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# Appeal Decision

Site visit made on 9 November 2021

**by J P Longmuir BA(Hons) DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 December 2021**

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**Appeal Ref: APP/H2835/W/21/3276556**

**Land at Arthur Street, Wellingborough, NN8 3HH**

- 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 Chris Smart against the decision of Borough Council of Wellingborough.
  - The application Ref NW/21/00234/FUL, dated 10 March 2021, was refused by notice dated 29 April 2021.
  - The development proposed is the erection of a one bedroom bungalow with off road parking on land adjacent no. 15 Arthur Street.
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## Decision

1. The appeal is allowed and planning permission is granted for a one bedroom bungalow with off road parking at land at Arthur Street, Wellingborough, NN8 3HH in accordance with the terms of the application, Ref NW/21/00234/FUL, dated 10 March 2021, subject to the conditions in the conditions annexe at the end of this decision.

## Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on parking provision and any resulting harm and;
  - the living conditions of the proposed occupant and the effect of the proposal on adjacent residents.

## Reasons

### *The effect on character and appearance*

3. The appeal site is within the suburbs of Wellingborough, close to the town centre. The environs are typified by early/mid twentieth century houses.
4. The appeal site is to the rear of a terrace of houses on Westfield Road and off a side road, Arthur Street. The appeal site includes one half of a pair of garages, and a largely hard surfaced space, which logically would have been a garden at one time. The appellant's statement describes it as a separate piece of land and is not part of the existing curtilage.

5. The proposed bungalow would be orientated and detailed to visibly front Arthur Street. This would help provide a sense of continuity of buildings along the street, whereas at the moment the appeal site appears as a void. The submitted street scene shows the proposal would be at a similar height to the adjacent building on Westfield Road/Arthur Street and significantly lower than the other two storey neighbouring dwelling. The street scene also shows there would be gaps between the buildings so as to avoid a cramped appearance. It would also be slightly set back into the site from the edge of the roadside footpath which would allow it to appear at ease within the site.
6. The proposal is single storey which would be different to the neighbouring dwelling to the south. However, the street as a whole does not have uniformity and includes two blocks of flats at a lower end. Indeed, the neighbouring dwelling to the north steps down towards this level as depicted on the submitted street scene.
7. The building would have simple doors and windows, modest floor/ceiling height with an appropriately angled pitched roof, which together with red brick walling and tiles would give a deferential appearance.
8. I therefore conclude that the proposal would not harm the character and appearance of the area.
9. Policy 8 of the North Northamptonshire Joint Core Strategy (JCS) seeks to create a distinctive local character, in response to the context, including topography, form, character and landscape setting. The North Northamptonshire Joint Planning Unit Sustainable Design SPD promotes the need for a design response to local character, particularly in terms of the existing urban form. Paragraph 126 of the National Planning Policy Framework (the Framework) requires the creation of high quality, beautiful and sustainable buildings. Similarly, paragraph 130 requires proposals are sympathetic to local character and history, including the surrounding built environment and landscape setting. The proposal would not be in conflict with the above policies and guidance.

### *Parking*

10. The appeal proposal would demolish a garage and create a new one bedroom dwelling, which could generate a need for parking. However, as I noted on my site visit, the garage is narrow so that a modern sized car and its wing mirrors may not be able to fit, and the occupant(s) may well lack sufficient clearance to open their doors. The garage has a limited length which could also preclude some cars, particularly as the garage has a roller shutter door which would also need space for its functioning.
11. Additionally, the Northamptonshire Parking Standards SPD discourages counting garages for parking on the basis that they are often used for storage.
12. I therefore find that the existing garage is not likely to be used as a car parking space and therefore its removal would not be tantamount to a loss.
13. In front of the garage is an area of hardstanding. The submitted plans show that this is considerably smaller than the garage. It would not be long enough to accommodate a car without a substantial overlap onto the public footpath. Therefore, this too is unlikely to be used as a car parking space.

14. The proposal would provide a space for car parking to the side of the bungalow. This would be adequately sized and positioned to serve the new dwelling.
15. Arthur Street has some on street parking including the appeal site frontage. Evidence has not been brought to my attention that there is a parking shortage in the area. Facilities and public transport are close, so car dependency would be expected to be low. Similarly, I note the highway officer's comments but the streets are well demarcated to prevent any indiscriminate on street parking which could impair visibility across junctions and the carriageways have good widths. Consequently, even if the proposal did lead to a parking shortfall, the effect on highway safety would not be significant.
16. The Council indicate a need to provide a parking space for the adjacent dwellings, in particular one of which is an HMO. However, as I have found above, the existing garage and hardstanding on the appeal site are impractical for the parking of modern cars.
17. I therefore conclude that the proposal would not undermine parking provision and highway safety.
18. Policy 8 of the JCS seeks to ensure satisfactory parking and safety. The proposal would not be in conflict. Paragraph 110 of the Framework promotes safe and suitable access and the design of parking areas reflects the National Design Guide. Paragraph 111 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. The proposal would not be in conflict with these policies.

#### *Living conditions*

19. The second reason for refusal refers to the loss of outlook, reduced privacy and increased noise and disturbance. The submitted plans show that the dwelling's windows would be orientated perpendicular to the neighbouring houses on Westfield Road and the relative siting and distance would avoid significant overlooking. The dwelling would be sited parallel with the principal windows of the neighbour at 15 Arthur Street to avoid overlooking.
20. The appellant suggests a condition to require boundary fencing. This would deter overlooking into adjacent gardens bearing in mind the windows would only be at ground floor height. Moreover, the proposed dwelling would be within a residential area so the use should be compatible and no particular noise or disturbance would be expected.
21. The proposal would remove some of the outdoor space associated with the adjacent dwelling. I understand that this is an HMO and the Council suggests this puts more pressure on external space but the sharers may well not have such need. Only very little outdoor space would remain, just sufficient for sitting out. However, the appeal site showed no evidence of being used as a garden and I saw on my site visit that there are several substantial public open spaces close by within easy walking distances. Accordingly, I find that the proposal would reduce the quantum of open space to the neighbouring dwelling, which would adversely impact on the living standards, but this would be very limited.
22. The proposal would provide a 46sqm area of garden space for the new dwelling. Whilst this may be narrow at one point it otherwise would be a

useable shape and is a fair size. More extensive public open spaces are close by too.

23. The National Space Standards state a 1 person 1 bedroom house should have a floorspace of 39sqm, and a 2-person 1 bedroom house should have a floorspace of 50sqm. The Council calculate the bungalow would have a floorspace of 39.5sqm and suggest that it would be intended for 2 people, based on the bedroom size. The appellant states that this is only intended for single person occupancy and the proposal would therefore surpass the national space standard. Indeed, the above standards suggest a 'shower-room' would warrant the dwelling being only 37sqm. The proposal has a shower rather than a bath, which takes up less space.
24. There is an element of conjecture whether this would be a one or two-person dwelling. The appellant has submitted a revised internal floor plan which shows a bedroom of smaller size. This plan has not been the subject of the consultation process as in a planning application. However, this plan is included and referenced in the appellant's statement and consequently it would also have been available to any third parties looking at the appeal details. The Council's statement follows this submission and makes no adverse comment on it. Moreover, it makes no changes to the footprint, siting, fenestration or otherwise to the exterior of the dwelling. Consequently, no person has been disadvantaged by the submission of this interior re-arrangement.
25. The dwelling would have rectangular rooms which would be a very functional shape, with the circulation placed in the centre. The kitchen/lounge as well as bedroom would have dual aspect, which together with the extent of glazing would provide good daylighting and outlook.
26. The proposal shows 1.2sqm of storage space. This would comfortably surpass the requirement of 1sqm in the national standards for a 1 person 1 bedroom dwelling.
27. One of the reasons for refusal refers to accessibility. However, a condition as suggested by the Council could be imposed to ensure that level access to the front door could be achieved. The appellant has submitted a plan dated May 2021 detailing the potential interior measures and its essence can be conditioned.
28. I therefore conclude that the living conditions of the occupant of the proposal would be acceptable. The proposal would reduce the outdoor space of the adjacent dwelling however this impact would be very limited.
29. Policy 8 of the JCS seeks to avoid unacceptable impact on the amenities of residents and ensure the quality of life. Policy 30 of the JCS cross references to the National Space Standards as well as the National Accessibility Standards and promotes the provision of small dwellings. Paragraph 92 of the Framework supports healthy lifestyles and well-being. The proposal would be in conflict with these policies due to the reduction in private open space.

#### *Other matters*

30. The Upper Nene Valley Gravel Pits Special Protection Area /Ramsar site is close to the appeal site. This distinctive habitat is protected under The Conservation of Habitats and Species Regulations 2017 and is particularly notable for its wetland birds.

31. Having regard to the evidence provided by the Council I consider that the development could, in combination with other development in the area, have a significant adverse effect on the above designations through added recreational pressure, particularly dog walking, causing disturbance to the ecosystem. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated so as to avoid any significant adverse effect on the conservation objectives of the above designations.
32. The Council, in partnership with Natural England, has developed The Upper Nene Valley Gravel Pits Supplementary Planning Document, an approach to mitigation. This involves monitoring and management.
33. The Council confirms that the correct fee has been paid by the appellant which would contribute towards the mitigation measures. I am satisfied that this contribution would result in suitable mitigation such that the development would avoid having any significant adverse effect on the above designations.

### **Planning Balance**

34. The proposal would provide a new dwelling within an urban area, on an under utilised site, which is supported by the Development Plan strategy. The design would be appropriate for the area and the proposed parking provision would not impair highway safety, also in accordance with the Development Plan. The proposal would lead to the reduction in the size of the adjacent outdoor space; however, this would be very limited impact. Accordingly, whilst the proposal would conflict with the Development Plan, I give this very little weight.
35. Paragraph 8 of the Framework provides the three overarching objectives of the planning system: economic, social and environmental. In terms of the economic aspect, the construction of the building would help the local economy and make a contribution to housing land supply. Paragraph 69 of the Framework promotes the provision of small sites in this regard. The new dwelling would also be in a highly accessible location, whereby the occupants would have close and direct access to everyday services without the need for private car use and contribute to the social objective. Similarly, it would have a social benefit by providing an additional home and particularly so for a single person. The dwelling would re-use a site which is underused and within an urban area, which would tally with the environmental objective.
36. In the light of the above, I therefore conclude that the adverse impact of the proposal, including the conflict with the Development Plan, would be significantly outweighed by the benefits of the proposal.

### **Conditions**

37. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council has suggested conditions, but the appellant feels that the Council has not provided clear justification for their necessity. Conditions on the timing and approved plan would help clarity. The approval of materials is necessary to confirm the appearance of the elevations. Similarly, landscaping details are necessary to ensure the appearance of the scheme but this condition is simplified. The floor level condition is also necessary as this is a sloping site and such a detail will help the appearance of the street scene. The requirement for bicycle parking is necessary to ensure the accessibility of this location is maximised, which was a

contributing factor in the planning balance. However, this is not justifiably applied to No. 143 as it is an existing house.

38. The requirement for the boundary treatment is necessary in the interests of the living standards of the intended occupant and the neighbouring dwellings. The construction environment management plan is necessary to maintain living conditions during the development, particularly demolition; the size of the appeal site and its proximity to neighbouring dwellings mean there is potential for disturbance. The condition on contaminated land is necessary as the works could spread contaminants. The accessibility condition is necessary for visitors and the occupant as I found earlier.
39. The Council recommend the removal of Permitted Development Rights. However, this is only justified in exceptional circumstances and I have not found that the site is so constrained. The water efficiency measures are not specified in a particular planning policy or supplementary guidance and have not been justified in the Council's case.

### **Conclusion**

40. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below.

*John Longmuir*

INSPECTOR

### **Conditions annexe**

- 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: Location plan dated 03/09/2020, Drawing No A21-19-01a dated Feb 2021.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples.
- 4) The dwelling hereby approved shall be built to meet the requirements of the National Accessibility Standards in category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).
- 5) Before any new walling commences, details of existing and proposed finished floor levels for the proposed development and the surrounding ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved finished floor and ground levels.
- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning

Authority. All hard landscaping works shall be carried out as approved prior to first occupation of the dwelling.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from 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 similar size and species.

8) The dwelling shall not be occupied until all the external boundaries of the site have been reinforced in accordance with details submitted to and approved beforehand by the Local Planning Authority. These boundary treatments shall be retained and maintained as such thereafter.

9) Prior to the first occupation of the development details of the proposed bicycle parking for the proposed dwelling shall be submitted to and approved in writing by the local planning authority and the scheme approved shall be provided and be retained thereafter.

10) No development shall take place including any works of demolition until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include site procedures to be adopted during the course of construction including: - working hours; - Procedures for emergency deviation of the agreed working hours; - lighting and security; - control of dust and other emissions; - proposed temporary traffic restrictions; - parking of vehicle of site operatives and visitors.

11) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

End of conditions annexe