

Appeal Decision

Site Visit made on 16 March 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: 29 March 2021

Appeal Ref: APP/G2815/W/20/3263991

111 London Road, Raunds, NN9 6DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs Farrington against East Northamptonshire Council.
 - The application Ref 20/00619/FUL, is dated 26 May 2020.
 - The development proposed is demolition of existing derelict nursery buildings and erection of a 5 bedroom detached dwelling and associated site works.
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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.

Preliminary Matters

3. In assessing this appeal, I am aware of the appeal for an additional dwelling on the adjacent plot of land. Whilst acknowledging that appeal¹, and understanding the relationship between the proposals, I am required to consider each appeal on its own individual merits, having regards to the provisions of the development plan and all other material considerations.

Main Issues

4. The main issues are:
 - whether the proposal would provide residential development that would meet an identified local need, having regard to development plan policies;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of future occupiers having particular regard to refuse collection.

¹ APP/G2815/W/20/3263990

Reasons for the Recommendation

Local need

5. The appeal site is located to the rear of existing residential development and would be accessed via a private drive, within close proximity to the facilities and services that the town offers. Open countryside lies to the north and west. At the time of my site visit part of the appeal site was occupied by a number of single storey 'barn like' structures orientated on a west to east axis. Close to the southern boundary were several other smaller 'storage' buildings. There was no evidence of a large building having a north south axis on the northern part of the site as shown on the existing site plan, with this part of the site being used for grazing purposes. The buildings were constructed of a variety of materials including timber and corrugated iron and varied in condition.
6. Policy 30 of the North Northamptonshire Joint Core Strategy (JCS)² states that housing development should provide a mix of dwellings sizes to cater for current and forecast accommodation needs. It indicates a need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings. However, it does not preclude proposals for larger (4+ bedroom) dwellings subject to supporting evidence being submitted in relation to the existing housing stock and local housing market. It requires that market demand should be met, as far as possible, at a cost that does not exclude local households. Moreover, proposals for custom-build development will be supported where they are in line with the spatial strategy.
7. Policy R1 of the Raunds Neighbourhood Plan (RNP)³ has similar objectives requiring proposals for new residential development to be accompanied by evidence to show how it would, by virtue of its type and size, contribute to meeting the future needs of Raunds, having regard to the existing housing stock and the local housing market conditions. The objective of the Policy R1 is to ensure that new housing is provided in a suitable range of tenures, types and sizes so that local people can continue to live in the town in a suitable home and to ensure a variety of new housing that is attractive to families who wish to re-locate to the area. It supports the JCS which indicates that, for new developments, a significant proportion (generally at least 70%) of small and medium sized properties (1-3 bedrooms) should be provided in order to achieve the objective of securing a balanced housing stock.
8. I note that the appellants are seeking a larger dwelling in the town and that the local Magenta Estate Agents consider that there is a limited choice of executive homes in the locality. However, I have been provided with little evidence demonstrating how the proposed dwelling would meet an identified local need as required by the development plan. In particular I have seen no substantive evidence regarding the existing housing stock, the availability of larger executive style properties on the market in Raunds and only circumstantial evidence of additional need for executive style dwellings, of the size proposed, arising from personal or business reasons.
9. Accordingly, whilst recognising that Policy 30 of the JCS and Policy R1 of the RNP make allowance for the provision of larger dwellings, I conclude that an

² Adopted July 2016

³ Made November 2017

identified need for the proposal has not been demonstrated, and accordingly the proposal conflicts with the JCS Policy 30 and RNP Policy R1.

Character and appearance

10. The appeal site lies to the north and west of properties on Cherry Walk and London Road. Cherry Walk is characterised by semi-detached and linked detached houses, built in a limited palette of materials, with a well-defined building line set a modest distance back from the highway. Their modest sized rear gardens slope down towards appeal site, some of which are enclosed with tall fencing. Properties fronting London Road are a mix of detached houses and bungalows with modest sized front gardens and generous long rear gardens. No 111 London Road sits to the rear of the properties fronting London Road and is accessed via a private drive. It comprises a detached bungalow with associated outbuildings set within a generous sized plot.
11. The proposed development would comprise a large, wide fronted, three storey detached dwelling, incorporating an attached triple garage with a games room above, on a generous sized plot of land. The proposed dwelling would be significantly larger than properties in the neighbouring streets, and its density and plot coverage would be significantly lower than properties within the locality. There would be large gaps between the proposed dwelling, and to the boundaries with neighbouring gardens, and in this regard the new dwelling would not reflect the close knit pattern of development nearby. Even taking account of the adjoining plot and the new dwelling proposed on it, I find that compared to properties in the neighbouring streets the proposed building would appear isolated within its plot. Consequently, the proposed development would not reflect the character or appearance of the area within which it would be located.
12. I acknowledge that the proposed development would not be clearly visible from the highways that serve Cherry Walk or London Road and has the potential to establish its own identity. However, it would be visible from the rear gardens of neighbouring properties and the open countryside to the north, and consequently it has to be considered within the context of buildings that surround it. Whilst acknowledging that properties in Cherry Walk and London Road would provide a backdrop to the proposed development when viewed from the north and west, it would, as a result of its scale and mass, still stand out against its primarily urban landscape. Moreover, when viewed from properties in Cherry Walk, it would contrast significantly against the rising land that comprises the open countryside to the north. As a result, it would appear as a prominent and incongruous feature that would be detrimental to the visual appearance of an important location on the edge of the built up area.
13. Whilst acknowledging the Council's concern regarding the absence of individual design features, such as chimney's, neither the case officers report, nor the Response to Appellant's Statement of Case went into any substantive detail about their concerns on this matter. With respect to chimneys I was not aware that they were a common characteristic of the area, when I carried out my site visit, and consequently give this aspect only limited weight. Nonetheless, I find that the overall design of the proposed development, due to its scale and mass, would be out of keeping with the prevailing character and appearance of the area.

14. In light of the above, I conclude that the proposed development would harm the character and appearance of the area. This would be in conflict with Policy 8(d) of the JCS which seeks, amongst other things, developments that respond to the site's immediate and wider context, including the local topography and landscape setting of the settlement. It would also conflict with Policies R2 and R3 of the RNP which promotes good design and encourages flexibility and adaptability in the design and construction of new dwellings, and the Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living conditions

15. Both parties agree that there would be no significant impact on the amenities of neighbouring occupiers by reason of overshadowing or overlooking. From what I have seen and read I do not disagree with their views.
16. The refuse/recycling bins would be stored adjacent a boundary fence close to the eastern elevation of the proposed triple garage. In this location they would be readily accessible to the occupants and would not appear as prominent features that would be harmful to the visual appearance of the proposed development or the locality. On collection day the bins would be wheeled a distance in excess of 100 metres, to a collection point adjacent to London Road. Whilst neither the JCS or the RNP contain specific policies with regards to waste storage and collection, they recognise that developments should be flexible and meet the changing needs of households and lifestyles. Standing Advice issued by Northamptonshire County Council indicates that vehicular accesses over 45 metres in length can have refuse collection implications. Part H of the Building Regulations states that residents should not be required to carry waste more than 20 metres. Other factors including the gradient of the access should also be considered.
17. Notwithstanding the level gradient of the access drive, and the use of wheeled bins, the transportation of up to 3 bins over the long distances proposed would be, at a minimum, an inconvenience to future occupiers. Moreover, it could present significant difficulties for the elderly or individuals with mobility issues. Whilst recognising that the arrangements may be acceptable to the prospective occupiers there is no certainty that they would occupy the property. I acknowledge that the occupiers of 111 London Road already transport their bins to London Road for collection, however this is a pre-existing situation and the distances involved are significantly shorter. The existing situation will not change as a consequence of the proposed development and in any event the impact on the individuals concerned would be more limited due to the shorter travel distance involved.
18. I acknowledge that no objection has been received from the Waste Manager. I also accept that whilst bins presented for collection would have a short term impact on the visual appearance of the street this would represent typical activity within a residential area. Therefore, whilst acknowledging bins presented for roadside collection would not create lasting harm to the visual amenity of the area these considerations would not overcome the shortcomings that I have identified above.
19. In light of the above the proposed development would conflict with Policies R2 and R3 of the RNP which promotes good design, encourages flexibility and

adaptability in the design and construction of new dwellings, and seeks to meet the changing needs of households and lifestyles. It would also conflict with the Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

20. The availability of a fall-back position under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 is disputed between the parties. From what I have read I note that no consent exists under Class Q. Even if the site did benefit from permitted development under Class Q, it is likely that the amount, scale, and mass of the resultant development would be significantly less than what is being proposed. Therefore, the impact on the character and appearance of the area would be more limited. As a consequence, I give this matter only limited weight.
21. During my site visit I saw the housing development, referred to me by the Appellant, at Chelveston Road. Whilst I was not provided with details of the internal accommodation, I noted that it is of a contemporary style, and its density and scale were compatible with nearby properties. It did not appear out of character with the area in which it was located. Therefore, this example is not directly comparable with the appeal proposal. It does not provide justification for it.
22. The appeal site is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site. The Conservation of Habitats and Species Regulations 2017 requires that where a plan or project is likely to result in a significant effect on a European site such as a SPA, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives.
23. The SPA was designated because of its international importance as a wetland habitat for non-breeding waterbirds. The supporting text of Policy 4 of the JCS sets out at paragraph 3.43 that any development that will lead to an increase in recreational activity on the SPA will be required to include the necessary mitigation. Given the likelihood of the intended future occupiers visiting this area, perhaps with their dog, it is likely that birds would be disturbed. I note that the appellants have paid a SPA mitigation payment, and the Council consider that the proposal is acceptable in this regard.
24. However I have limited information before me as to how the recreational pressure that would result on the SPA would be mitigated, and as such I cannot be certain that there would be no adverse effect on the integrity of the European site. In the event that I had found the proposal to be acceptable in all other respects, this is a matter that I would raise with the parties, however as I am recommending that the appeal is being dismissed for other reasons, it is not necessary for me to do this.
25. I also note that the Bat Survey – Preliminary Roost Assessment was undertaken in October 2018. Surveys older than around two years can be unreliable, and circumstances may have changed with time. On this occasion I have found that the proposal is unacceptable for the reasons set out above

however future proposals would be likely to require an updated survey. This would be in line with the recommendation made by the author of the original report.

26. I acknowledge that the proposed development might result in the release of a smaller dwelling within the area, however there is no certainty that this will be the case. Consequently, I give this matter no weight.
27. I do not agree with the assertion, given by the Appellants that site comprises previously development land given because land that is or was last occupied by agricultural or forestry buildings is specifically excluded from the definition given in Annex 2: Glossary of the Framework. Accordingly, this matter does not weigh in favour of the proposal.

Conclusion and Recommendation

28. I have found that an identified local need for the proposed development has not been demonstrated, that harm would be caused to the character and appearance of the area and that unacceptable living conditions for future occupiers would be provided, in conflict with both the JCS and RNP. The proposal conflicts with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I recommend that the appeal should be dismissed.

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

29. 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