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# 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: 1<sup>st</sup> April 2022**

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**Appeal Ref: APP/W2845/W/21/3283795**

**Bungalow, Sunnyside, Water Lane, Towcester NN12 6RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr A Ford on behalf of Churchill Retirement Living against the decision of West Northamptonshire Council.
  - The application Ref WNS/2021/0913/COND, dated 22 June 2021, sought approval of details pursuant to Condition No 19 of planning permission Ref S/2020/1403/MAF, granted on 4 March 2021.
  - The application for approval of details was refused by notice dated 16 August 2021.
  - Condition No 19 states that: *Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, including the windows and doors and their colour, surrounds, reveals, lintels and cills; the porches and canopies; chimneys and rainwater goods; together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.*
  - The reasons given for the condition is: *In order to safeguard the visual amenities of the area and to ensure a high-quality design which is compatible and integrated with its surroundings and the distinctive local character of the area in accordance with the National Planning Policy Framework, Policy SS2 of the South Northamptonshire Local Plan (Part 2) and the Council's adopted Design Guide.*
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## Decision

1. The appeal is allowed and Condition 19 of planning permission Ref S/2020/1403/MAF is discharged in accordance with the terms of application Ref WNS/2021/0913/COND, dated 22 June 2021, and the plans/details<sup>1</sup> submitted with it.

## Preliminary Matters

2. The relevant planning condition relates to a complex of retirement living apartments (the building) that is presently under construction. It requires the submission of various exterior architectural details for written approval. Whilst a comprehensive submission that seeks to address all aspects of the condition is under consideration, it is apparent that the Council's objections are centred upon the intended design/specification of the scheme's windows. I shall consider the appeal on this basis.
3. There are inconsistencies when submitted plan 702 P1 (Typical Window Detail) is compared to other submitted plans<sup>2</sup> that feature windows with the same

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<sup>1</sup> 703 P2; 704 P2; 705 P2; 706 P2; 707 P2; 708 P2; 709 P2; 710 P2; 711 P2; 712 P2; 713 P1; 714 P1; 715 P1

<sup>2</sup> 705 P2; 714 P1; 715 P1

glazing bar pattern. Indeed, in contrast to these other plans, it illustrates frames with differing sightlines as well as glazed partitions of varying sizes. I am thus unable to use plan 702 P1 for determination purposes and shall proceed to determine the appeal in accordance with the full suite of other plans and details that are before me.

### **Main Issue**

4. The effect upon the character and appearance of the building and its surroundings, including the setting of the adjacent Towcester Conservation Area (the TCA).

### **Reasons**

5. The significance of the TCA as a designated heritage asset is drawn, in-part, from its Roman origins and its range of often intricately detailed historic buildings. The appeal site abuts the TCA to its eastern end where it is faced by the rear elevation of a neighbouring non-designated historic terrace (the terrace). The site's other surroundings sides are typified by the presence of contemporary forms of development, whilst a wide range of white plastic window and door openings of varying designs, profiles and specifications have a visual relationship to the site.
6. The appeal site is positioned in relative proximity to the terrace and other built development (including No 15 Richmond Road) such that only glimpsed or restricted views of the building are/would be available from publicly accessible locations within the TCA. Indeed, notwithstanding its closeness to Towcester's historic core, the site does not occupy a very prominent or especially sensitive location in conservation terms. This is particularly so when factoring in the existence of various modern window replacements to the rear elevation of the terrace.
7. With specific respect to windows, the South Northamptonshire Design Guide (2017) (the SNDG) indicates, amongst other provisions, that sliding sash windows should be used and that top-hung opening fanlights are not acceptable. Even so, to my mind, it would be disproportionate to apply the SNDG's full expectations rigorously and comprehensively to all sites and in all individual circumstances.
8. Moreover, the submitted plans illustrate the intended provision of reconstituted stone sills, glazing bars with an external profile, sash horns, and outer frames of consistent proportions. As such, notwithstanding that top-hung elements would be incorporated and the understood intention to apply gloss finishes, I find that the array of windows to be installed would satisfactorily reflect the architectural and design achievements of the building as well as the varied and often modern makeup of the site's surroundings. This is even when factoring in the high number of openings involved.
9. Furthermore, the terms upon which planning permission was granted would not be compromised. Indeed, the evidence before me indicates that there is no definitive reference to sash windows upon any plan originally approved in March 2021. Likewise, there is no conditional requirement for windows to be of a specific type when installed.
10. For the above reasons, the proposed details would not cause harm to the character and appearance of the building and its surroundings or to the

heritage significance of the TCA. The proposal satisfactorily accords with Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029, the National Planning Policy Framework (July 2021) and the SNDG in so far as these policies and guidance require proposed development to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area.

### **Other Matter**

11. I have noted representations made with respect to potential advantages for future inhabitants of frail disposition being able to open top-hung elements with relative ease when compared to if sliding mechanisms were to be installed alternatively. Whilst I see some merit in the arguments made by the appellant in this sense, this matter is not determinative to the outcome of this appeal.

### **Conclusion**

12. For the above reasons, the appeal is allowed. Thus, Condition 19 attached to planning permission Ref S/2020/1403/MAF is hereby discharged.

*Andrew Smith*

INSPECTOR