



Appeal Decision

Site visit made on 15 February 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/U2805/W/21/3277799

26 Brookes Grove, Corby NN17 2AQ

- 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 Mas Patwary against the decision of Corby Borough Council.
 - The application Ref 20/00209/DPA, dated 26 June 2020, was refused by notice dated 16 March 2021.
 - The development proposed is to develop land associated with 26 Brookes Grove for the erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development above is taken from the appeal form as that on the application form erroneously refers to a completely different development.

Main Issues

3. The application was recommended for approval by officers but ultimately refused following a meeting of the Council's Development Control Committee. The Council's decision notice does not contain full reasons for refusal, simply referring to '*overdevelopment and lack of off-street parking*'. From the Council's subsequent submissions at the appeal stage, to which the appellant has been able to respond, I consider the main issues in this case are the effect of the proposal on:
 - i) the character and appearance of the area, and
 - ii) parking pressure in the area.

Reasons

Character and appearance

4. Brookes Grove is a T-shaped cul-de-sac of semi-detached dwellings. The dwellings form a regular pattern parallel to the road, with the exception of the pairs at either end of the cul-de-sac which stand at right angles to the others. There is some variety to the external finishes of the dwellings, but they retain a strong consistency in terms of their overall scale, rhythm and form. There is also a relatively spacious layout with broad gaps between the pairs and large spaces at each corner. This consistent built form and spacious layout contribute positively to the character of the area.
5. The proposal seeks to construct two detached dwellings within the grounds of No 26, which occupies one of the open corners of the cul-de-sac. By infilling

this open corner, referred to as a 'sky gap' by the Council, the proposal would erode this characteristic openness and instead create a more dense and cramped arrangement with dwellings set significantly closer to one another than elsewhere in the cul-de-sac.

6. Moreover, the introduction of two detached dwellings would be wholly inconsistent with the existing pattern of semi-detached pairs within Brookes Grove, and they would appear incongruous within the street scene as a result. The easternmost dwelling, closest to No 24, would also stand at an angle to other dwellings rather than parallel, which would further undermine the consistency of the built form.
7. The Council's reason for refusal refers to 'overdevelopment' of the site. This is a commonly used, but often vaguely defined term in planning. However, in this case, I agree with the Council insofar as the proposal would result in a more dense and cramped form of development that would upset the consistency of the surroundings.
8. The land to the rear of the appeal site falls within the Lloyds Conservation Area (LCA). The Council has made no finding of harm to its setting. I saw that the nearest parts of the LCA are the red brick, semi-detached houses on Rowlett Road. From what I saw, their consistent design contributes to the significance of the LCA, and is appreciated primarily from within the LCA itself. The proposed dwellings would be seen in context with others on Brookes Grove, which has a different appearance that distinguishes it from the LCA, and would not be of a scale or form that would materially affect the overall relationship with the LCA. Therefore, I find that the proposal would not harm the setting of the LCA or its heritage significance.
9. However, for the reasons set out above, I conclude that the proposal would cause significant harm to the character and appearance of the area, in conflict with Policy 8 of the North Northamptonshire Joint Core Strategy (2016) (the NNJCS), which seeks to create distinctive local character by responding to the site's immediate and wider context to create new streets, spaces and buildings. The proposal would also conflict with the aims of the National Planning Policy Framework (the Framework) to secure high quality design in all developments.

Parking

10. The proposal would provide two three-bedroom dwellings capable of occupation by families. Thus, it is reasonable to consider that future occupants would have vehicles and generate demand for parking. The dwellings on the southern side of Brookes Grove do not have off-street parking, with a wide grass verge separating the dwellings from the road. Parking bays are instead provided along the southern side of the cul-de-sac, with turning heads at either end.
11. I saw that the turning area outside the appeal site is used for parking, as are parts of the grass verge, as evidenced by photographs submitted by interested parties and tyre tracks visible on the ground. I glean from this that the concentration of dwellings around the head of the cul-de-sac already creates demand for parking which, at least part of the time, exceeds the available space on the street. The proposal would increase demand for these spaces, which are unrestricted and so could not be guaranteed to be available for any particular dwelling. Therefore, the likely outcome would be that the additional demand for parking would displace vehicles to other parts of the cul-de-sac.

12. As part of the application, the appellant has provided a parking beat survey. However, this analysed parking primarily on Welland Vale Road, a larger link road immediately to the north of Brookes Grove. The only statement within the survey with respect to Brookes Grove was that '*the road was not heavy parked with sufficient space available along the parking bays and both sides of the road.*' However, no actual figures are produced to substantiate this conclusion.
13. In practice, occupants of the proposed dwellings would be unlikely to park their vehicles out of sight more than 100 metres away on a different street, convenience and security being factors in this. Therefore, and notwithstanding supportive comments from the Council's Highways Officer, I agree with the Council that the survey presents an incomplete picture of the parking situation within Brookes Grove itself, and is not sufficient to determine that no issues would arise as a result of the proposed development.
14. Conversely, interested parties have submitted photographs showing heavy parking demand along the whole street, and particularly next to the appeal site where vehicles are shown parked on the grass verge. Whilst I accept that this is but a snapshot in time, it adds to my concerns, having seen the limited availability of parking at my site visit, that displaced vehicles would end up being parked indiscriminately on the grass verges, or to the northern side of the street or at the bend where they would narrow the carriageway and obstruct visibility and/or movement of traffic or impede access to the driveways on this side.
15. The Council has requested a pre-commencement condition requiring a further parking beat survey in the event the appeal is allowed. However, whether there would be sufficient parking capacity is fundamental to the acceptability of the proposal, and should be known prior to granting permission. A condition would be effective only where there is confidence that it would address the outstanding issue. In this case, the condition could be satisfied by the submission of a parking survey, but this would not actually resolve the problem if the survey found there to be insufficient parking capacity. As such, it is not a matter that should be left to be resolved by condition.
16. Having regard to the evidence before me, therefore, I find that the proposal would give rise to additional demand for on-street parking, for which it has not been demonstrated that there is sufficient capacity. As a result, there would be a substantial risk of vehicles parking indiscriminately within the cul-de-sac, obstructing free movement of traffic and posing an unacceptable risk to highway and pedestrian safety, as well as inconveniencing other residents.
17. The proposal would therefore conflict with Policy 8 of the NNJCS in terms of its requirement that developments provide a satisfactory means of access and provision for parking, servicing and manoeuvring. There would also be conflict with the Framework which sets out that safe and suitable access to the site should be achieved for all users and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

18. I acknowledge that the application was originally recommended for approval by officers, and have had regard to the reasoning set out in the committee report. However, that is not the decision ultimately reached by the Council, and it has

set out its case against the proposal at appeal. I have considered the appeal on its own merits and, for the reasons set out above, I reach different conclusions to those of the original officer report.

19. No objection is raised by the Council in respect of the effect of the proposal on neighbours' living conditions, aside from parking matters discussed above. Having regard to the orientation of the dwellings and windows, I am satisfied that no undue effects would arise in terms of overshadowing, overlooking or loss of sunlight or daylight. I also acknowledge that the dwellings would benefit from adequate garden space and generally would provide a suitable standard of accommodation. However, these are expectations of any new development, and therefore are neutral factors in the overall planning balance.
20. The appellant refers to the site being 'previously developed'. However, the Framework specifically excludes residential gardens from the definition of previously developed land. I saw nothing at my site visit to lead me to the view that the site is anything other than residential land. In any event, whilst the Framework supports the effective use of land, this should be done whilst safeguarding and improving the environment. The proposal would not improve the immediate environment either in terms of the character and appearance of the area or the parking situation. Therefore, I do not regard the proposal as making effective use of the land that would amount to a benefit to be weighed in favour of the proposal.
21. I note other concerns raised by interested parties, including in relation to trees, wildlife, smells, noise and works to the existing dwelling. However, on the limited evidence before me in respect of these matters, they do not raise additional material harms or benefits to be weighed in the planning balance, and so I do not address them further.

Conclusion

22. The proposal would deliver two family-sized dwellings for the Borough's housing stock in an accessible location; however, this would make a very modest contribution to overall housing targets and therefore would attract only limited weight in favour of the proposal.
23. There would be benefits arising from the economic activity generated for the local building trade in implementing the development, and from engagement by future occupants in the local economy. However, given the scale of the development, such benefits would attract limited weight.
24. For the reasons set out above, the proposal would conflict with the development plan, taken as a whole. I afford significant weight to this conflict. Material considerations in this case, including the identified benefits taken cumulatively, are not of sufficient weight to indicate that the appeal should be decided other than in accordance with the development plan.
25. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR