
Appeal Decision

Site Visit made on 10 September 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/G2815/W/21/3274900

53a Main Street, Yarwell, Northamptonshire PE8 6PR

- 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 Richard Anthony against the decision of East Northamptonshire Council.
 - The application Ref 20/01229/FUL, dated 28 September 2020, was refused by notice dated 15 January 2021.
 - The development proposed was originally described as 'erection of 1.5 storey single dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single dwelling at 53a Main Street, Yarwell, PE8 6PR in accordance with the terms of the application, Ref 20/01229/FUL, dated 28 September 2020, subject to the 10 conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Richard Anthony against East Northamptonshire Council. Since the Council issued its decision, East Northamptonshire Council became part of North Northamptonshire Council on 1 April 2021. My Appeal Decision and separate Costs Decision will therefore be issued to North Northamptonshire Council.

Preliminary Matter

3. There is a dispute between the main parties in respect to the description of the proposal on the application forms which refers to a '1.5 storey single dwelling'. The parties have agreed to a revised description which I have included in my decision. I have considered the scale and appearance of the dwelling on the basis of the proposed plans before me.

Main Issue

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

Reasons

5. The appeal site relates to part of a mainly grassed field located to the rear of properties fronting Main Street. The dwellings on Main Street are generally traditional in style and more often incorporate stone facing materials and slate roofs. There is variety in terms of the size and design of dwellings in the area and they generally range between single storey and two-storeys in height.

Some dwellings are located behind the main built frontage of Main Street such as those served by the shared private access drive which also leads to the appeal site. One of these dwellings, at No 55A shares a boundary with the appeal site and has first floor accommodation served by dormers and projecting gables set down from the main ridge. Fields extend to the north beyond the village and the appeal site.

6. The width and maximum height of the dwelling would be comparable to the neighbouring dwelling at No 55A. The projecting gables would be larger than those on No 55A. Even so, there are other dwellings on Main Street which incorporate wide gables with ridges level or close to the main ridges of their respective dwellings. In addition, the projecting gables would incorporate low eaves heights towards the side elevations of the dwelling. The first-floor windows within them would also align closely with the dormer windows which would be set down within the roof slope. This would give consistency in terms of the overall perception of the height of upper floor accommodation. The elevations would be primarily faced in random coursed limestone with plain tile roofs and cast-iron rainwater goods all of which would reflect the local vernacular.
7. The colour of the proposed reclaimed brickwork on the chimneys and the porch is not specified. The mock Tudor cladding to one of the gables on the north elevation, from my observations on site, is not a common feature to this part of Main Street. In any case, a condition requiring precise details of all materials would ensure that the finished scheme fully reflects the common materials of the wider street scene.
8. Taking all the above factors into account, and given the positioning of the dwelling next to the built-up part of the village and close to other buildings of comparable scale and materials, the dwelling would positively respond to the immediate and wider built environment both in filtered views between buildings along Main Street and in more distance views from the surrounding countryside.
9. My attention has been drawn to an extant outline planning permission¹ on the site which restricted the height of the dwelling approved in that instance to no more than 1.5 storeys and no greater than 6.7m in height. Full planning permission is sought in this instance and therefore the proposal is not bound by these parameters. In any case, the evidence before me indicates that the overall height of the proposal is either the same or marginally above the parameter approved under the extant permission. The dwelling would also have a similar footprint to the indicative footprint shown on the plans submitted with the previous outline application. I am therefore not persuaded that any greater scale and mass, including that which would result from the gabled elements, would be highly discernible when compared with the scale of the dwelling previously anticipated under the extant planning permission.
10. I conclude, the development would have an acceptable relationship with the character and appearance of the area. In that regard, the development would comply with the requirements for development to respond to its immediate and wider context and local character in Policy 8 of the North Northamptonshire Joint Core Strategy (2016) and the Framework.

¹ LPA Ref 19/01897/OUT

Other Matters

11. The Council advises that the existing outline planning permission for a dwelling on the site was granted at a time when there was uncertainty in respect of the Council's housing land supply position. I have seen the evidence provided including a relevant appeal decision² in the district which was subsequently quashed. The Council suggests it can currently demonstrate a 6.55-year housing land supply. Even if this is the case, the outline planning permission remains extant. I have found its relationship with the character and appearance of the area would be likely to be comparable to the appeal proposal. Given the appellant's clear desire to build a dwelling on the site, I consider that there is a strong likelihood that reserved matters approval would be sought and the extant permission would subsequently be implemented in the event that the proposal under this appeal was not allowed. This represents a strong fallback position and I attach significant weight to this possibility.
12. With regards to the third-party comments made, the Council did not refuse the planning application on the grounds of any potential impacts on neighbouring living conditions. From what I saw on site in terms of the separation distances between neighbouring windows and gardens, I agree with the Council that there would be no material harm in this regard.
13. Matters relating to existing residential occupation of the site, erection of other structures and any preparatory works on the site or neighbouring land are not material to my assessment of the merits of the appeal proposal. There is no evidence before me to suggest renewable energy measures are an explicit development plan policy requirement for all new dwellings in the district. Whether or not the appellant is a property developer is not a material planning consideration in this instance. Furthermore, the Council did not refuse the planning application on matters relating to bedroom numbers, intended occupancy requirements or on the basis of whether or not it would be a self-build project. There is no compelling evidence before me to suggest that any of these matters should be pivotal in this particular instance.
14. The evidence before me indicates that the proposal would result in 6 dwellings being served off the private drive and that this would exceed the maximum of 5 usually specified by the Local Highway Authority (LHA). However, I am mindful that this would also be the case if the extant planning permission were to be implemented. Therefore, in this particular instance I do not consider there would be any material effects relating to the use of the drive when compared with the fallback position. I am also satisfied that suitable parking arrangements would be provided within the site and that a single dwelling would not have a significant impact on traffic levels in the village.

Conditions

15. The Council's suggested conditions for the most part repeat those which are attached to the extant outline planning permission on the site. The appellant has had sight of these conditions and no specific objections have been made to them.
16. I attach the usual timescale for implementation (1) and a condition confirming the approved drawings in the interests of certainty (2). For the aforementioned

² Appeal ref APP/G2815/W/19/3232099

reasons, a condition requiring full details of materials is attached (3). Conditions (4) and (5) are attached in the interests of securing appropriate hard and soft landscaping to ensure the details positively respond to their surroundings.

17. I have included the Council's condition requiring no loose material on the first 10 metres of the access drive (6) in the interests of highway safety. However, in order to ensure any surface treatment is of an acceptable appearance, I have added a requirement for this to be first approved in writing.
18. The access plan on drawing no 4691/ 2B indicates that the existing access drive would comply with the LHA's visibility requirements and minimum widths. I noticed on my site visit that the driveway and access point already correspond with the proposed drawing. I have therefore condensed and simplified the Council's suggested conditions to ensure the visibility splays are provided in accordance with the approved drawing prior to occupation of the dwelling and retained thereafter (7). This is also necessary to ensure that the access is able to accommodate a fire appliance as specified by the LHA.
19. Given the proximity to existing dwellings and that the site shares its access with other residential properties, I consider the Council's suggested conditions restricting the hours within which development works can take place and preventing the burning of materials on the site during construction are reasonable and necessary (8 and 9) in the interests of protecting neighbouring living conditions.
20. I consider it reasonable in this particular instance to remove permitted development rights under Schedule 2, Part 1, Classes A and B of the Town & Country Planning (General Permitted Development) Order 2015 given such a condition is also attached to the extant planning permission on the site which has been material to my assessment in terms of a comparison of scale and the relationship with the character and appearance of the area.
21. A condition to secure a separate agricultural access is attached to the extant outline permission. Such a condition has been suggested for inclusion by the Council. However, there is no substantive evidence before me to indicate that a separate access is required. Furthermore, I am not aware whether the appellant would be in a position to provide an alternative access on land within their control. If arrangements were made for rights of access to the field through the appeal site, there is nothing before me to suggest that this would be harmful. Taking all these factors into account, I am not convinced that such a condition would be reasonable or necessary. Any requirement for a new access is a matter that would need to be dealt with outside the appeal process by any interested parties.

Conclusion

22. For the reasons given I conclude that the appeal should succeed.

M Russell

INSPECTOR

Schedule of 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: Drawing nos. 4691/1 B (Plans and sections) and 4691/2 B (Elevations, site plan and location plan).
- (3) Notwithstanding the details shown on the approved drawings, no development above slab level shall take place until full details of wall, roof, window, door and rainwater goods materials have been submitted to and approved in writing by the Local Planning Authority. Once approved in writing the development shall be completed and maintained in full accordance with the approved details.
- (4) Before first occupation, full details of all hard and soft landscaping (to include boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be completed in accordance with the approved details with all boundary treatments installed before first occupation takes place and all soft landscaping implemented no later than the first planting season following first occupation of the property.
- (5) Any trees or plants planted or in existence upon the site which within a period of five years following the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species as those originally approved.
- (6) Prior to the occupation of the residential dwelling hereby approved, the shared residential access must have no loose material within the first 10 metres from the highway boundary with Main Street, details of which shall first be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the means of surfacing to the access shall be implemented prior to occupation of the dwelling and shall thereafter be retained in this condition for the lifetime of the development.
- (7) The visibility splays and access widths shown on approved drawing No. 4691/2 B shall be provided prior to first occupation of the dwelling and shall thereafter be retained in accordance with the approved drawing. The visibility splays shall be permanently kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.
- (8) There shall be no burning of any material during construction, demolition or site preparation works.
- (9) No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise prior agreed in writing with the Local Planning Authority.

- (10) Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the dwelling hereby permitted shall not be enlarged without planning permission having first been granted by the Local Planning Authority.