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## Appeal Decision

Site visit made on 29 June 2021

**by Rachael Pipkin BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 July 2021**

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**Appeal Ref: APP/U2805/W/21/3270122**

**147 Butland Road, Corby NN18 8FN**

- 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 Howard Lea against Corby Borough Council.
  - The application Ref 20/00379/DPA, is dated 9 September 2020.
  - The development proposed is described as 'development of an open market dwelling to include a two storey side extension, to use materials to match the existing. The private garden space is proposed to be extended up to the front/footpath boundary line using closeboard fencing to match the existing. A low level wall or hedge is proposed to follow the front boundary line to clearly divide the public footpath and private land'.
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### Decision

1. The appeal is allowed and planning permission is granted for an open market dwelling to include a two storey side extension, to use materials to match the existing. The private garden space is proposed to be extended up to the front/footpath boundary line using closeboard fencing to match the existing. A low level wall or hedge is proposed to follow the front boundary line to clearly divide the public footpath and private land at 147 Butland Road, Corby NN18 8FN in accordance with the terms of the application, Ref 20/00379/DPA, dated 9 September 2020 and subject to the following condition:
  - 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

### Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the statutory period. Although there is no formal decision from the Council it has stated that had it been in a position to determine the application it would have granted planning permission subject to a standard time implementation condition.
3. The Council has directed me to Saved Policy P10(R) of the Corby Local Plan 1997 (LP). I have therefore determined this appeal in light of this policy and the National Planning Policy Framework (the Framework).

## **Main Issues**

4. Based on my site visit and the evidence submitted by the appellant, Council, consultees and interested parties, I consider that the main issues are the effect of the proposed development on:
  - the character and appearance of the area; and
  - highway safety.

## **Reasons**

### *Character and appearance*

5. Number 147 (No 147) is a two-storey detached house within a modern residential estate. It is set back from the footpath, behind an unenclosed area of lawn and planting. The surrounding properties are similarly set back from the road although a number of them are enclosed by low level fencing and boundary vegetation with car parking to the front. This gives the area a spacious and open character.
6. The proposed extension would extend to the side of the existing house with the same ridge line, roof shape and windows which would match those in the existing building. It would retain adequate space between it and the boundary with the adjacent property. As such it would fully integrate with the host property and would not adversely affect the character or appearance of the area from which it would be widely visible.
7. The enclosure of half the garden up to the boundary with the pavement would follow the front boundary line of an enclosed area of parking for the adjacent houses. Whilst the proposed fence would be higher than this adjacent fencing, when viewed in the context of the extensive and maturing boundary vegetation which encloses the neighbouring parking area, it would not appear unduly prominent. Furthermore, parking outside 153 Butland Road on the opposite side of the shared driveway serving No 147 is enclosed by a tall boundary hedge. In this context, the proposed high fencing enclosing part of the garden would not be out of keeping. As such, whilst there would be some loss of the open character at the front of the property, it would not unacceptably harm the character of the area.
8. I conclude that the proposed development would not harm the character and appearance of the area. It would therefore accord with Saved Policy P10(R) of the LP which requires alterations and extensions to houses to not adversely affect the appearance of the house or surrounding area.

### *Highway safety*

9. The local highway authority has raised a concern that the proposed enclosure of the front garden may reduce visibility for cars emerging from the shared driveway onto the highway. I have not been provided with the precise dimensions of any visibility splay. The shared drive onto the highway is some distance from and would be separated from the proposed high fence by the area of retained open front garden.
10. Cars emerging from that drive would continue to have views to the right across the retained open area of garden. Views beyond this may be slightly restricted by the proposed high fence. However, I observed that views in this direction

are already restricted by the boundary vegetation both within the appeal site and enclosing the adjacent parking area. The proposal would not significantly reduce this.

11. The highway authority has questioned whether the front garden area would be classed as public highway and therefore whether the appellant would be able to enclose this land. However, I have been provided with no firm of evidence of this. In any event, an appellant does not have to own the land to seek planning permission. It seems to me that any such matters would be subject to other controls, beyond the scope of this appeal.
12. I conclude that the proposed development would not harm highway safety. It would therefore accord with the Framework which sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

### **Conditions**

13. The Council has not suggested any conditions other than the standard condition relating to time for implementation. No other conditions would be required.

### **Conclusion**

14. For the reasons set out above, I conclude the appeal should be allowed and planning permission granted.

*Rachael Pipkin*

INSPECTOR