



Appeal Decision

Site Visit made on 7 December 2020

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2021

Appeal Ref APP/V2825/W/20/3257246

Billing Arbours House, Heather Lane, Northampton, NN3 8BP

- 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 and Mrs S Hyland against the decision of Northampton Borough Council.
 - The application Ref N/2019/1335, dated 18 October 2019, was refused by notice dated 2 March 2020.
 - The development proposed is 2 new dwellings with off road parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposed development on the setting of Billing Arbours House, a Grade II listed building.

Reasons

Character and appearance

3. Jubilee Terrace¹ and Jubilee Mews are recent well designed residential streets of two and three storey terraced houses. Along Jubilee Terrace the varied houses are set close to the back edge of the pavement creating an intimate streetscene. This has been greatly assisted by locating off road parking for the development away from the front elevations of the houses.
4. The set back of the proposed semi-detached pair of houses would be far greater than other houses along the street in order to cater for the electricity substation in front of the site and provide off road car parking for the scheme. The substation in front of plot 2 and off road car parking for the scheme across the front of plot 1 would dominate the development and prevent it from contributing positively to the streetscene. The overall effect would be of a poorly designed scheme that has given insufficient consideration to the restricting features of the site and how it would integrate with the character and appearance of development along Jubilee Terrace. Whilst the scale and form of the houses, and the use of dormer windows, would complement the existing development along Jubilee Terrace, this would not overcome the considerable adverse effect on the streetscene described.

¹ referred to on the submitted plans as Burrows Court but the street sign gives it the name Jubilee Terrace

5. Taking all these matters into account, I therefore conclude that the proposed development would cause considerable harm to the character and appearance of Jubilee Terrace and would constitute poor design, contrary to policies H1 and S10 of the West Northamptonshire Joint Core Strategy ('Joint Core Strategy'), policy E20 of the Northampton Local Plan ('Local Plan'), policy DES1 of the Growing Together Neighbourhood Plan ('Neighbourhood Plan') and chapter 12 of the National Planning Policy Framework ('the Framework'). These policies, amongst other matters, and chapter require the protection of the character and appearance of a locality through high quality design that respects local design features.

Listed building

6. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Of the development plan policies referred to in relation to this issue, I consider policies S10 and BN5 of the Joint Core Strategy, which require that new development conserves and enhances heritage assets, to be the most relevant.
7. Billing Arbours House is a detached Grade II listed former farmhouse dating from the early to mid-nineteenth century. Constructed from local sandstone with a slate roof that has wide eaves cornices, and with sash windows and a cast iron porch, it is attractively proportioned and has a pleasing symmetry. Its special interest and significance is historical and architectural.
8. The house is set back from the road within a spacious plot on the corner of Heather Lane and Jubilee Terrace. Outbuildings attached to its side wrap round to form an enclosed yard to the rear. Its immediate setting with long wide gardens to the front and eastern side of the house, together with the wide grass verges, and mature trees and woodland along Heather Lane is characteristic of the rural character the local area once had and contributes to its significance. In contrast, facing the house along Jubilee Terrace and along Jubilee Mews to the west, is modern high density terraced housing which encloses the listed building and its curtilage.
9. The appeal site is an overgrown plot of land that faces Jubilee Terrace and forms part of the original curtilage of the listed building. Enclosed on its western and northern side by Jubilee Mews, and with trees that would be retained along its eastern side separating it from the lawn to the front of the listed building, it is a pocket site which in views from Jubilee Terrace very much appears to form part of the streetscene associated with the newer development along this road. In views from within the listed building and its front garden, the site is effectively screened from view by its setback and line of trees separating it from the lawn.
10. For these reasons, I therefore find that whilst the appeal site lies within the setting of Billing Arbours House it does not make a positive contribution to the heritage significance of the listed building. As such, the development proposed would not harmfully encroach upon the setting of the listed building or cause harm to its special interest or significance. The proposal would therefore comply with the statutory test and in this regard with policies S10 and BN5 of the Joint Core Strategy. As a result, it would also comply with chapter 16 of the Framework which promotes the conservation of the historic environment.

Planning balance

11. I have found that the proposal would not constitute good design and would cause notable harm to the character and appearance of the area contrary to policies H1 and S10 of the Joint Core Strategy, policy E20 of the Local Plan and policy DES1 of the Neighbourhood Plan. Although these policies predate the publication of the current Framework, as they seek to secure good design, which is a policy of the Framework², they are consistent with it and significant weight should be given to them in this appeal.
12. The proposal located would comply with policies S1 and BN5 of the Joint Core Strategy in terms of the distribution of development and preserving the setting of the listed building. It would also comply with policy OS2 of the Neighbourhood Plan which relates to amenity space. These policies are also consistent with the Framework and significant weight should also be attached to them. Given the notable conflict though described with regard to the three policies relating to good design, I find that the proposal would conflict with the development plan considered as a whole.
13. The Council has a 3.3 year supply of deliverable housing sites and so cannot demonstrate a five year supply. In these circumstances footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. There would be social and economic benefits associated with the proposal. However, even taking account of the Framework's objective of boosting significantly the supply of housing and the Council's significant shortfall of deliverable housing sites, these benefits would be limited. Two additional dwellings would make little difference to the overall supply of housing. Furthermore, the support that the construction of these dwellings and the resulting two extra households would provide to the local economy in the town would be small. With regard to construction, the support would also be of short duration.
15. The adverse impact of the proposal on the character and appearance of the area and its failure to constitute good design would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal should be dismissed.

Ian Radcliffe

Inspector

² Chapter 12