



Appeal Decision

Site visit made on 14 March 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2022

Appeal Ref: APP/M2840/W/21/3286088

119 High Street, Rushden NN10 0NZ

- 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 Neil Briggs against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00926/FUL, dated 7 June 2021, was refused by notice dated 22 October 2021.
 - The development proposed is conversion and extension of store to the rear of shops at No 119 High Street Rushden to form a single dwelling within Class C3.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of a store to the rear of shops to form a single dwelling within Class C3 at 119 High Street, Rushden NN10 0NZ in accordance with the terms of the application, Ref NE/21/00926/FUL, dated 7 June 2021, subject to the conditions set out at the end of this decision.

Applications for costs

2. An application for costs was made by Mr Neil Briggs against North Northamptonshire Council. That application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area, including consideration of whether or not the proposed development would be likely to promote opportunities for crime;
 - Whether or not acceptable living conditions would be provided for future occupiers of the proposed development, having particular regard to access to light and outlook;
 - The effect upon highway safety and the viability of the town centre, having particular regard to the intended parking arrangements; and
 - The effect upon the Upper Nene Valley Gravel Pits Special Protection Area (the SPA).

Reasons

Background

4. An important material consideration in this case is the existence of a June 2021 appeal decision¹ at the same site relating to intended development of the same description to that now under consideration. Although the previous appeal was dismissed because of a likely significant effect upon the SPA, the Inspector, amongst other findings, identified the principle of development to be acceptable, no adverse effect upon the character or infrastructure of the area, no harm to the vitality of the town centre and acceptable living conditions for future residents. Whilst any proposal for development must be considered upon its own individual merits, I shall consider the appeal with this background context in mind.

Character and appearance

5. The site occupies a dense inner-urban location where a diverse mix of commercial and residential uses already exist. Indeed, the site itself contains a pair of retail units at ground floor as well as multiple flats across its upper floors. A mixed and compact character and appearance is thus readily identifiable local to the site.
6. The proposal is centred upon the conversion of a store and separate toilet block, both of which I observed to be of somewhat dilapidated and neglected appearance. The scheme also involves the construction of a linking extension at ground floor. This planned extension would occupy a discreet location setback from High Street and, being of low height and small scale, would constitute an inconspicuous addition. As such, notwithstanding the proximity of various other buildings and the residential units that already exist on-site, I am unpersuaded that an unduly dense or cramped form of development would be forthcoming.
7. Although to be accessed via a narrow pathway that leads from High Street, some natural surveillance of this pathway is offered via an existing window opening and an external staircase that serve upper floor accommodation. I also observed the existence of fixed wall lights, which would be anticipated to aid visibility during night-time hours. Moreover, a scheme of external lighting related to the site's access could be formalised via the imposition of a planning condition should the appeal be successful. This would be in the interests of promoting a sense of security whilst guarding against any potential for undue light disturbance to occur.
8. For the above reasons, the proposal would not cause harm to the character and appearance of the area and would be unlikely to promote opportunities for crime. The scheme satisfactorily accords with Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016) (the JCS) and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies set out that development should respond to the site's immediate and wider context and ensure that streets and spaces are overlooked, active, feel safe and promote inclusive access.

¹ APP/G2815/W/21/3269221

Living conditions

9. The new dwelling would be served by external spaces to the front and rear. Whilst the proposed yard to the front would be of limited area, the private outdoor space to be provided to the rear would offer a meaningful degree of spaciousness and opportunities for open outlook via multiple intended openings. The presence of this space would also promote the availability of natural light for future occupiers. I also note that the kitchen would be dual-aspect and thus benefit from access to plentiful light and acceptable outlook.
10. The proposed living/dining room (the living room) would be served by a single window opening that would address the small yard to the property's frontage. Even so, the extension to abut this yard space would be of low single-storey height. I thus adjudge that, although opportunities for outlook from the living room would be constrained, a sufficient sense of openness would prevail for future users of this room. I do not accept that the living room would likely be artificially lit for the majority of any given day. This is because it would be served by a south facing opening and some additional natural light would reasonably be anticipated to reach it via the property's kitchen. These findings, I note, are consistent with those of the previous Inspector.
11. For the above reasons, having particular regard to access to light and outlook, acceptable living conditions would be provided for future occupiers of the proposed development. The scheme satisfactorily accords with Policy 8 of the JCS, Policy EN1 of the Rushden Neighbourhood Plan (June 2018) and the Framework in so far as these policies require development proposals to be designed to allow for adequate daylight and sunlight and to ensure that there is good outlook for all future occupiers of land and buildings.

Highway safety and town centre viability

12. The Northamptonshire Parking Standards (September 2016) sets out minimum parking standards for a range of different development types. The expected standard for a one-bedroom dwelling is one vehicular space plus one visitor space. In this case, no off-street parking spaces are intended to be provided.
13. However, the site occupies a central location at the heart of Rushden town centre and is surrounded by a wide range of different facilities and services. Indeed, the site's location would be anticipated to appeal to persons dependent upon sustainable modes of transportation. Whilst car ownership would remain a possibility, there is no clear reason to consider that parking necessitated by the proposal (which, for the most part, relates to the conversion of existing built floor space) would be at a level capable of compromising highway safety. This is even when acknowledging the potential for there to exist other car owners at the appeal site. Moreover, any possible increased reliance upon public car parks and/or on-street parking would be modest and not to an extent that could undermine the viability of town centre businesses.
14. For the above reasons, having particular regard to the intended parking arrangements, there would be an acceptable effect upon highway safety and the viability of the town centre. The scheme satisfactorily accords with Policies 8, 12 and 30 of the JCS and the Framework in so far as these policies support the vitality and viability of town centres and guard against development that would prejudice highway safety or have an adverse effect upon the infrastructure of an area.

The SPA

15. The site lies within the SPA's defined Zone of Influence, such that I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives. For the purposes of this appeal, I am the competent authority.
16. The SPA comprises a number of wetland sites that accommodate bird populations for which the SPA has been designated. The conservation objectives of the SPA relate to the protection of these bird populations. A threat to the SPA's integrity is increased visitor access and associated recreational pressure whilst it has been identified that most visits are made by persons who live within 3km of the SPA. As such, the proposal would be likely to have a significant effect upon the SPA when considered in combination with other residential projects.
17. It is apparent from the evidence before me that a mitigation strategy endorsed by Natural England was adopted in 2016 to address the adverse effects of people visiting the SPA. This draws together a series of Strategic Access Management and Monitoring measures, that include screening and fencing, footpath diversions, wardening and monitoring. Based on the expected costs of these measures, a per dwelling contribution was set at £269.44 and has since risen to take account of indexation.
18. The statutory nature conservation body (Natural England) was consulted at planning application stage and thus had the opportunity to respond to information applicable to the formation of an AA. An expectation to make a proportionate contribution towards the implementation of the adopted mitigation strategy has been clearly stated by Natural England.
19. The Council has confirmed receipt of the relevant required mitigation payment. As such, it is not necessary to seek to secure the future provision of this payment. Moreover, given the adopted and comprehensive nature of the mitigation strategy under implementation, I am sufficiently satisfied that proportionate mitigation would be delivered in an expedient manner should the proposal be implemented. I thus find that the scheme would not adversely affect the SPA's integrity.

Other Matters

20. I find that the proposal, in-part owing to its discreet nature and small scale, would preserve the character and appearance of the Rushden Conservation Area and would not result in harm being caused to its heritage significance.
21. I have noted references by an interested party to unwanted noise and the presence of rats associated with the occupation of other flats at the site. However, there is no clear reason to consider that a single additional ground floor dwelling of small size would exacerbate any such potential existing issues. Indeed, the scheme would necessitate a tidying up of the site's rear portion.
22. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

23. Potential planning conditions are listed in the Council's published Committee Report, which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes.
24. In the interests of certainty, a condition specifying the approved plans is required. In the interests of visual amenity, a condition securing the use of external-facing materials to match existing is reasonable to impose. In the interests of protecting the living conditions of nearby occupiers, conditions to guard against the burning of materials during the construction phase and to restrict construction working hours are both reasonable and necessary.

Conclusion

25. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than three 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 (scale 1:1250); 0619 SK 32; 0619 SK 30 A; 0619 SK 31 A.
- 3) Prior to the first occupation of the dwelling hereby permitted, a scheme of external lighting for the site's communal access shall be submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with the approved details. Thereafter, the installed scheme shall be retained and maintained at all times in accordance with the approved details.
- 4) The development hereby permitted shall be carried out using materials to match those used on the existing buildings on-site and as specified on approved plan 0619 SK 31 A.
- 5) There shall be no burning on-site of any material during site preparation, demolition or construction works.
- 6) Demolition or construction works (including deliveries to and from the site) shall take place only between the hours of 0800-1800 on Mondays to Fridays, 0800-1300 on Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

-----END OF SCHEDULE-----