



Appeal Decision

Site visit made on 7 December 2020 by Andreea Spataru BA (Hons) MA

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/U2805/D/20/3258982

11 Water Lane, Cottingham LE16 8XU

- 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 Mick Bromwell against the decision of Corby Borough Council.
 - The application Ref 20/00157/HHA, dated 7 February 2020, was refused by notice dated 8 July 2020.
 - The development proposed is described as “erection of rear two storey extension”.
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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 main issues are the effect of the proposal on:
 - the character and appearance of the host dwelling, and whether the proposal would preserve or enhance the character or appearance of the Cottingham and Middleton Conservation Area; and
 - the living conditions of the occupants of No 9 Water Lane, with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

4. The appeal site relates to a detached, two-storey cottage, which is identified as a non-designated local heritage asset. It faces Water Lane and is within the Cottingham and Middleton Conservation Area (CMCA). The building sits close to the road; it has a two-storey rear extension and a garden to the rear. Given the siting of the dwelling in relation to the adjacent neighbouring properties, particularly No 9 Water Lane, which is well set back from the road, the rear garden and extension of No 11 are clearly visible within the street scene.
 5. The proposal seeks the construction of a two-storey extension to the rear of the existing two-storey rear extension. It would further extend the depth of the original dwelling, by approximately 3m, as shown on the submitted plans. The extension would project along the full width of the existing rear extension and
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- would have a pitched roof, which would be set down from the main ridge. A first-floor window would be added on the existing west elevation, and a roof window would be inserted on the east roof slope of the existing dwelling.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect, national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account, including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
 7. The CMCA is generally linear in shape, following the line of the main east-west route through Cottingham and Middleton, and its significance derives from the presence of a number of historic dwellings and the fields to the south. The character of this part of the CMCA, along Water Lane, is largely defined by a mix of small cottages, such as at the appeal site, and larger farmhouses. This mix of properties contributes positively to the character and appearance of the conservation area.
 8. The proposal, when considered together with the existing extension, would significantly increase the depth of the original dwelling. The existing and proposed extensions, particularly because of their combined massing and bulk, would result in a visually sizeable extension, which would not be proportionate to the modest host dwelling. As a result, the extension would be an incongruous addition to the appeal property and the extended dwelling would lack a cohesive form and character.
 9. When viewed from the sides, the massing of the extension would dominate the host dwelling and disrupt its small cottage character. Whilst the extension would match the materials and details of the main house, this would not be sufficient to make it acceptable. Given the prominence of the property and, in particular its contribution to the street scene, the proposal would have an adverse effect on the character and appearance of the CMCA.
 10. The appellant has drawn my attention to other small cottages along Water Lane that have large extensions. However, I do not have all the details of those cases, or the circumstances in which they were granted permission before me. I cannot therefore be certain that they are directly comparable. Moreover, I have considered the proposal on the basis of its own merits and the site-specific circumstances of this case.
 11. For the above reasons, the proposal would be harmful to the character and appearance of the host dwelling and fails to preserve or enhance the character and appearance of the Cottingham and Middleton Conservation Area and as such does not meet the statutory requirements of section 72(1) of the Act. Furthermore, the development is contrary to Policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (CS), which collectively state that, amongst other things, developments should respond to the site's immediate context and complement their surrounding historic environment through their form, scale and design.

12. In terms of the approach set out in the Framework, due to the small scale of the development, the harm to the significance of the heritage asset would be less than substantial. In such cases, harm should be weighed against the public benefit of the proposal in accordance with paragraph 196 of the Framework. The benefits of the scheme would appear to be solely private, as it would increase the living space for the occupants of the dwelling, and hence do not outweigh the harm that I have found.

Living conditions

13. No 9 is located at an angle, to the north-west of the appeal dwelling. Given the depth of the extension, the distance between the appeal dwelling and dwelling No 9 would be markedly reduced. Whilst the existing bedroom windows of the appeal dwelling are currently facing No 9, the proposal, by bringing the dwelling closer to No 9, would increase the existing levels of overlooking to such a degree that their privacy would be unacceptably harmed. This would be detrimental to the living conditions of the occupants of No 9.
14. I note that the appellant is willing to remove the bedroom windows from the rear elevation and replace them with roof windows. However, my consideration of this appeal proposal is based on the submitted plans on which the Council's made their decision and neighbours were consulted.
15. Accordingly, I conclude that the proposal would result in harm to the living conditions of the occupants of neighbouring property No 9 Water Lane, with regard to privacy. Consequently, the development would conflict with Policy 8 of the CS, which requires developments, amongst other things, to protect amenity by not resulting in an unacceptable impact on the amenities of neighbouring properties by reason of overlooking.

Other matters

16. The appellant has drawn my attention to the consultation responses from the Conservation Officer and the Parish Council who did not have any objections. Nonetheless, I have to consider the proposal on its merits.
17. The appellant has stated that the proposal could have been permitted under the General Permitted Development Order if the appeal site would not have been within a conservation area. However, as the site is within a conservation area this matter has no bearing on my considerations.

Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR