



Appeal Decision

Site Visit made on 6 July 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2021

Appeal Ref: APP/V2825/W/21/3271771

The Vicarage, 104 Semilong Road, Northampton NN2 6EX

- 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 Kamal Hussain against the decision of Northampton Borough Council.
 - The application Ref N/2020/1145, dated 11 September 2020, was refused by notice dated 15 December 2020.
 - The development proposed is demolition of existing property and erection of 10 new flats and associated 17 car parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has submitted a flood risk assessment and sustainable drainage strategy which provides details on the surface water drainage options to serve the proposal. This document was not with the Council at the time it determined the planning application but its contents do not fundamentally alter the development. As such, I am satisfied no injustice would be caused by taking it into account in my consideration of the appeal.

Main Issues

3. In light of the appeal submissions, the Council advises the scheme is acceptable in respect of surface water drainage and flood risk and so it has withdrawn its third refusal reason. There is no justification for me to arrive at a different view on this matter. As such, the main issues are (i) the effect of the proposal on the character and appearance of the area, (ii) whether the scheme would provide suitable bin storage, and (iii) the effect on the living conditions of the occupiers of 1a Semilong Terrace (No 1a).

Reasons

Character and appearance

4. The appeal property is a detached house with boundaries onto Semilong Road, Cambridge Street, Essex Street and Essex Terrace. The area immediately surrounding the site is predominantly residential, with Semilong Terrace adjoining the site. There is a mix of dwellings in the area but most are traditional style terraced properties that face and are near to the road.
5. The front of the proposed building would be onto Cambridge Street with its side elevations close to and highly visible from Semilong Road and Essex Street. The rear elevation would face towards Essex Terrace and No 1a but it would

also be seen from Semilong Road and Essex Street due to the space at the back of the building for car parking. As it would be seen from streets on all sides, the proposal would have a marked visual influence on the area.

6. The side elevation onto Semilong Road would be particularly prominent due to its close proximity to the pavement and its 3 storey height. This flank wall would have one window per storey but it would be largely brickwork. As such, it would be a relatively featureless elevation compared to the frontages of houses that lie along most of the appeal site side of Semilong Road. Moreover, the significant gap between the proposed building and Semilong Terrace would be out of character with the general pattern of buildings attached or close to each other. For these reasons, the proposal would be incongruous to the street scene on the west side of Semilong Road.
7. The front of the building would be close to the pavement and it would be across most of the plot when viewed from Cambridge Street. In these regards, the proposal would reflect the terraced housing in the area. However, the front elevation at ground floor level would be dominated by the vehicular access and views of the undercroft parking, both of which would be unusual features to the area. Also, the lack of doorways onto Cambridge Street would be at odds with most houses on the road that have front doors. As such, the main elevation of the building would not fully reflect the general style of properties in the locality.
8. The proposal would be 3 storeys high with a large pitched roof and gable features to the front. As such, it would be taller than nearby houses which are either 2 storeys high or with a third floor in the roof space. The development would appear taller than the building on the opposite side of Semilong Road which has 3 storeys but a shallow pitched roof and no front gable features. Other referred to 3 storey high buildings are not seen with the site.
9. Moreover, unlike most of the houses in the area, a large proportion of the proposal would be visible from the street due to its prominent position. The incorporation of rendered walls and projections to the front would not meaningfully reduce the perceived mass of the building. By reason of its greater height, size and prominence in comparison with nearby properties, the scale of the development would fail to harmonise with its context.
10. The detached house currently on the site is unusual and of no particular architectural merit and so its removal would not affect the quality of the area. However, the proposal would be much more visible and prominent than the existing dwelling. Also, for the reasons set out above, it would fail to respect the fundamental elements of the local built environment. The provision of additional planting or other landscape features would fail to address or override the incompatibility of the scheme.
11. Therefore, I conclude the proposal would harm the character and appearance of the area. In these regards, it would not accord with policies S10 and H1 of the West Northamptonshire Joint Core Strategy 2014 (JCS) and policy E20 of the Northampton Local Plan 1997 (LP). Amongst other things, these aim to ensure development reflects the character of its surroundings.

Bin storage

12. The appeal drawings indicate 2 bin stores incorporated as part of the ground floor of the building. The doors to the stores would be close to parking spaces

- with a narrow path in between. As such, it would be difficult to move bins in and out of the stores, particularly if cars are parked in the nearest spaces.
13. The appellant suggests that alternative bin storage facilities could be provided elsewhere on the site. However, the parking and associated turning space would cover most of the rear part of the plot and so it is unclear where appropriate and convenient bin storage could be sensitively located. As such, I am unconvinced that this issue could be reasonably addressed through the imposition of a planning condition.
14. Therefore, I conclude that the proposal would not provide suitable bin storage. In these regards, it would not accord with JCS policy H1 which, amongst other things, seeks to ensure housing development takes account of the living conditions of future residents.

Living conditions of occupiers of No 1a

15. The rear elevation of the proposal would include several windows at ground, first and second floor level that would directly face the side boundary of No 1a. The windows would be away from the boundary but those at second floor level would be at a height to allow elevated views over a boundary fence onto No 1a's modest back garden. As such, the proposal would lead to significant and direct overlooking of No 1a's only private outdoor space.
16. The existing house on the site includes windows at first floor level that look towards No 1a and which are nearer to the boundary than the rear elevation of the proposed building. As such, there is already a degree of overlooking from the site onto No 1a. However, the development would introduce more fenestration at a higher level and across a larger proportion of the site's width. Therefore, the proposal would increase the potential for overlooking.
17. Moreover, the proposed building would be to the south of No 1a and would stretch across most of the site. By virtue of its relative orientation, height, width and proximity, the development would reduce sunlight to the back garden of No 1a.
18. The main views from the rear of No 1a are directed towards Essex Terrace and these would remain unaffected by the proposal. As such, the development would not be unduly intrusive to the outlook from the neighbouring property. However, acceptability in these regards fails to address or override the harm that would be caused by overlooking and overshadowing.
19. Therefore, I conclude the development would harm the living conditions of the occupiers of No 1a. In these regards, it would be contrary to JCS policy H1 and LP policy E20. These seek, amongst other things, to ensure new development has regard to the amenities of occupiers of neighbouring properties.

Other considerations and planning balance

20. The Council's appeal submissions indicate that it is currently unable to demonstrate sufficient land supply for housing to meet the minimum five year requirement, although there is no indication provided as to the current supply level. In such circumstances, the National Planning Policy Framework (the Framework) requires an assessment to be made of the benefits of the proposal against its adverse impacts.

21. The proposal would make a more effective use of land in an urban location where residents would have good accessibility to services and facilities. Also, it would add to the housing stock and help address the identified shortfall. Moreover, it would bring economic benefits in terms of creating construction employment and future occupiers supporting local businesses. Irrespective as to the level of housing land supply that can be demonstrated, I attribute positive weight to these benefits.
22. The identified harm to the area's character and appearance would go against the Framework's policy which seeks to ensure developments are sympathetic to the surrounding built environment. Also, the proposal would be contrary to the Framework's aim to create places with a high standard of amenity for users of property. The Framework states that permission should be refused for development that fails to take the opportunities available for improving the quality of an area. Consequently, I attach considerable weight to the detrimental effects of the scheme.
23. Overall, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when considered against the Framework. Therefore, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.

Conclusion

24. The identified harm in respect of the main issues means the proposal would be contrary to the development plan policies when considered as a whole. The benefits of the scheme and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. For these reasons, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR