



Appeal Decision

Site Visit made on 9 March 2021

by **Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/V2825/W/20/3263925

King David Public House, Newnham Road, Northampton NN2 7RE

- 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 Bare Trust of Mihai Campau against the decision of Northampton Borough Council.
 - The application Ref N/2020/0445, dated 21 April 2020, was refused by notice dated 3 August 2020.
 - The development proposed is construction of two market houses in semi detached format.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development and the site address in the heading above has been taken from the planning application form. However, in Part D and E of the appeal form it is stated that the description of development or address has not changed but, nevertheless, different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development or address has been agreed. Accordingly, I have used the details given on the original application.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the development on the living conditions of nearby occupiers with specific regard to outlook and privacy;
 - Whether satisfactory living conditions for future occupiers would be created, with particular regard to outlook and privacy; and
 - The effect of the proposed development on the safe and efficient operation of the local highway network.

Reasons

Character and appearance

4. The appeal site is a broadly rectangular shaped parcel of land located on one side of Eastern Avenue. The site has been fenced off from surrounding properties but sits next to existing dwellings and the former King David public

- house (PH) which has been converted into flats. The PH has ground and first floor windows facing the site and its amenity space sits between the building and the site.
5. Eastern Avenue is characterised by two storey dwellings with consistent deep set backs from the highway. These deep frontages, wide pavements and road creates the impression of a spacious residential environment.
 6. I acknowledge that the scale of the proposed development would be similar to neighbouring properties and would incorporate defensible space. However, they would be sited within close proximity of the road and significantly more so than nearby properties fronting Eastern Avenue. The position of the dwellings would be uncharacteristically close to the road frontage appearing as unduly prominent and dominant features undermining the spacious character of the area.
 7. The appellant has referred to other properties positioned close to the road. However, every appeal must be considered on its own merits. The presence of other examples in the area does not justify the harm that I have identified.
 8. As such, the proposed development would unacceptably harm the character and appearance of the area contrary to Policies H1 and S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (CS) which, amongst other things, expect housing developments to have regard to the existing character and density of the local area, achieve the highest standards of sustainable design and to protect, conserve and enhance the built environment.
 9. It would also be contrary to Policy E20 of the Northampton Local Plan (1997) (LP) which, amongst other things, requires new development to reflect the character of its surroundings in terms of layout, siting, form and scale.

Living conditions of existing occupiers

10. Whilst the lounge and kitchen windows would be set below road level the elevated position and height of the proposed development combined with the limited separation between it and the PH would result in direct overlooking of the PH's amenity space and into habitable rooms. This would lead to an unacceptable loss of privacy for existing occupiers. Whilst the appellant is proposing a tall fence, I find that this would not be effective in protecting the living conditions of existing occupiers due to the lack of separation between the buildings and the elevated position of the proposed dwellings.
11. The proposed development's elevated position, height and proximity to the PH would be visually intrusive and would diminish the living conditions of existing residents in terms of outlook. The dwellings would therefore have a significant overbearing effect on the occupiers of the PH.
12. I conclude that the proposed development would adversely affect the living conditions of existing occupiers contrary to Policies H1 and S10 of the CS which, amongst other things, expect housing development to have regard to the amenities of occupiers of neighbouring properties and to achieve the highest standards of sustainable design.

13. It would also be contrary to saved Policy E20 of the LP which, amongst other things, requires new development to ensure adequate standards of privacy, daylight and sunlight.

Living conditions for future occupiers

14. I acknowledge that the appellant has provided window to window distances between the proposed development and the PH. However, the consideration of the impact of the proposal in relation to living conditions is one of planning judgement based on the merits of the scheme rather than a solely numerical exercise.
15. The close spatial relationship between the two buildings and the size and position of windows in the rear elevation of the PH would lead to direct overlooking between habitable room windows and the proposed rear gardens and a subsequent loss of privacy for future occupiers.
16. Whilst I accept that in some urban areas there is a degree of mutual overlooking between properties, in this case, the position of the proposed dwellings and their amenity space and the close spatial relationship with the PH would result in an oppressive environment for future occupiers with limited privacy or relief from the neighbouring built form. The position and spatial relationship between existing buildings does not lead me to reach a different conclusion in relation to this matter.
17. As such, I conclude that the proposed development would not provide acceptable living conditions for future occupiers with regard to privacy and outlook contrary to Policies H1 and S10 of the CS which, amongst other things, expect housing development to have regard to the living conditions being provided for future residents and to achieve the highest standards of sustainable design.
18. It would also be contrary to Policy E20 of the LP which, amongst other things, requires new development to ensure adequate standards of privacy, daylight and sunlight.

The safe and efficient operation of the local highway network

19. Notwithstanding the distance between the centre line of the proposed driveways and the bus shelter and the prevailing 30mph speed limit, I find that the bus shelter would obscure views for drivers in a northerly direction along Eastern Avenue. This would increase the likelihood for collisions with oncoming vehicles despite the absence of accident data.
20. The tandem parking layout would require vehicles to either enter the site in forward gear and reverse out on to the road or manoeuvre within the road to reverse into the site. These movements combined with the lack of visibility would increase the potential for conflict with vehicles resulting in an unacceptable impact on highway safety.
21. The appellant contends that buses only stop for a short time outside the site. However, the service is frequent with buses stopping several times an hour during the week and on Saturdays. Either side of the buses stopping I observed people sitting in the shelter and standing on the pavement close to the shelter waiting for the bus. Whilst I acknowledge that this is a snapshot in time, based on my observations and the evidence before me the limited visibility for drivers

when pulling out of the drive is likely to lead to conflict with buses and pedestrians harming their safety.

22. The appellant has made reference to a handful of bus stops next to existing driveways and similar driveway arrangements. However, these examples are not justification to allow a development that I have found to be harmful.
23. As such, the proposed development would result in conditions that would be detrimental to the efficient operation of the highway and harmful to highway and pedestrian safety. This would be contrary to paragraphs 108 and 109 of the National Planning Policy Framework which, amongst other things, seek to ensure that safe and suitable access to the site can be achieved for all users and to prevent unacceptable impacts on highway safety.

Other Matters

24. I acknowledge that no objections were received from the Council's Arboricultural Officer, Environmental Health Officer or local residents. However, the lack of objection counts neither for nor against the proposal and does not outweigh the harm that I have identified in relation to the main issues.

Conclusion

25. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR