



Appeal Decision

Site Visit made on 13 July 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/G2815/W/21/3273781

18 Fitzwilliam Street, Rushden NN10 9YW

- 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 Warfield against the decision of East Northamptonshire Council.
 - The application Ref 20/01639/FUL, dated 9 December 2020, was refused by notice dated 4 March 2021.
 - The development proposed is residential development of 1 no. 2 bed house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area, (ii) its effect on the living conditions of occupiers of 18 Fitzwilliam Street (No 18) in respect of outlook and the amount of associated outdoor space, and (iii) whether the development would provide satisfactory living conditions for its occupants in terms of outdoor space.

Reasons

Character and appearance

3. The site lies behind buildings that face onto Fitzwilliam Street. A narrow alleyway between the road and a public car park runs along the side boundary of the plot. A residential apartment complex called Fitzwilliam Court lies on the other side of the alley and a community hall is to the front of the site. The proposal would be hidden from view from Fitzwilliam Street by the properties nearer to the road. However, it would be built on the boundaries with the alley and car park and so would be clearly visible from these vantage points.
4. The site forms part of the space between the car park boundary and the rear elevations of the community hall and No 18. The proposal would fill almost the entire area of the plot and so it would markedly erode this sense of space. This loss of openness would be readily apparent from the car park. Furthermore, the gable flank elevation of the house onto the alley would be significantly taller than the existing wall on the site boundary. As such, the proposal would appear prominent from the walkway and would result in a greater feeling of enclosure.
5. Other properties seen from the car park vary in size, design and form but are generally in plots larger than their footprints and set off the car park boundaries. The walls of Fitzwilliam Court are unusual as they are adjacent to the car park and alleyway. However, the proposal would be much smaller than

Fitzwilliam Court and so it would appear more confined in relation to the adjoining properties. The lack of meaningful outdoor space as part of the scheme would emphasise the constrained nature of the development.

6. The house would not be unusually tall and its pitched roof would be generally in keeping with those on nearby properties. Also, it would not be at odds with any marked uniformity in the style of surrounding buildings. Its windows would provide natural surveillance of the car park and alleyway and the house would be of more architectural interest compared to the existing boundary features. However, these acceptable and positive aspects of the design do not address or override the incompatibility of the scheme in terms of its limited sense of spaciousness and tight relationship to nearby buildings.
7. For these reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with policy 8 of the North Northamptonshire Joint Core Strategy 2016 (JCS) and policy EN1 of the Rushden Neighbourhood Plan 2018. These aim, amongst other things, to ensure development is of a high quality that respects local character as well as the site and its context.

Living conditions of occupiers of No 18.

8. On my visit, I saw the site fenced off from No 18. The side wall of the house would be on the site boundary and would be markedly taller than the existing fence. By reason of its position, height and width, the house would be clearly seen from No 18 and it would dominate and appear overbearing from a large part of its garden. Also, it would be near to and project out a marked distance beyond a glazed door in the rear of No 18. While views directly towards the car park would remain unaltered, the side wall would be obtrusive in views from this door by reasons of its size and close proximity.
9. No 18's back garden without the appeal site is modest but provides sufficient space for drying clothes and external storage of domestic items. As such, the proposal would retain an acceptable amount of outdoor space to serve No 18's occupants. Nevertheless, by reason of its dominating effect, the proposal would significantly reduce the attractiveness of the neighbouring garden for sitting out and relaxation purposes.
10. For the above reasons, I conclude the proposal would harm the living conditions of the occupiers of No 18 in respect of outlook, although I find that sufficient outdoor space would remain to serve occupants. As such, and in these regards, the development would not accord with JCS policy 8 which, amongst other things, seeks to ensure development does not have an unacceptable impact on neighbouring properties.

Living conditions of occupants of the proposal

11. The proposal includes very little outdoor space and that provided would be generally unusable for domestic activities by reason of its small size and lack of privacy. A bin store would be provided but there would be no private outdoor space for recreation and relaxation, storage of domestic items or clothes drying. I am referred to no required minimum standards in respect of garden areas. Even so, the lack of any useable private external space would be a significant shortcoming of the development, particularly as it would have 2 bedrooms and so would be able to accommodate a small family.

12. Reference is made to the availability of nearby public open space although no specific locations have been identified. In any case, such spaces would not be private and so they would not adequately mitigate for the lack of garden. Also, the provision of adequate internal floorspace does not address the specific concern regarding external areas.
13. For these reasons, I conclude the development would not provide satisfactory living conditions for its occupants in terms of outdoor space. In these regards, it would not accord with JCS policy 8, which, amongst other things, seeks to provide a high quality living environment for occupiers of property.

Other Matters and Planning Balance

14. A previous scheme for the site was refused by the Council but not for reasons that relate to the effect on No 18 or the amount of outdoor space to be provided for future occupiers. Consequently, these issues were not covered in the decision notice for the subsequent dismissed appeal. However, the Council has raised such concerns with the current proposal and so I am bound to consider these matters in my assessment. There is no indication that the Inspector found the previous scheme to be acceptable in these regards and so my findings of harm is not inconsistent with the previous decision.
15. The proposal would make a more effective use of land within an urban location where occupiers would be able to easily access facilities and public transport links. As a small scheme it could be delivered quickly and would add to the housing stock. Also, it would bring economic benefits through short term construction employment and occupants supporting local businesses. As it would provide only a single additional unit, I attach modest positive weight to these factors in my assessment.
16. The identified harm in respect of the main issues means that the proposal would be contrary to the development plan policies when read as a whole. The benefits of the scheme and other considerations are of insufficient weight to grant planning permission contrary to the development plan. As such, planning permission should be refused.
17. The development would lie within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), a European Designated Site. However, as I am dismissing the appeal for other reasons, there is no need to consider whether the proposal would affect the integrity of the SPA or to carry out an appropriate assessment. For clarity, I confirm that if I had found the scheme to be acceptable in these regards, such a finding would not have affected my overall conclusion.

Conclusion

18. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR