
Appeal Decision

Site visit made on 18 January 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 FEBRUARY 2022

Appeal Ref: APP/W2845/D/21/3284819

4 Bochetone, Boughton NN2 8EX

- 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 Serhiy Zastavnyy against the decision of West Northamptonshire Council.
 - The application Ref WND/2021/0342, dated 24 June 2021, was refused by notice dated 27 September 2021.
 - The development proposed is the conversion of integral garage to a dining room and replacement of windows on front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of integral garage to a dining room and replacement of windows on front elevation at 4 Bochetone, Boughton NN2 8EX in accordance with the terms of the application, Ref WND/2021/0342, dated 24 June 2021, subject to the following conditions:
 - 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: Block Plan; Front Elevation - Existing Plan; Ground Floor Plan – Existing Plan; Front Elevation - Proposed Plan; Ground Floor Plan - Proposed Plan and Block Plan – Existing and Proposed Parking Arrangements.
 - 3) The design of the window and materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. For reasons of clarity, the description of development from the Council's decision notice has been adopted.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area and (b) the safety of other highway users.

Reasons

Character and Appearance

4. The proposed development includes the conversion of an existing integral garage to habitable accommodation through the replacement of the garage door by a window and wall. The Council has objected to the proposed development by reason of the design of the window failing to reflect the fenestration of the host property. Reference was made by the Council to the *Broughton's Village Design Statement* identifying the that any new window should be in keeping with existing windows, including the choice of materials and their detailing.
5. No objection to the scale of the proposed opening has been raised by the Council and it is recognised that the window would probably be constructed of uPVC. The appellant has expressed a willingness to erect a window to match the design of the existing openings. Accordingly, to control the design of the appeal scheme there would be the potential to impose a suitable condition requiring the proposed window to match the external appearance of the other windows. Such a condition could require the external brick used to construct the wall to also match the property.
6. Accordingly, and subject to a suitable condition, the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with Policy ENV10 of the Settlements and Countryside Local Plan (Part 2) for Daventry District (LP) which refers to development of poor design that does not add to the character and quality of an area and the way it functions not being supported. LP Policy RA2 is mainly concerned with the principles of development occurring at secondary villages rather than the detailed design of alterations to dwellings.

Highway Safety

7. A condition was imposed on the reserved matters approval for the property which seeks to retain garages and parking spaces for the purposes of parking at all times(Ref DA/2013/0994). This condition was imposed in the interests of highway safety. No details on when the reserved matters were approved have been provided and whether the approval was before or after the publication of the *Northamptonshire Parking Standards* which now provides guidance on parking provision.
8. The Council is applying these standards to the current application identifying that the parking provision for the property would be below the 3 spaces sought for a 4-bedroom dwelling. This is because there would be the loss of the garage leaving only 2 parking spaces within the front garden of the property. However, the appellant's evidence identifies that the *Parking Standards* refer to garages not being included as designated parking within development and there would still be the same 2 parking spaces available within the front garden.
9. In any event, during the site visit it was observed that the property is situated on a cul-de-sac rather than being on a main route through the surrounding residential development. Further, a car was parked on-street and the width of the carriageway was sufficient to enable vehicles to pass the parked car,

including a large van. For these reasons, the potential for a vehicle associated with the property to park on-street, rather than use the 2 available on-plot spaces, would not result in an unacceptable impact on highway safety of the type referred to in the National Planning Policy Framework (the Framework).

10. On this issue it is concluded that the proposed development would not cause unacceptable danger for the safety of other highway users and, as such, it would not conflict with the Framework.

Conditions

11. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For reasons of clarity and certainty, a condition is necessary to ensure the appeal scheme would be constructed in accordance with the submitted drawings. In addition to the Council's suggested conditions and for the reasons given, a condition is necessary to ensure the external details of the proposed window and wall match those of the appeal property.
12. Accordingly and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR