



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: 12 November 2021

Appeal Ref: APP/V2825/W/21/3275893

Land at Ashmead, Little Billing, Northampton

Easting (x) 480078 Northing (y) 262725

- 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 A Pearce - W Pearce and Company against the decision of Northampton Borough Council.
 - The application Ref N/2020/1225, dated 11 September 2020, was refused by notice dated 29 January 2021.
 - The development proposed was originally described as 'erection of five dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Northampton Borough Council (NBC) ceased to exist on 1 April 2021. NBC and other neighbouring Councils have merged to form West Northamptonshire Council (WNC). My decision will be issued to the new Unitary Authority WNC. There is no dispute that the development plan documents relevant to the assessment of the appeal proposal comprise of the West Northamptonshire Joint Core Strategy West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (JCS) and the Saved Policies of the Northampton Local Plan (1997) (NLP).
3. My assessment is based on the revised scheme which was before the Council when it made its decision which related to a proposal for four dwellings on the site.
4. Since the appeal has been lodged the revised National Planning Policy Framework (the Framework) has been issued on 20 July 2021. The main parties have referred to the paragraphs of the revised Framework in their submissions and therefore it has not been necessary to draw this matter to their attention.
5. There is a dispute between the parties as to whether or not the 'Caretaker's and Engineers Cottages' referred to in the Council's decision notice are curtilage listed. There is no reference to these buildings within the listing descriptions before me. The appellant suggests that these dwellings were erected after 1st July 1948 and therefore in line with the provisions of s1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not curtilage listed. However, the ordnance survey map extracts before me are from 1938 and 1958. Therefore, I cannot be certain of the date that they were

constructed. I have therefore taken a precautionary approach and considered these buildings on the basis that they are curtilage listed.

6. The Council suggests that the application site boundary does not adjoin the adopted highway. I have not been provided with any substantive evidence to show the extent of land within the Local Highway Authority's control. Given I am dismissing the appeal, it has not been necessary to seek further clarification on this matter.

Main Issues

7. The main issues are:

- (i) The effect of the development on the significance of the Grade II Listed 'Pearce's Leather Works' and 'Entrance gatepiers, gates and forecourt pool surround at Pearce's Leather Works' and the curtilage listed 'Caretaker's and Engineer's Cottages' including their settings;
- (ii) The effect of the development on the living conditions of occupiers of No 41 Ashmead with particular regard to means of outlook; and
- (iii) Whether the development would be served by a safe and suitable access.

Reasons

Settings of Grade II Listed Buildings

8. The appeal site is an irregular shaped plot containing grass, shrub and mature trees. Some of the trees towards the boundary with Wellingborough Road sit within a group of trees protected by a Tree Preservation Order (TPO). The wider area is suburban in character with the modern residential estate at Ashmead lying to the south and the Grade II listed former Pearce's Leather Works and associated grounds to the north.
9. The significance of the Grade II Listed Pearce's Leather Works derives from the 'International Modern' style of its main buildings and carefully arranged forecourt. The front façade of its imposing office block has a high central section with symmetrically canted sides facing a grand formal approach drive containing gate piers, iron gates and a long forecourt pool with surround, all of which are also Grade II Listed.
10. For those entering the grounds of the former Leather Works from its main entrance on Wellingborough Road, the alignment of the access drive and planting to either side narrowly focusses the eye towards the key view of the listed structures before the drive then splays either side of the forecourt pool. The appeal site and other areas of undeveloped land and mature planting which border the entrance drive and forecourt give a soft edge to the setting of the listed structures and make a positive contribution to their significance.
11. To the north west of the appeal site are two former 'Caretaker's and Engineer's Cottages'. The cottages are of a traditional architectural style and their significance primarily derives from their relative location and historical association with the Leather Works. These dwellings are set within their own plots with the aforementioned group TPO substantively screening them and the appeal site from Wellingborough Road. The line of sight and intervening space

and greenery between these cottages and the former Leather Works is integral to their setting.

12. The scheme for four dwellings would retain a generous buffer between the boundary of the nearest dwelling on plot 4 and the access drives serving the former Leather Works. Existing landscaping towards the north eastern corner of this area would be retained and could be supplemented by additional planting including to the boundaries of Plot 4. In combination with the modest heights proposed and the oblique line of sight for those travelling along the former Leather Works entrance drives, appreciation of the development would be at most peripheral in these key views. Even then, the substantial soft edge retained would be sufficient to ensure that the development would not distract from the architectural splendour of the listed structures and their significance and setting would be preserved.
13. The dwellings would clearly reference the design of the former 'Caretaker's and Engineer's Cottages' in terms of their low roof profiles, architectural detailing and the materials incorporated. The dwellings on Plots 1 and 2 would be closely aligned with the existing cottages. These dwellings and those on plots 3 and 4 would be set back from the proposed shared access drive and would occupy an offset position further towards the modern residential estate at Ashmead. Taken together, these factors would ensure that the development would not have a dominating impact on the cottages nor would they sever or obscure the vista between the former Leather Works and forecourt.
14. Consequently, I find that the proposals would preserve the significance of all the identified listed and curtilage listed structures including their settings. In that regard the development would comply with the requirements to conserve heritage assets of Policies S10 (Sustainable Development Principles) and BN5 (The Historic Environment and Landscape) of the JCS and the Framework.

Living conditions of No 41 Ashmead

15. No 41 Ashmead is a two-storey detached dwelling. It has ground and first floor windows to the elevation facing the boundary with the appeal site. However, the ground floor windows already face and sit in close proximity to a close boarded fence. Land levels on the appeal site gently slope away from this boundary. The nearest proposed building to this neighbouring boundary would be a single storey garage on 'Plot 2'. Even accounting for any removal of vegetation within the appeal site, the scale of this building combined with its hipped roof form and the respective ground levels would ensure that the development would not have a marked impact on levels of outlook when experienced from these neighbouring windows.
16. The dwelling on 'Plot 2' would also be positioned on lower ground and would incorporate a low-rise hipped roof design. It would be set substantively forward of the dwelling at No 41 and away from the shared boundary. These factors would further ensure that the development would not have an enclosing impact on the main habitable windows or private rear garden serving this neighbouring dwelling.
17. The Council has questioned the accuracy of the cross section provided to show the potential relationship between No 41 and the development (drawing no. SK10). However, having seen the levels on site and having compared the drawing with the proposed layouts, I am satisfied this is an accurate

representation of the likely relationships. Furthermore, finished levels could be conditioned in order to ensure that the built development reflected the cross section.

18. I conclude the development would not be harmful to the living conditions of occupiers of No 41 Ashmead with particular regard to means of outlook. In that regard the development would comply with the requirements for sustainable design and to have regard to the impact of development on the amenities of occupiers of neighbouring properties in Policies H1 (Housing Density and Mix and Type of Dwellings) and S10 (Sustainable Development Principles) of the JCS and Saved Policy E20 of the NLP.

Safe and suitable access

19. The dwellings would be accessed by the existing shared access drive taken from Ashmead which currently serves the 'Caretaker's and Engineer's Cottages' and No 47 Ashmead. The access drive would be widened with the addition of an integrated turning head for the use of both the existing and proposed dwellings. Having seen the revised layout proposals for four dwellings, the Local Highway Authority (LHA) maintains that the proposed access road would not meet the minimum Northamptonshire highway standards for an adoptable standard of road.
20. The Council contends that the principal of a private drive serving more than 5 dwellings is not usually supported. However, the vehicle tracking provided indicates that vehicles would be able to comfortably access the proposed dwellings. A block paved surface in order to influence slower traffic movements could be conditioned and this would facilitate safe use for both vehicles and pedestrians. A bin collection point could also be conditioned, for example to be provided within the soft landscaped area to the south of the driveway serving Plot 3. This would ensure bin drag distances would be acceptable for both occupants and refuse collection operatives. These are all factors that indicate that the proposed shared surface private drive could be functional.
21. However, there is an existing fence to the shared boundary with No 47 Ashmead. In combination with the mature planting on the application site, this fence currently restricts visibility between those exiting the site and any vehicles reversing from the driveway serving No 47. The widening of the access would potentially bring exiting vehicles closer to the edge of the driveway serving No 47. In combination with the intensification of use of the access road, this has the potential to increase the risk of collision. There is nothing before me to indicate that the part of the fence which would sit closest to the widened access point is in the control of the appellant so as to enable alterations to be made to improve intervisibility.
22. Even if alterations could be made to the boundary with No 47, this does not overcome the LHA's overall stance that it would not be willing to adopt the access drive. The appellant contends that the layout and site parameters could facilitate provision of dedicated footway and highway surfaces in order to overcome the LHA's concerns and that, if necessary, the raised road surface which forms the initial section of the access drive taken from Ashmead could also be altered accordingly. However, a drawing demonstrating this is not before me. Without this, and given my concerns relating to visibility adjacent to the boundary with No 47, I cannot be certain that the LHA would agree to adopt the access drive.

23. Therefore, based on the drawings before me and the current position of the LHA, the access drive would need to be privately maintained. The use of a planning condition would not be appropriate in respect of both establishing a management company and ensuring that future occupants of the proposed and existing dwellings would be bound into an agreement to make on-going financial contributions towards future maintenance of the road and sewers. Such arrangements could only be secured with precision and enforceability as part of a planning obligation. Given no such obligation is before me this further weighs against the proposal.
24. I conclude that it has not been demonstrated that the proposal would provide a safe and suitable access or in the event that it would that long-term future maintenance provision would be secured. The proposal would therefore be contrary to the requirements in the Framework for developments to provide safe and suitable access for all users and for developments to function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development.

Other Considerations

25. The appellant has acknowledged that the open space within the appeal site would also need a management company. For similar reasons as those set out under the third main issue, a planning obligation would be required to secure this. Without this, future maintenance of the open space would be uncertain and there is the possibility that the open space would become unkempt. This would detract from the quality of the development and the general character and appearance of the area.
26. There would be social and economic benefits both through the construction of four additional dwellings in addition to council tax receipts and contributions towards local services and facilities from future occupants. These are positive benefits to weigh in the balance.

Planning Balance and Conclusion

27. There is a dispute between the main parties as to whether the Council can demonstrate a deliverable five-year supply of housing sites. The appellant contends that the Council's supply is only 4.8 years on the basis of the Northampton Related Development Area Housing Land Availability Report (As at 1st April 2021) and that the potential non-delivery of housing on the Council's planned urban extensions and uncertainty on delivery timescales for emerging site allocations should also be factored in. Even if I accept these arguments as being the worst-case scenario on this matter, meaning that Paragraph 11d of the Framework is engaged, the absence of a safe and suitable access and lack of a planning obligation to secure future maintenance of the access drive and open space are matters which significantly and demonstrably outweigh the identified benefits of the proposal, including boosting the supply of housing.
28. Therefore, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR