin against the decision of East Northamptonshire District Council.
 - The application Ref 20/00567/FUL, dated 11 May 2020, was refused by notice dated 7 August 2020.
 - The development proposed is described as 'demolition of existing garage and carport and construction of new detached garage'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The effect of the proposed development upon: 1) the character and appearance of the host property and the surrounding area and, 2) the living conditions of the occupiers of Nos 12 and 14 Rose Avenue, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site lies in a predominantly residential area comprising a mix of single and two storey detached and semi-detached properties. The individual properties are set back from the highway and have small front gardens. Attached and detached garages are a feature of the area with flat or pitched roofs, which are subservient in scale to the dwelling they serve. Well defined building lines, a limited pallet of materials and a varied roofscape define the character of the area.
5. The proposed development would sit to the rear of the host property, but would be located in a prominent position, projecting forward of the sub-station and dwellings in Park Avenue. It would be a large, tall building and mention is made of its dimensions in the Council's Officer report of its width being 8

metres, depth being 14 metres and height of 6.8 metres to the top of the roof lantern, which is not disputed.

6. The proposal would compete visually with the host property, particularly when viewed from the junction of Rose Avenue with Park Avenue, introducing an overly large outbuilding within the rear garden environment which would be harmful to the character and appearance of the host dwelling.
7. Moreover, the new garage would be significantly larger and taller than detached garages or outbuildings in the locality and would as a result of its design, appearance and siting be a prominent and incongruous feature within the street scene. Consequently, it would not be sympathetic to local character and would erode the strong sense of place that exists within the locality.
8. I noted on my site visit the brick built sub-station on land adjacent to the appeal site, the flat roofed convenience store nearby and a number of large residential extensions in the locality, including a flat roofed two storey extension at 101 Park Avenue. However, I am not aware of the individual circumstances that led to those developments, and in any event, they are not directly comparable with the appeal proposal. They do not provide justification for it. Each planning application and appeal is determined on its merits.
9. I acknowledge the appellant's desire to provide a sustainable and innovative form of development, however the design approach proposed is unlikely to be the only option available to achieve this. In this regard paragraph 131 of the National Planning Policy Framework (Framework) whilst supporting innovative designs that promote high levels of sustainability does so only where the development fits in with the overall form and layout of its surroundings, which is not the case with the proposal before me. Such matters do not provide justification for harmful development.
10. In the light of the above, I conclude that the proposal would result in harm to the character and appearance of the host property and the surrounding area, contrary to Policy EN1 of the Rushden Neighbourhood Plan - "Made" (adopted) June 2018 (RNP) and Policy 8 d) i of the North Northamptonshire Joint Core Strategy 2011-2031 which jointly require developments, amongst other matters, to be of a high quality of design that responds to the site's immediate and wider context and local character. Moreover, the proposal conflicts with the design aims of the Framework set out within Chapter 12.

Living conditions

11. The proposal would lie to the rear of the bungalow at No 14 Rose Avenue. The new garage would be located some distance from the rear of this property and whilst it would be visible from the rear rooms and rear garden, its design and relationship to No 14 would ensure that it would not be intrusive or overbearing on the outlook from these areas. The living conditions of the occupiers of this property would not be adversely affected by the proposal.
12. The proposal would be sited in close proximity to the rear garden of No 12 Rose Avenue. The scale of the garage, taken with the garage at No 14 would result in a significant sense of enclosure to the rear garden environment, thereby resulting in it having an overbearing impact on the rear garden of No 12. Consequently, the proposal would make the rear garden of No 12 a less

pleasant space for its occupiers to spend in, and accordingly harm to their living conditions would occur.

13. Notwithstanding my finding above, I am satisfied that there would be sufficient distance between the rear windows of No 12 and the new garage, such that it would not be overbearing on the outlook from the rear windows, to the degree that be harmful to the occupiers' living conditions.
14. In conclusion, whilst I have found that the proposal would not have a harmful effect upon outlook from within Nos 12 and 14, it would have an adverse impact on the enjoyment of the rear garden of No 12. As a result, harm would be caused to the living conditions currently experienced by the occupiers of this property. Consequently, the proposal is contrary to Policy EN1 of the RNP which seeks to protect amenity and improve the quality of life of the District's residents. This policy is consistent with Paragraph 127 of the Framework which requires that developments create places with a high standard of amenity for existing and future users.

Other Matters

15. I have been provided with details of a Lawful Development Certificate granted by the Council in relation to a proposed replacement garage at the appeal site. The details provided illustrate a building having the same floor area as the appeal proposals but with a lower eaves and ridge height. This scheme is not therefore comparable to the proposal before me. Consequently, the availability of this fall-back position does not alter the conclusions that I have reached in respect of the main issues.

Conclusion and Recommendation

16. For the reasons given above and having regard to all other matters raised, there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR