



Appeal Decision

Site visit made on 9 March 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 09 April 2021

Appeal Ref: APP/Z2830/D/20/3263067

5 Burcote Road, Wood Burcote NN12 6JR

- 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 Mrs Paula Hargan against the decision of South Northants District Council.
 - The application Ref: S/2020/1338/FUL, dated 29 July 2020, was refused by notice dated 21 October 2020.
 - The development proposed is a proposed new garage/office structure detached from main house.
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Decision

1. The appeal is allowed, and planning permission is granted for a proposed new garage/office structure detached from main house at 5 Burcote Road, Wood Burcote NN12 6JR in accordance with the terms of the application, Ref: S/2020/1338/FUL, dated 29 July 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 553-001 Rev. C.
 - 3) Prior to the commencement of development, a schedule of works for the construction of the building, including foundations shall be submitted to and approved in writing by the Local Planning Authority. These details shall include either Pile or Raft foundations instead of Trench foundations to ensure the Root Protection Area of the neighbouring trees is protected and the tree is not undermined and damaged. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. The Council's decision notice refers to Policy EN4 of the South Northamptonshire Local Plan Part 2 (the Local Plan). It has subsequently been confirmed that this reference should be to Local Plan Policy NE4. As the appellant has referenced this policy within their submissions, I do not consider it would cause prejudice to any party to proceed with reference to Policy NE4.

Main Issues

3. The main issues are:

- the effect of the development upon the character and appearance of the surrounding area; and
- the effect of the development upon the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

4. The appeal site consists of a detached dwelling with a garden to the rear. Adjacent to the site is a terraced dwelling. Surrounding houses are constructed to a variety of scales and styles, utilising different materials. As part of this varied character, some properties feature outbuildings that are constructed to differing designs.
5. Owing to this variety in built form, the proposed outbuilding would not appear to be unusual given the presence of similar forms of development within the surrounding area. In addition, views into the appeal site are limited owing to the positioning of the appellant's dwelling and the neighbouring house at 4 Burcote Road. These houses are of two storeys and therefore have a notable screening effect. Due to this effect, views from the street would be limited and would occur on a fleeting basis only.
6. In addition, due to there being gaps between the side elevations of the proposed outbuilding and the neighbouring dwellings, the proposed development would not appear to be attached to either the appellant's dwelling, or the neighbouring house.
7. The development would also be screened, to some extent, by the appeal site's boundary treatments. These reasons, in unison, would ensure that the development would not appear incongruous or strident.
8. The proposed development would be viewed against a backdrop of buildings that have been constructed from different materials. This varied palette of materials also includes some that have been constructed using render as a finishing material.
9. A significant number of the nearby buildings have irregular footprints. Therefore, whilst the proposed development would be constructed to varying widths, it would not appear to be discordant when viewed in this context.
10. I have noted references to the South Northamptonshire Design Guide (2017) (the Design Guide). Whilst the garage door would be sited under the building's eaves (rather than on a gable end), the development would be set back from the highway and would not be in a prominent location. In result, owing to the context of the appeal site, this would not cause harm to the character and appearance of the surrounding area.
11. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would comply with the requirements of Local Plan Policy SS2. This, amongst other matters, seeks to ensure that new

developments demonstrate compatibility and integration with their surroundings.

Living conditions

12. The proposed building would be of a single storey and located close to the shared boundary between the appeal site and No. 4. The boundary is marked by a wooden fence. A tree is sited in the garden of No. 4, which is close to the location of the proposed development.
13. By reason of the height of this fence only a relatively limited element of the development would be visible from the occupiers of the adjoining property. Given that this would be combined with the length of the adjacent property's garden, the development would not have an enclosing, or overbearing, effect upon the neighbouring property.
14. In addition, any views of the proposed development from within the adjoining dwelling would be typically made at an oblique angle. This means that the overall enclosing effect upon the rear elevation windows of No. 4 would be small. In result, the proposed development would not result in a loss of outlook to occupiers of the neighbouring dwelling.
15. The development would breach a '45-degree' line running from the rear windows of No. 4. However, I have not been directed towards any policy that requires developments to be constructed to this standard. Furthermore, owing to the limited height of the proposed development, the presence of boundary treatment and the orientation of the site, the proposed development would not lead to a loss of light to the rear windows and rear garden of the neighbouring property.
16. Whilst the appeal site is located on land that is higher than No. 4, the difference between the two site's levels is not large. Therefore, this difference would not contribute to either a loss of light to the occupiers of No. 4 or make the proposed development appear overbearing.
17. My attention has been drawn to the Design Guide. Amongst other matters, this sets out minimum separation distances between buildings. However, the proposed development would be situated at an oblique angle from the rear elevation of No. 4 rather than directly facing an elevation of the neighbouring dwelling. In addition, the Design Guide is also clear that a lower separation distance can be applied in situations where there would not be harm to living conditions. For the preceding reasons, I consider that this objective has been adhered to.
18. The adjacent property at No. 4 contains a tree. This tree is not the subject of a tree preservation order, but it does provide some screening. However, for the foregoing reasons, even if the tree were to be removed the proposed development would not result in harm to the living conditions of the occupiers of No. 4.
19. Whilst the proposed development would be in proximity to this tree, there would still be some undeveloped areas around it by which roots could gain some moisture. In consequence, the health of the tree would not be impinged by the proposed development.

20. In addition, it is possible to secure tree protection measures through the imposition of a suitably drafted condition. This would provide additional assurances that the proposed development would not harm the adjacent tree and ensure that it would continue to offer some screening of the proposed development.
21. I therefore conclude that the proposed development would not have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would be in conformity with Policies SS2 and NE4 of the Local Plan. These, amongst other matters, seek to ensure that new developments do not unacceptably harm the amenity of occupiers and users of neighbouring properties and that developments should seek to integrate existing trees.

Other Matters

22. I have noted concerns regarding the potential use of the proposed development. The proposed development has been submitted based on it being for purposes ancillary to the appellant's dwelling. I have had regard to the fact that should it be proposed to intensify the use of the outbuilding, or change the way in which it is used, to the extent that it would no longer be incidental to the main use of the site as a residential dwelling, a further application for planning permission would be required. However, the evidence before me is not indicative that this scenario would arise.
23. Although the proposed development would result in an increase in the level of built form at the property, the evidence before me is not indicative of the proposed development having an adverse effect on the highway system.

Conditions

24. In addition to the standard implementation clause, a condition specifying the approved plans is necessary in the interests of precision. However, I have amended the wording suggested by the Council to remove references as to how variations to this plan might be considered as this pertains to a separate process.
25. Furthermore, to ensure that the tree at No. 4 is not adversely affected a condition requiring the approval of foundation details is necessary and reasonable.

Conclusion

26. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

Benjamin Clarke

INSPECTOR