



Appeal Decision

Site visit made on 15 June 2021

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 October 2021

Appeal Ref: APP/V2825/W/20/3259799

74 Barley Lane, Northampton NN2 8AX

- 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 Graham Stoppani against the decision of Northampton Borough Council.
 - The application Ref N/2019/1374, dated 29 October 2019, was refused by notice dated 2 April 2020.
 - The development proposed is detached two storey dwelling, double garage and associated hard landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that Policy H6 of the Northampton Local Plan ('LP') is not a saved Policy and any reference to this in its decision was in error. I have proceeded with the appeal on that basis.
3. As part of this appeal the appellant has submitted an amended access layout as shown on drawing 5950_0011. As this drawing did not form part of the original application, I cannot be certain that all parties are aware of this. Therefore, in the interests of fairness, I have determined the appeal on the basis of the drawings submitted during the planning application process.
4. Since the appeal was lodged, a revised version of the National Planning Policy Framework, 2021 ('the Framework, 2021') has been released. The main parties have been consulted on this and I have taken this into account where relevant to my Decision.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the area; the effect of the proposal on the living conditions of neighbours; the quality of the proposed dwelling for its occupiers and highway safety.

Reasons

Character and appearance

6. The appeal site is located to the rear of 74 Barley Lane and forms an extension to the garden of this property. However, the new dwelling would be accessed off a private driveway which serves four dwellings and is located at the end of

the adopted section of Yeoman Drive. As such, the proposed dwelling would be viewed in the context of these dwellings.

7. In particular, properties 16, 18 and 20 in Yeoman Drive are of a similar style. Most notably, the front elevations of these properties incorporate steep roofs with low eaves heights which, in part, appear single storey with living space accommodated in the roof space. Also, sections of the front elevations are recessed. Consequently, this design approach limits the overall scale and massing of these properties and provides a cohesive streetscene along here.
8. The appeal site rises steeply from Yeoman Drive to Jenner Crescent to the northeast and therefore sits at a considerably higher level than the land associated with adjoining properties in Yeoman Drive. Consequently, the ridge height of the new dwelling would also be higher than that of the dwellings in Yeoman Drive. Although there is a step change in ridge heights between properties 20 and 18, the height difference between the new dwelling and 18 Yeoman Drive would be appreciably greater and would be amplified by the significantly higher eaves height of this property. Furthermore, and despite incorporating a split-level and attention to materials, the proposed dwelling because of its traditional two storey and pitched roof form would be of a sizeable scale and would be sited considerably forward of 18 Yeoman Drive. Therefore, together, because of these factors, the proposed dwelling would appear particularly incongruous and would fail to complement its surroundings.
9. For the above reasons, the proposal would harm the character and appearance of the area and would be contrary to Policy H1 of the West Northamptonshire Joint Core Strategy ('JCS') and Policy E20 of the LP. Taken together, amongst other things, these require that for new developments consideration is given to the location and setting of the site and that they reflect the character of the area in terms of form, siting and scale to enhance the built environment.

Living conditions (neighbours)

10. Although the appellant has undertaken certain measures to reduce the extent of overlooking from the new dwelling, because of the associated levels differences and the overall height of the new dwelling, this would still result in some overlooking of 16 Yeoman Drive. Nevertheless, on the information before me, the extent of any overlooking would be limited and in the context of a built-up area a degree of this is inevitable. Consequently, the extent of any actual or perceived overlooking from the proposed dwelling would not be unacceptably intrusive.
11. The proposed dwelling would be visible from nearby properties but because this would not directly face any property, there would be no unacceptable loss of outlook arising from it. Nevertheless, the proposed detached garage would be located close to the rear boundary of 16 Yeoman Drive and on higher ground. This building would also extend along a significant part of this boundary and therefore would be an unduly dominant feature when viewed from 16 Yeoman Drive.
12. Notwithstanding the photographic evidence provided by a third party, based on the juxtaposition of the proposed development to neighbouring properties and the appellant's solar analysis, I am satisfied that the proposal would not result in any unacceptable loss of daylight to neighbouring properties.

13. Nevertheless, for the above reasons the siting of the proposed garage would harm the living conditions of the occupiers of 16 Yeoman Drive with regard to outlook. As such, I find conflict with Policy H1 of the JCS which requires that consideration is given to the living conditions provided for future residents and Policy E20 of the LP which requires that the design of development is compatible with the area.

Quality of the proposed development

14. The overall size of the rear amenity space for the new dwelling is comparable to those associated with other family dwellings in the area. Whilst this amenity space would be steep in parts it also incorporates terraces which would provide sufficient flat areas for seating and the lawned areas would be acceptable for other activities associated with outdoor amenity space, including drying out and storage areas. This amenity space would also be adequately screened from dwellings to the north by established landscaping. Whilst this landscaping may not be retained in perpetuity, based on the degree of separation from the dwellings to the north and given that some overlooking is inevitable in built-up areas, the relationship of adjoining properties to the proposed amenity space would not undermine its overall quality.
15. Whilst I note the Council's concerns about the use of brise-soleil screen in front of the living room window, this is not in itself sufficient reason to find the quality of the proposed dwelling unacceptable.
16. For the above reasons, the proposal would provide an acceptable quality of accommodation for its occupiers and accords with Policy H1 of the JCS the LP and Policy E20 of the LP. Along with other things these policies require that consideration is given to the living conditions provided for future residents.

Highway safety

17. The Council has confirmed that it supports private drives to serve up to five dwellings but adds that access from the adopted highway to the development served by the private driveway needs to be safe for both pedestrians and vehicles. In particular, the Council advises that the private driveway should have a minimum width of 4.5 metres for the first 10.0 metres from the highway boundary, or 5.5 metres if it is between solid structures. This is to enable two opposing vehicles to pass each other at the point of access without conflict. This, in turn, is to ensure that a vehicle entering a site does not stop within the highway to allow an emerging vehicle out, which would increase the risk of rear end shunts.
18. In this case, the existing private driveway does not meet the above specifications. Despite this, it is located at the end of a cul-de-sac and there is no through traffic along here and there is nothing to suggest that this is heavily trafficked. Also, at the point of access the private driveway is narrow because of the adjacent but separate footpath which leads to an area of open space. Consequently, drivers are forced to approach the driveway cautiously and at relatively low speeds. Furthermore, the section of the private driveway nearest to the point of access is straight. Drawing on these factors, drivers approaching the private driveway are able to see a vehicle along it and have sufficient space and time to allow this to pass. In light of the above, and in the absence of any contrary evidence, I do not see the location of the point of access as being particularly susceptible to rear end shunts.

19. The private driveway comprises a shared surface for pedestrians and vehicular traffic, it is also relatively narrow and incorporates a bend. Because of these constraints drivers are forced to travel slowly and cautiously along it. Whilst on occasions vehicles may have to reverse back to let others pass. There is no strong reason for me to conclude that this has unacceptably effected highway safety. In particular, given that this arrangement has served four dwellings for a number of years.
20. Accordingly, and irrespective of any issues relating to land ownership which are separate to this appeal, based on the planning merits of the proposal, although an additional dwelling served off the private driveway would result in some intensification of its use, in light of the above reasons, this would not unacceptably harm highway safety. As such, I find no conflict with the highway safety aims of the Framework, 2021.

Other matters

21. I note that the appellant engaged in pre-application discussions with the Council and has also sought to amend the proposal subject of this appeal to address concerns raised by the Council and third parties. Nevertheless, I have determined the proposal on its planning merits and found this to be unacceptable for the above reasons. Whilst there would be some benefits associated with an additional dwelling, these are not sufficient to outweigh the harm I have identified.

Conclusion

22. The proposal would not harm highway safety and would provide a satisfactory quality of accommodation for its occupants. On the other hand, the proposal would harm the character and appearance of the area and the living conditions of neighbours. For these reasons and overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR