
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: 2 February 2022

Appeal Ref: APP/G2815/W/21/3277115

Jack and Jill Day Nursery, Moor Road, Rushden NN10 9TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Jack and Jill Nursery against the decision of East Northamptonshire Council.
 - The application Ref NE/21/00145/OUT, dated 22 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is described on the application form as 'Residential Development for 3 Dwellings including access and amenity'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Jack and Jill Nursery against East Northamptonshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal proposal has been submitted in outline with appearance, landscaping, layout and scale reserved for later consideration. Whilst not formally part of the scheme I have treated the indicative plans as no more than a guide as to how the site might be developed.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given an opportunity to comment on its provisions in regard to the appeal. In this respect, I am mindful that neither party have made any further submissions regarding the revised Framework.

Main Issues

5. The main issues are:
 - 1) whether the principle of development with regard to the site's ability to accommodate the quantum of development proposed would be acceptable;
 - 2) whether the proposal would provide for suitable access and parking arrangements, and the effect on the local highway network; and
 - 3) whether the proposed development would allow for a satisfactory standard of accommodation for its future occupiers.

Reasons

Principle of development.

6. The appeal site is located in a predominantly residential area characterised by rows of mainly two storey terraced houses. To the north west lies a public car park, beyond which lies the St. Peter's Parish Church. To the south west is a private car park associated with the Jack and Jill Nursery.
7. The indicative layout and elevations show 3 two storey dwellings, fronting Station Road, designed in a traditional style, with parking and private amenity space to the rear. The Council has no objection in principle to residential development on the appeal site and consider that this arrangement is the most plausible given the character of the area.
8. Notwithstanding the above, and whilst acknowledging that layout is reserved for future approval, I must be satisfied that the amount of development proposed could be achieved on the site, including whether reasonable levels of external amenity space and parking would be provided.
9. In this regard, the appellant has indicated that there could be a degree of flexibility in the type of residential units, and the number of bedrooms per unit, that could be provided. However, no evidence has been put before me illustrating an alternative scheme. On this basis I am not satisfied that the appellant has justified the quantum of development proposed.

Access, parking, and effect on highway network.

10. The indicative plans show 3 dwellings, with two parking spaces per dwelling accessed by a 5.5 metre wide drive. The access drive would enable the two way access and egress of vehicles from Station Road to the site. Furthermore, whilst acknowledging that tandem parking spaces can be an inconvenience to users, I find that overall, the site could accommodate the reasonable parking requirements of the development. Any additional car parking requirements for visitors could be accommodated on the adjacent public car park.
11. On my site visit I noted that Station Road was lightly trafficked and given the degree of development proposed the number of traffic movements would be low. Consequently, I find that the proposed development would not give rise to an unacceptable impact on highway safety, or that impacts on the road network would be severe.
12. In light of the above I agree with the Highway Authority who did not object to the proposed development.

Standard of accommodation

13. Reasonable sized gardens are indicated for plots 1 and 2, however the garden for plot 3 would be considerably smaller and would fall below reasonable expectations for a 2 bedroom dwelling. Given the intention to develop three dwellings on the site I do not see how this shortcoming can be satisfactorily remedied, and this reinforces my findings on the first main issue. In the absence of adequate external amenity space, the living conditions for future occupiers would be less than satisfactory. Whilst noting the appellants willingness to be flexible I see little the scope for increasing the amount of amenity space without significantly impacting on parking provision.

Other Matters

14. In the absence of specific evidence to demonstrate how the proposal fails to meet with the requirements of the National Design Guide, as suggested in the reason for refusal, I cannot conclude that it would be contrary to its provisions. Moreover, layout and appearance are factors that might be addressed at the reserved matters stage should a revised scheme be drawn up.
15. I acknowledge that the appellant has sought the advice of the Council as to what would be acceptable development, however this does not alter the conclusions that I have reached.
16. Furthermore, I note that a contribution has been paid to the Council towards the Nene Valley Gravel Pits Special Protection Area, as required by Natural England.

Conclusion

17. I have found harm on two of the main issues. On this basis I find that the proposed development would accord with Policy 8 b) of the North Northamptonshire Joint Core Strategy 2016 and Policy T1 of the Rushden Neighbourhood Plan 2018 which, amongst other matters, seeks developments that provide safe and convenient access and parking. However, this cannot be considered in isolation from other key elements of the scheme, including amenity space. In the absence of adequate amenity space for all dwellings, I find that the site would be unable to accommodate the key component parts that would be necessary for a well-designed scheme, and as a result the proposal would represent an overdevelopment of the site. Consequently, it would be contrary to Policy 8 d) and e) of the North Northamptonshire Joint Core Strategy 2016, Policy EN1 of the Rushden Neighbourhood Plan 2018 and paragraph 130 of the Framework which, amongst other matters, seeks high quality design and a high standard of amenity for existing and future occupiers.
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, I conclude that the appeal should be dismissed.

John Gunn

INSPECTOR