



Appeal Decision

Site Visit made on 13 October 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal Ref: APP/V2825/W/21/3274010

Land to the rear of Clare Cottage, Quinton Road, Northampton NN4 6LN

- 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 & Mrs Paul Collins against the decision of Northampton Borough Council.
 - The application Ref N/2020/1544, dated 30 November 2020, was refused by notice dated 11 February 2021.
 - The development proposed is a detached stone dwelling on land to the rear of Clare Cottage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Wootton Conservation Area (WCA) and/or preserve the setting of the Grade II Listed Building of Clare Cottage, and
 - The effect of the proposed dwelling on the living conditions of occupiers of neighbouring properties, with particular respect to privacy and outlook, and with respect to future occupiers of the proposal in regard to privacy.

Reasons

Character and appearance

3. Quinton Road is a residential street within a semi-rural setting. Local housing consists of a variety of styles which are largely two-storey in scale. Buildings employ a range of materials with stone featuring frequently within the WCA. Dwellings are clustered around the junction of Berry Lane/High Street and Quinton Road forming a close-knit group. Whereas the majority of local development is set back within spacious verdant plots. Clare Cottage stands within a plot that is comparatively large that is enclosed by mature tree and hedge planting. As such, the appeal site makes a positive contribution to the spacious character and appearance of the area.
4. The site is within the WCA. The statutory requirements¹ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. Furthermore, paragraph 199 of the

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (The Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. The Council's WCA Appraisal and Management Plan (2010) identifies that the area includes a high concentration of historic buildings which form important inter-relationships and spaces. Important tree groups are also identified throughout the area which benefit from being within largely private land and spacious plots that form a strong sense of place. The significance of the WCA therefore derives from its semi-rural verdant character, with a mixture of historic building styles and materials within largely spacious plots.

5. Clare Cottage is a grade II Listed Building. I am required to pay special attention and have regard to the desirability of preserving the setting of listed buildings². The cottage is a two-storey stone construction with front facing dormers at second floor level. It dates from C17/C18 and includes a slate roof and coursed rubble elevations. Its gently sloping rear garden is enclosed by a rear return, a garage, stone walls and neighbouring stone buildings. These features combine to form a strong sense of enclosure around the landscaped garden and in combination make a positive contribution to the building's setting. The building is also prominent within the streetscene. From the street the rear returns and garage recede in scale maintaining the prominence of the larger mass of the main building. In my view, the significance of the listed building derives from its traditional rural character, its attractive architectural detailing and its positioning in relation to adjacent buildings and the open spaces around it.
6. The proposed dwelling would be located behind the existing garage with a reduced roof profile. It would therefore be partially concealed from the street. However, it would be taller than the garage and would be clearly evident from the street in views to its side, over the front garden of 8 Quinton Road (No 8). Its prominence would be further heightened following the removal of trees and hedging to create the proposed driveway. The proposed dwelling would be a relatively prominent building located behind the front elevations of No 8 and Clare Cottage. It would therefore be discordant with the local pattern of development and would not complement the character of the area.
7. Moreover, the proposal would demonstrably harm the existing sense of spaciousness within the site and neighbouring rear gardens. Local examples of back-land development are limited and do not form the predominant character of the area where large verdant plots are more prevalent. Thus, the proposal would be an incongruous feature in the area. The proposal would therefore harm the character and appearance of the area and the significance of the WCA. The provision of further landscaping would not overcome this harm.
8. The appeal site is visually connected and has a clear functional link to the listed building. The proposed dwelling would be a bulky addition that would crowd the adjacent garage. It would intrude into views of the site from the street and be an oppressive addition to this setting, eroding views of the listed building. Consequently, the severance of the rearmost half of its formal garden would diminish the historical relationship of the building from its garden. Furthermore, the proposed dwelling would be a prominent addition to the range of comparatively small built elements in the rear garden, eroding the sense of spaciousness found within the garden.

² Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

9. Therefore, whilst there is some evidence that more outbuildings were within the garden historically, there is limited evidence of the scale of these or their effect upon the setting of the listed building. In contrast, the proposal would intrude into views of the listed building from both its garden and the street harming its significance. Consequently, the proposal would not preserve the setting of the listed building.
10. The front boundary stone wall appears to be outside the WCA. The proposed removal of a section of the wall would have a limited effect on views towards the conservation area and this alone would not be a compelling reason to refuse the scheme. The eastern boundary wall, proposed to be removed, seems to be a historic boundary. Nevertheless, its loss would have a negligible effect on the setting of the listed building and the WCA.
11. Accordingly, the proposal would fail to preserve or enhance the WCA or preserve the setting of the listed building. It would therefore harm the significance of both heritage assets, to which great weight should be afforded. Accordingly, the proposal would conflict with policy BN5 of the West Northamptonshire Joint Core Strategy (2014)(CS), saved policies H10, E20 and E26 of the Northampton Local Plan (1997) and the Framework. These policies seek, among other matters, for development to enhance and conserve heritage assets, for new development to reflect the character of its surroundings and for back-land development to not be detrimental to an area's character.
12. However, policies S10 and H1 of the CS are not relevant to considerations of character. These policies seek development to achieve the highest standards of sustainable design and to make efficient use of land, having regard to the location and setting of the site.
13. The harm arising from the proposed development to both the WCA and the setting of the listed building would be 'less than substantial'. Paragraph 202 of the Framework, states that where harm to a heritage asset would be 'less than substantial' this should be weighed against the public benefits of a proposal. However, whilst the provision of one dwelling would assist with housing delivery in the area, this benefit would make only a small contribution to any housing needs in the area. This would therefore be insufficient to outweigh the harm found to the identified heritage assets, which the Framework identifies are an irreplaceable resource.

Living conditions

14. The Proposed dwelling would present a front elevation and rear elevation towards No 8 and 1c Berry Lane (No 1c) respectively. Its southern gable wall would face the rear outlook of 16-20 Brookend (No's 16-20). During my visit I was able to observe the site from the gardens of No's 18 and 20 Brookend and from No 1c.
15. The boundary between the appeal site and No 1c consists of a historic stone wall with limited boundary plant screening. This neighbouring dwelling is extremely close to the shared boundary. No 1c has two dormer windows at first floor that overlook the site, serving a bedroom. It also has overlooking windows at ground floor that serve a kitchen and living room. Although, the dormer windows should have been obscurely glazed, they now seem to be immune from enforcement action. I shall therefore consider them as clear glazed units as seen on site.

16. An existing boundary tree provides moderate screening that only partially obscures views of the appeal site. The identified windows would overlook the rear garden, patio areas and rear elevation of the proposal. This would result in significant overlooking and result in a general absence of privacy for future occupiers. This would be the same as exists currently as the overlooked area would be the immediate private rear garden and patio of the dwelling. Also, overlooking from No 1c into the rear windows of the proposed dwelling would result in some, albeit moderate, harm. This level of effect takes into account the relatively generous separation distance but including a largely unimpeded outlook.
17. Furthermore, for a similar reason, moderate overlooking would also occur towards the rear windows of No 1c from first-floor rear facing bedroom windows of the proposal. Occupiers of No 1c would experience a moderate loss of privacy within the effected habitable windows. Also, within the proposed dwelling, bedroom two would overlook the side and rear garden of No 8. Intervening landscaping would be largely removed to accommodate the access drive resulting in demonstrable overlooking and a substantial loss of privacy for occupiers of No 8.
18. The single-storey dwellings of No's 16-20 are lower than the appeal site. As a result, the rear outlook of these properties principally take in their sloping rear gardens, rear boundaries and the relatively dense screen of trees and hedging beyond. Consequently, rear views towards the appeal site are largely obscured by the semi-mature tree planting. Furthermore, the proposed dwelling would present a gable wall, that is comparatively slender and low-key. This would result an overall diminished effect of built form towards the outlook from neighbouring occupier's rear windows. Therefore, due to intervening landscaping and the relatively substantial separation distance, the effect on the outlook of occupiers of No's 16-20 would be negligible.
19. Therefore, future occupiers of the proposal would be subject to substantial overlooking when in their garden and suffer moderate harm to privacy when within the dwelling. This would result in a poor-quality living environment. Furthermore, the proposal would adversely overlook neighbouring occupiers of No 8 and moderately overlook occupiers of No 1c. Accordingly, the proposal would be contrary to policy H1 of the CS, saved policies H10 and E20 of the LP and the Framework. These policies, among other matters, seek development to have regard to the living conditions of future occupiers and to protect the amenities of occupiers of neighbouring properties.
20. Whereas, saved policy H18 of the LP relates to planning permission for extensions to dwellings and is therefore not relevant to this appeal. Also, the Council's Residential Extensions and Alterations SPD (2011) which identifies the need for extensions to achieve separation distances of 21 metres cannot be applied to this scheme as it is not for an extension.

Other Matters

21. The Council initially stated that it did not have a 5 year Housing Land Supply. However, it has more recently demonstrated it has a supply of 5.61 years³. This is uncontested by the appellant and I see no reason not to accept the conclusions of the Council's assessment in this regard.

³ Northampton Borough Council – Housing Land Supply Assessment 2021

22. The appellants identify that the listed building of Ivydale received planning permission to be subdivided with a new dwelling in 2009. During my visit I observed the new dwelling, to the side of this property, had a limited visual and functional link to the listed dwelling. It therefore presented a significantly different context to that presented by the proposal and therefore offers only limited weight in favour of the proposal.
23. A previous appeal was dismissed for infill housing development at No 8. The site is adjacent to the conservation area and its setting was consequently under consideration. Therefore, whilst the Inspector found no harm to the WCA, the context of that scheme was substantially different to the current proposal.
24. The appeal site is close to three further listed buildings, at 2 and 3 High Street and 3 Berry Lane. Due to intervening buildings and tree cover I am satisfied that the proposal would have a neutral effect on the significance of these heritage assets.
25. The dwelling would consist of a natural slate roof with stone elevations and decorative quoins. The design would be in keeping with the style of local housing, would include adequate parking provision and have a large garden, meeting the Council's policy in regard to these matters. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

Conclusion

26. The proposal would harm the character and appearance of the area, and living conditions, and would conflict with the development plan and Framework when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR