



Appeal Decision

Site visit made on 30 November 2021

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/G2815/W/21/3278480

264 Newton Road, Rushden NN10 0SY

- 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 Jenny Hayward against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00659/FUL, dated 18 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is described on the application form as 'Reposition of recently consented dwelling.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in July 2021. The main parties were given the opportunity to comment upon the implications of the revised Framework. I am satisfied that no party has been prejudiced by my consideration of the appeal proposal in light of the revised Framework.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site is located outside the defined settlement boundary of Rushden in a small cluster of dwellings. The dwellings have a varied building line with the properties being set back a modest distance from the highway and, for the most part, have a frontage onto Newton Road. They comprise of a mix of detached bungalows and houses of different designs and style. Despite the diversity of building types, the dwellings are unified by a limited palette of materials and their mature landscaping. The appeal site is surrounded on three sides by open countryside.
5. The appeal site is presently occupied by a detached bungalow which is situated close to the road and on a similar alignment to the neighbouring dwellings at 256 – 260 Newton Road. The existing bungalow is in a poor state of repair. Planning permission Ref NE/21/00079/FUL has been granted for the replacement of the existing bungalow with a two-storey dwelling (the permitted scheme) located slightly further away from the road, with its rear elevation closely aligned with the rearmost point of the neighbouring house at No 260.

The proposed dwelling would be of the same design as the permitted scheme but would be located further back from the highway than the existing bungalow on the site, the permitted scheme, and other existing dwellings that front onto Newton Road.

6. The proposed dwelling would be set behind a large, paved, turning area with limited landscaping proposed adjacent to the boundaries. As a result of its siting, remote from Newton Road, the proposed dwelling would have limited street presence. Consequently, it would be at odds with its neighbours to the west, which are sited only a modest distance from the road. Moreover, it would appear isolated from its neighbours and appear as an incongruous incursion into the rural setting within which it would be located.
7. The appellant has drawn my attention to other dwellings in the locality that have been erected along Newton Road. The main parties disagree over the geographical spread, of the existing dwellings which should be taken into account in my decision. The appellant is of the view that the pattern of development along all sections of Newton Road should be considered, whereas the Council finds only the middle section, comprising Nos 250 – 264, to be relevant.
8. Notwithstanding the above, the dwellings at Nos 252 and 282a Newton Road, are located to the rear of dwellings that have a frontage to Newton Road. In both instances, their visual impact is mitigated by the close relationship they have with the dwellings that sat around them. In any event, it would appear that the policies under which they were permitted were different to those which are now in place.
9. With regard to 202, 399 and 411 Newton Road, they are not within the immediate vicinity of the appeal site and comprise individual properties located in open settings. Their locations and the context in which they were permitted, are not directly comparable with the appeal proposal. They do not justify allowing harmful development.
10. The Council has expressed concern about the encroachment of domestic land uses and features in into the open countryside, by including the existing paddock into the domestic curtilage of the proposed dwelling. However, this would be achieved in any event through the implementation of the permitted scheme. Moreover, if I was minded to allow the appeal, a condition could be imposed removing 'permitted development' rights.
11. I have found that, subject to the incorporation of an appropriate condition, the proposed development would not lead to the domestication of that part of the appeal site identified as a paddock. However, for the reasons set out above, the location of the proposed dwelling would be at odds with the neighbouring properties to the west and the rural setting within which the proposed dwelling would be set.
12. Consequently, the proposed dwelling would be harmful to the character and appearance of the area contrary to Policy 8 d) i and ii of the North Northamptonshire Joint Core Strategy 2011-2031 (adopted July 2016) and Policy EN1 of the Rushden Neighbourhood Plan (Made June 2018). These seek, amongst other matters, developments that respond to their context and to the overall form, character and landscape within which they are set. Similarly, it

would conflict with paragraph 130 of the Framework which, amongst other matters, seeks developments that are sympathetic to local character.

Other Matters

13. I understand that the proposed dwelling is intended for an elderly couple and the amended position of the dwelling would provide easy access to the stables, vegetable garden and polytunnels, and views from the back of the house. Based on the submitted plans, and my site visit, I find that the distance between the permitted scheme and the location of the proposed dwelling would not be significantly different. The permitted scheme would be sufficiently close to enable the reasonable welfare requirements of the animals to be considered. Furthermore, the views of the open countryside from the back of the permitted scheme would be maintained.
14. The proposal is for a large family dwelling, and there is no obligation requiring the proposed house to be occupied solely by elderly residents. In any event, the proposed development would be present long after the personal circumstances cease to exist. Consequently, I give this only limited weight.
15. The appellant indicates that the proposed dwelling would increase the amenity space on the appeal site's frontage, allowing for more space for large disability access vehicles and home delivery vans. Whilst it would inevitably provide greater flexibility for parking and manoeuvring of vehicles, I am not convinced that it is justified. From what I have seen the permitted scheme provides adequate parking and turning space to meet its own needs. I have no evidence before me that would lead to a contrary view.
16. I acknowledge the representation in support of the proposal from the neighbour with regards to increased privacy and aspect. On my site visit I noted a number of windows and an entrance door in the east facing elevation of No 260, and an existing tall fence on the common boundary. The proposed dwelling would provide a more open aspect to the front of the appeal site than the permitted scheme. However, the fence, which restricts views between the respective properties, would mean that any benefits to the occupiers of No 260 would be limited. Furthermore, no objections were received from Rushden Town Council or statutory consultees.
17. I note the appellant's concern in respect of the potential for increased traffic, noise, pedestrian movement and pollution arising from the urban extension on land to the north. However, in the absence of any evidence to demonstrate what the impact would be I can give this matter only limited weight. In any event, the Council would have a duty to consider the impact of any future development on existing, and permitted, development.

Conclusion

18. There are no other relevant material considerations that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, the appeal should be dismissed

John Gunn

INSPECTOR