



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/21/3286352

14 Doddington Road, Wilby, Wellingborough, NN8 2UA

- 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 Hanger against the decision of North Northamptonshire Council.
 - The application Ref NW/21/00051/FUL, dated 21 January 2021, was refused by notice dated 6 May 2021.
 - The development proposed is a new dwelling on land adjacent to 14 Doddington Road, Wilby.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling on land adjacent to 14 Doddington Road, Wilby NN8 2UA in accordance with the terms of the application, Ref NW/21/00051/FUL, dated 21 January 2021, subject to the conditions set out at the end of this decision.

Preliminary Matters

2. The Council has confirmed that, following receipt of a mitigation payment, it no longer wishes to defend its fourth reason for refusing planning permission. This related to the scheme's effect upon the Upper Nene Valley Gravel Pits Special Protection Area (the SPA). I shall determine the appeal on this basis whilst considering SPA matters under a Main Issue in this appeal.
3. The appellant, at appeal stage, has submitted an additional plan¹ that depicts the intended finished floor level as well as proposed external levels. The details provided are not inconsistent with the original plans and do not evolve the scheme. Therefore, I find that no party with a potential interest in the outcome of this appeal is prejudiced by me accepting the additional plan for information purposes. I shall determine the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon the living conditions of neighbouring residential occupiers, having particular regard to outlook, privacy and noise;

¹ PL04

- Whether or not acceptable living conditions would be provided for future occupiers of the proposed development, having particular regard to privacy and noise;
- Whether or not it has been satisfactorily demonstrated that the proposed development would be suitably accessible; and
- The effect upon the SPA.

Reasons

Character and appearance

5. The site sits to the edge of Wilby and is comprised of an area of overgrown land that is fenced to much of its perimeter. Most of the site, including where the proposed dwelling and associated external works would be sited, falls inside the settlement's designated boundary where small-scale infill development is supportable in principle. Properties close to the site, although tending to be setback from the highway and often occupying individual plots of generous expanse, take a variety of different forms, styles and sizes. A spacious and mixed residential character and appearance is thus identifiable local to the site.
6. Whilst the new dwelling would be situated in proximity to Doddington Road (the road), it would still be stepped back a short distance and would cover a footprint of fairly modest extent. Furthermore, the site's sloped topography would be utilised in a positive and innovative manner. Indeed, the dwelling would be part-subterranean and take the appearance of a building of somewhat limited height and scale. I also note that meaningfully sized external spaces would be provided to both the front and rear. In my judgement, the dwelling would not appear as an unduly cramped addition to either the site itself or the wider local area.
7. I acknowledge reference to a staggered form being in place along the road. However, as was apparent upon inspection, there is no clear rhythm to the precise manner in which properties are placed to the road's western side. Moreover, visible from the site are various examples of buildings and solid boundary treatments set either immediately alongside or in proximity to the road. In this context, the proposed dwelling would avoid having an unduly prominent nor discordant presence in the streetscene.
8. Given the mixed character and appearance that I have identified and the inherently modern makeup of No 14 Doddington (No 14), I take no issue with the intended fenestration nor with the anticipated palette of external-facing materials. Nevertheless, should the appeal be successful, it would be prudent to impose a condition requiring full details of the chosen materials to be submitted for approval.
9. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The scheme accords with Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016) (the JCS) in so far as this policy sets out that development should respond to a site's immediate and wider context.

Living conditions – neighbouring occupiers

10. The new dwelling would not be positioned directly to the front of No 14 and, as discussed above, would be of somewhat limited height and scale. When also factoring in the setback positions of other close by properties, there is no reason to consider that available levels of outlook would be unduly impacted upon, nor that the introduction of a dwelling to the site could realistically be anticipated to harmfully increase levels of noise and potential disturbance. Whilst a pair of bedroom window openings would face the front driveway that serves No 14, this is an external space that is already visible from a range of publicly accessible vantage points. Thus, the intended introduction of the aforementioned bedroom windows does not raise undue privacy concerns.
11. For the above reasons, having particular regard to outlook, privacy and noise, the proposal would not cause harm to the living conditions of neighbouring residential occupiers. The scheme accords with Policy 8 of the JCS in so far as this policy guards against an unacceptable impact on the amenities of neighbouring properties by reason of, amongst other factors, noise or overlooking.

Living conditions – future occupiers

12. Notwithstanding the site's positioning adjacent to the road, it occupies a quiet residential location. Whilst to be situated in proximity to No 14, this is a single property that would not, realistically, be anticipated to generate high levels of general activity or possible disturbance. Furthermore, the external stairway to be provided (adjacent to the new dwelling's side elevation) would serve occupiers of the new dwelling as opposed to the movements of any other adjacent occupier.
13. No 14 (and its front-facing balcony) occupies a setback position when compared to where the new dwelling would be sited. In this sense, a direct relationship would be avoided. It is also relevant to note that each bedroom intended to be served by a side-facing opening would also benefit from a front-facing window. This means that any future inhabitant of either of these bedrooms would have the legitimate option, should they so desire, to maintain closed curtains (or similar) to the side whilst maintaining outlook and natural light via a front-facing opening.
14. For the above reasons, having particular regard to privacy and noise, acceptable living conditions would be provided for future occupiers of the proposed development. The scheme accords with Policy 8 of the JCS in so far as this policy guards against an unacceptable impact on the amenities of future occupiers by reason of, amongst other factors, noise or overlooking.

Accessibility

15. Policy 30 of the JCS indicates that new dwellings must meet Category 2 of the national accessibility standards. As illustrated upon 3D visuals² provided and consistent with the levels plan submitted at appeal stage, level access to the dwelling would be achievable via an expansive and gently sloped approach route. There is no clear reason to consider that the Category 2 standard endorsed by Policy 30 would not be met.

² PL03

16. For the above reasons, it has been satisfactorily demonstrated that the proposed development would be suitably accessible. The scheme accords with Policy 30 of the JCS and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies promote the creation of places that are accessible and promote health and well-being.

The SPA

17. 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.
18. 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. Indeed, 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.
19. 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 and has since risen to £299.95 to take account of indexation.
20. 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. Indeed, an expectation to make a proportionate contribution towards the implementation of the adopted mitigation strategy has been clearly stated. Furthermore, it was confirmed that AAs with respect to schemes of less than 10 dwellings within the 3km Zone of Influence do not require consultation with Natural England.
21. As set out under Preliminary Matters, 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.
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. The Council has suggested conditions that the appellant has had the opportunity to comment upon and 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. I have also added a condition to secure full details of the external-facing materials to be used. In the interests of certainty, a condition specifying the approved plans is required.
24. In the interests of protecting the character and appearance of the area, a condition is required to secure the implementation of a scheme of hard and soft landscaping. For the same reason, I have added boundary treatment details as a requirement of this condition.
25. In the interests of promoting water efficiency and a sustainable development, a condition requiring water efficiency measures to be installed is reasonable. In the interests of highway safety and ensuring an appropriate level of parking provision, a condition requiring the approved parking spaces to be constructed and thereafter retained is both reasonable and necessary.
26. To promote highway safety and to protect the living conditions of local occupiers, a condition requiring the submission and implementation of a Construction Environmental Management Plan is both reasonable and necessary. In recognition of the scale of development, and the limited extent of its potential effects during the construction phase, I have made various adjustments when compared to the Council's suggested wording.

Conclusion

27. 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: PL01A; PL02.
- 3) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the site procedures to be adopted during the course of construction with respect to: working hours; lighting and security; control of dust and other emissions; any proposed temporary traffic restrictions; parking for site operatives and visitors. The development shall be carried out in accordance with the approved CEMP.
- 4) No development shall take place above slab level until full details of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.
- 5) No development shall take place above slab level until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include planting plans detailing the species, supply sizes and densities of new planting and existing trees to be retained and/or removed and their root protection areas; existing and proposed finished levels; boundary treatments; visibility splays. All hard and soft landscaping works shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted, or the completion of the development (whichever is the sooner), or in accordance with a programme to be agreed in writing by the Local Planning Authority. If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased, it shall be replaced in the next planting season with a tree or shrub of equivalent size, species and quantity.
- 6) The dwelling hereby permitted shall not be first occupied until the vehicular parking spaces depicted upon approved plan PL01A have been constructed, surfaced and marked out. The parking spaces so provided shall thereafter be retained at all times for the purposes of parking motor vehicles and shall be used solely for the benefit of the occupants of the dwelling hereby permitted and their visitors.
- 7) The dwelling hereby permitted shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use to no more than 5 litres per day in accordance with optional standard 36(2b) of Approved Document G of the Building Regulations (2015).

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