



## 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**

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**Appeal Ref: APP/V2825/W/21/3271992**

**Garages Rear Of 74 Lower Thrift Street, Northampton NN1 5HP**

- 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 R Boswell against the decision of Northampton Borough Council.
  - The application Ref N/2020/1285, dated 12 October 2020, was refused by notice dated 16 December 2020.
  - The development proposed is demolition of existing garages (storage) and erection of new single storey office building.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garages (storage) and erection of new single storey office building at Garages Rear Of 74 Lower Thrift Street, Northampton NN1 5HP, in accordance with the terms of the application, Ref N/2020/1285, dated 12 October 2020, subject to the conditions in the Schedule at the end of this decision.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The garages on the site benefit from a certificate of lawfulness for the storage of building and building maintenance equipment. While to the rear of 74 Lower Thrift Street, the garage doors open out onto Elizabeth Street and the site lies in a row of similar outbuildings. On the opposite side of Elizabeth Street is a community centre, a school and residences. As such, there is a mix of uses and types of property in the vicinity of the site.
4. The proposed building would face onto and would be clearly seen from Elizabeth Street. Also, it would be visible when approaching the site along the pedestrian walkways from Stockley Street and Vernon Terrace to Elizabeth Street. Furthermore, it would be viewed from some of the nearby residences and from the windows in the rear of the community centre. Therefore, the development would have a noticeable street presence despite being behind Lower Thrift Street houses.
5. The existing garages are of functional appearance with no particular architectural merit and so their demolition would cause no detriment to the quality of the area. The office building would not appear unusually large or prominent as it would be in the same position and of a similar height and width to the existing garages.

6. The windows and recessed porch to the front of the offices would be untypical features amongst the adjoining outbuildings. Nevertheless, the development would be small, low and of a simple form and so in these regards it would be compatible with the row of garages. Given the established storage use of the site and the variety of properties in the locality, the low-key office building would not be at odds with any marked uniformity in the street.
7. Previous appeals for schemes on the site have been dismissed. However, all of these decisions concern housing developments which the Inspectors found did not relate well to the site's context. The current proposal to replace a storage building with a similar sized office is significantly different to these schemes. As such, these previous decisions do not set a precedent that I am bound to follow in the determination of this appeal.
8. The previous appeal decisions refer to the site and its surroundings as having a back-land character without an active built up frontage. Even if I was to accept this description, it does not follow that the site is inherently unsuitable for development. To my mind, the proposal's potential to create a more active frontage would be a positive contribution to the quality of Elizabeth Street.
9. For the above reasons, I conclude the development would not harm the character and appearance of the area. As such, in these regards, it would accord with policy S10 of the West Northamptonshire Joint Core Strategy 2014 and policy E20 of the Northampton Local Plan 1997. These aim, amongst other things, to ensure new buildings adequately reflect the character of their surroundings and achieve a strong sense of place.

### **Other Matters**

10. Car-borne visitors to the proposal would be reliant upon roadside parking. However, this would be similar to the existing situation and it is unlikely the office would lead to significant parking given its small scale. Furthermore, street parking opportunities exist nearby, albeit that there appears to be a high demand for these spaces. Also, the proposal would lie within an urban area where there is significant potential to travel to and from the site by means other than the private car. For these reasons, the development would be acceptable in terms of parking and highway safety.
11. The proposal includes a roller shutter to the recessed porch to help discourage unauthorised entry to the building. Moreover, the office use and the front windows would increase natural surveillance of the street and so would discourage antisocial behaviour. Therefore, the scheme would help create an environment where the fear of crime does not undermine the quality of life of residents and occupiers of property.

### **Conditions**

12. I have considered the conditions suggested by the Council having regard to the tests set out in the National Planning Policy Framework. Where appropriate, I have amended the wording for reasons of precision and to avoid unnecessary pre-commencement conditions.
13. For reasons of clarity, I impose a condition that requires the development to be carried out as shown on the approved drawings. To ensure the development does not lead to pollution, a condition is included in respect of a land contamination study, an appropriate site investigation and remedial works if

necessary. It would be reasonable for such information to be submitted and approved after the demolition of the garages and so the condition is worded to avoid pre-commencement requirements. For the same reasons, a condition is needed to address a situation where unidentified contamination is found during construction works. To ensure a satisfactory appearance, a condition is imposed that requires details of external materials to be approved.

14. A condition that requires approval of ground level details for the proposal is not needed as the appeal plans are sufficient in this regard. A condition is suggested that would limit the hours that the offices would be open. However, given the established storage use of the site and the low-key nature of the proposal, I am unconvinced the scheme would lead to additional noise and disturbance compared to the existing situation, regardless of opening times. As such, the condition is not required.
15. Limited evidence has been provided to explain the need for a condition that would only allow the building to be used as offices and for no other purpose under Class E of the amended Schedule to the Town and Country Planning (Use Classes) Order. Given the small scale of the proposal and the variety of uses in the locality, I find no clear reason for such a condition.
16. While not recommended by the Council, a suggestion is made to remove permitted development rights that would allow the change of the office to a residence. Such rights are subject to a determination on whether prior approval is required on several factors relating to the change of use. In light of this measure, the removal of permitted development rights has not been clearly justified and so the suggested condition is not included.

### **Conclusion**

17. The proposal would accord with the development plan policies when considered as a whole. Therefore, I conclude the appeal should succeed.

*Jonathan Edwards*

INSPECTOR

### **Schedule of Planning Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ASM-20-B2-1, ASM-20-B2-2 and ASM-20-B2-3.
- 3) Apart from the demolition of the existing garages, no development hereby permitted shall take place until a desk top study in respect of possible contaminants within the site and a proposed site investigation report has been submitted to and approved in writing by the local planning authority. The site investigation and appropriate risk assessments shall be carried out as approved and the results shall inform a method statement for any necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the

local planning authority prior to the commencement of any construction works on the development hereby permitted. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the local planning authority within 2 weeks of completion.

- 4) Any ground contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 5) Prior to the commencement of construction works on the office building hereby permitted, details of all external facing materials shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.