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## Appeal Decisions

Site visit made on 25 April 2022

**by B Plenty BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 May 2022**

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### **Appeal A Ref: APP/W2845/W/21/3284726**

#### **Land adjacent to 2 Church Street, Woodford Halse NN11 3RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Ms Jane Drake against the decision of West Northamptonshire Council.
  - The application Ref WND/2021/0227, dated 2 June 2021, was refused by notice dated 21 July 2021.
  - The development proposed is the demolition of garages and erection of single dwellinghouse.
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### **Appeal B Ref: APP/W2845/W/21/3284717**

#### **Land adjacent to 2 Church Street, Woodford Halse NN11 3RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Ms Jane Drake against the decision of West Northamptonshire Council.
  - The application Ref DA/2020/1013, dated 10 November 2020, was refused by notice dated 13 April 2021.
  - The development proposed is the demolition of garages and erection of single dwellinghouse.
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### **Decision**

1. Appeal A is allowed, and planning permission is granted for the demolition of garages and erection of single dwellinghouse at land adjacent to 2 Church Street, Woodford Halse NN11 3RA in accordance with the terms of the application, Ref WND/2021/0227, dated 2 June 2021, and the plans submitted with it, subject to the conditions within the attached schedule.
2. Appeal B is dismissed.

### **Preliminary Matters**

3. The proposals in relation to Appeals A and B were made in outline form with matters reserved apart from access, layout and scale. Indicative plans show details of one way that the appearance could be addressed with materials proposed that would match the adjacent dwellings. Limited details of landscaping have been shown at this stage. Accordingly, I have noted but also afforded limited weight to the submitted appearance and landscaping details.
4. The application sites of the appeals are the same. Also, the ground floor of both proposed dwellings would be similar, whilst the first-floor layout of the scheme associated with Appeal B would be larger. This would include a second bedroom and a substantially wider front elevation. Therefore, whilst the height is similar

to both schemes, the overall width and the scale of the proposal subject to appeal B would be larger. The context of both schemes would be the same, but my assessment of each will be separated to consider each proposal on its own merits.

### **Main Issue**

5. The main issue with respect to both Appeals A and B is whether each proposed dwelling would preserve or enhance the Woolford Conservation Area (WCA) and/or preserve the setting of St Mary's Church, a grade II\* listed building, and therefore the effect of each on the character and appearance of the area.

### **Reasons**

6. Church Street is a largely residential road within a small village. The appeal site is adjacent to a cluster of community buildings, of stone construction, that includes a primary school, library and church. The terraced properties, also adjacent to the site, are brick with large ground floor bay windows and include decorative features. These have a strong consistency of style, form and palette of materials. The appeal site contains a series of garages. These are basic utilitarian structures that have a lower profile than the adjacent housing. Consequently, whilst functional in design, the subservient nature of the garages conveys a neutral contribution to the character and appearance of the area.
7. The site is within the WCA. The statutory requirements<sup>1</sup> entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. Furthermore, paragraph 199 of the National Planning Policy Framework (The Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. The WCA contains housing of various styles, these are largely traditional, two-storey brick buildings. These mostly consist of terraced and semi-detached buildings set close, or adjacent, to the footway. The significance of the conservation areas seems to derive from its intact pre-industrial streetscape and the traditional rural character of its buildings and street pattern.
8. The Council's Character Appraisal<sup>2</sup> identifies two viewpoints that are close to the appeal site. View 1, identifies that the church is prominent from School Street to St Mary's Church. Also, View 2 of Dryden Hall and the Woodford Library takes in a "charming short view" of this group of buildings when turning from Church Street to School Street. Paragraph 8.10 to 8.20 of the appraisal includes specific design advice to protect the uniformity and simple utilitarian styling of the terraces within the area. This includes advising against any deviation from the scale and massing of the railway terrace.
9. Furthermore, the Woodford Cum Membris Neighbourhood Plan 2018 (NP) identifies that the site is within the 'Woodford Halse - West' Local Character Area. NP Policy WH3 seeks development to retain the characteristic layouts, uniformity of design and materials of terraced rows including those of Church Street. Furthermore, NP policy WH11 identifies the churchyard as a Local Green Space. This policy seeks to protect the space and keep it permanently open.

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<sup>1</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>2</sup> Woodford Halse and Hinton Conservation Area Appraisal and Management Plan (2020)

10. In accordance with my statutory duty<sup>3</sup> I am also required to pay special attention and have regard to the desirability of preserving the setting of listed buildings. St Mary's Church stands within gradually sloping land with the plot's highest point being close to Church Street. The church consists of coursed squared limestone and its significance seems to derive from its C13 origins, importance to the development of the village and its architectural interest.
11. The church is within the centre of its grounds with the surrounding graveyard and tree cover making an important contribution to its setting. The graveyard creates a clear sense of separation between the church and the surrounding development within the village. The church is recessed from the highway and on lower land. As such, views of the church from Church Street are slightly constrained as it is partially obscured by adjacent buildings and landscaping.
12. The proposed dwelling, of both appeals, would be attached to the side of the terraced row. These would retain a gap to the side boundary with the church grounds. Both proposals would provide parking for two vehicles and avoid root protection areas of the adjacent trees.

#### *Assessment of appeal A*

13. The proposal, related to appeal A, would have a similar two-storey width as the adjacent properties within the terrace. It would also be set back from the front building line, and have a lower ridge line, than the adjacent terrace. On this basis, the proposal would respect the existing buildings and would complement the established scale of nearby development. Consequently, the proposed scheme would also comply with the uniformity and rhythm of the terrace in accordance with the design advice within the WCA Appraisal.
14. Also, the indicative details show that the elevations would be brick, include a bay window and have windows that would be consistent with the size and shape of neighbouring development. Accordingly, the indicative elevational details illustrates that the proposal would be capable of integrating well with its surroundings.
15. The proposed dwelling would respect the scale and repetition of form evident within the terrace, without eroding the integrity of its group value. It would be a subservient and harmonising addition to the views 1 and 2 of the Council's WCA appraisal. Furthermore, the proposal would remove an underused garage block that makes a neutral contribution to the character of the area. As a result, the scale and form of the proposed development would complement the site, its immediate context and the wider surrounding area.
16. The proposed dwelling would have a greater height than the existing garages. Nevertheless, it would not dominate local development or create a poor relationship with the adjacent Green Local Space. Due to its subservient scale, and being recessed from the side boundary, especially at first-floor level, it would respect the open space around the churchyard. Views of the church tower are largely already obscured by the terrace row and tree screening from the southern approach. The addition of the proposed built form would therefore have a negligible impact on views from this vantage. As such, due to the scale of the proposed dwelling, it would respect the setting of St Mary's Church and its environs.

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<sup>3</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

17. As a result, the proposed layout and scale of the dwelling would preserve the character and appearance of the WCA and the setting of St Mary's Church. Consequently, the proposal would comply with policies S10 and BN5 of the West Northamptonshire Joint Core Strategy 2014 (CS), policies SP1(G), RA1(C), ENV7 and ENV10 of the Settlements and Countryside Local Plan (part 2) 2020 (SCLP), Policies WH3, WH6 and WH8 of the NP and the Framework. These policies seek, among other matters, for development to sustain and enhance the historic environment and support high quality proposals that respond positively to their context.
18. Policy R1, of the CS, relates to the distribution of housing within the district. This explains that once the housing requirement in rural areas is met, further housing will only be permitted where it would satisfy criteria i) to v). The Council states that the rural housing requirement, of policy S3, has been met and therefore criteria i) to v) apply. Criteria i) of policy R1 supports development that would result in environmental improvements on sites including previously developed land. Policy R1 is inconsistent with the more open housing delivery objectives of the Framework, in seeking to boost the supply of housing. Furthermore, the proposed development would replace former garages, of functional design, on land that has been previously developed. It would also result in the delivery of a dwelling that would be in keeping with the local area. The proposal would therefore result in environmental improvements to the site. As such, the scheme would meet CS policies R1, S1, S3 and SA for the above reasons.

#### *Assessment of appeal B*

19. The proposed dwelling would have a wide first floor element. Its overall scale and bulk would not reflect the rhythm of adjacent properties within the terrace. It would be a strident form of development that would contrast with character and form of the local streetscene. Therefore, whilst the proposal would be a similar height to neighbouring development, its width and overall scale would be out of place with the scale of neighbouring development.
20. Furthermore, the indicative elevations show a design that includes window openings that would not reflect the composition of features within the adjacent terraced row. Although indicative, these would result in features that would not integrate well with existing built form. These features would deliver a building that would contrast with existing development. This juxtaposition of features, in combination with the disharmonious scale of the proposed dwelling, would result in a design that would relate poorly to the established pattern of development.
21. As a result, the proposed dwelling would not integrate well with the local street scape. Furthermore, whilst it would be partially screened by existing landscaping to its side, its frontage would be exposed to long views along School Street. Its exposed location would exacerbate its discordant effect and bulky form on the adjacent dwellings causing significant harm to the appearance of the WCA.
22. The proposed dwelling would be partially screened from views from the church and graveyard. Nevertheless, due to its scale, and proximity to the church boundary, the proposed dwelling be seen as a stark addition to adjacent built form. Its raised height from this vantage would increase its overall effect. The

poor design, and the sites prominence, would in combination result in a form of development that would harm the setting of the listed church.

23. As a result, the proposed layout and scale of the dwelling would not preserve or enhance the WCA or preserve the setting of the listed building having an adverse effect on the character and appearance of the area. Accordingly, the proposal would conflict with policies S10, R1, S1, S3, SA and BN5 of the CS, policies SP1(G), RA1(C), ENV7 and ENV10 of the SCLP, Policies WH3, WH6, WH8 of the NP and the Framework. These require development, among other matters, to sustain and enhance the heritage which contribute to the character of an area and support high quality proposals that respond positively to their context by reinforcing existing form and scale.
24. The harm identified to the WCA, and the setting of St Mary's Church would be 'less than substantial'. Paragraph 202 of the Framework, states that where harm to a heritage asset would be 'less than substantial' this should be weighed against the public benefits of a proposal. No clear public benefits have been identified by the appellant. However, the proposed dwelling would contribute towards local housing supply and make a small contribution to the local economy both during and post construction. However, even if considered as 'public benefits' these would not outweigh the harm found to the conservation area and adjacent listed building, which the Framework identifies as irreplaceable resources.

### **Other Matters (appeal A)**

25. Interested parties indicate that the appeal site offers a right of way for access to the allotments beyond. However, the appellant has stated that he has sole ownership of the land. The evidence does not adequately illustrate that a third party has a right of access over the land. Moreover, private access rights are outside the consideration of this case within the planning regime.
26. Comments have suggested that the space in front of the church provides parking for church activities and would be lost if the proposal proceeded. However, the space in front of the church is a wide footway and not a formal car park. It could only accommodate a few vehicles and its ongoing use would be to the detriment of the safety of pedestrians. As such, this matter would not weigh against the proposal.
27. The proposed driveway would replace the existing access to the garages to the rear of the site. The traffic movements associated with the proposal would be limited and substantially less than that associated with the use of the garages. For these reasons, the proposed dwelling would not result in an adverse effect on highway or pedestrian safety.
28. Interested parties have expressed concern that the proposal would put greater pressure on local facilities. However, the impact of future occupier's making use of local facilities would be limited due to the scale of development.

### **Conditions associated with appeal A**

29. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). The Council has suggested the imposition of 14 conditions. I shall impose most of these with some minor amendments and adjustments for clarity. I have imposed the standard

conditions with respect to timeframes and approved plans as advised by the PPG for clarity and certainty.

30. A condition is necessary to require the hardstanding to be installed prior to occupation in the interests of highway safety. A condition is also required to protect the living conditions of future occupiers due to the previous use of the site. Due to the limited site area, a condition is also necessary to manage the construction process, this would seek to prevent disturbance to neighbouring occupiers and road users. A condition is also necessary with respect to details of materials and tree protection in the interests of the area's character and appearance.
31. The Council has suggested a condition that seeks to remove permitted development rights and the right to erect a means of enclosure. The Framework advises that conditions should not be used to restrict permitted development rights unless there is clear justification to do so. Nevertheless, due to the raised elevation of the site, in comparison to St Mary's Church, the removal of permitted development rights would be justified in this case.
32. The northern dropped kerb of the zebra crossing would enable future occupiers of the dwelling to mount the footway and access the drive. I am cognisant of the concerns of the Highway Authority in this regard. However, traffic attracted to the proposed dwelling would be minimal and access over the footway, as described, would be unlikely to take place with motorists more likely to employ the use of the existing garage access. As such, a condition to require a bollard to be installed would be unnecessary.

### **Conclusion on appeal A**

33. The proposed dwelling associated with Appeal A would preserve the designated heritage assets and would complement the character and appearance of the area and accord with the development plan when taken as a whole. Therefore, for the above reasons, the appeal is allowed subject to the attached conditions.

### **Planning Balance and Conclusion on appeal B**

34. Woodford Halse is a Primary Service Village, as defined by policy RA1 of the SCLP. The Framework seeks to significantly boost the supply of housing including the support of windfall sites within existing settlements. However, it also seeks development to be sympathetic to local character. Furthermore, Policy RA1 states that new development would be supported within the confines of the village provided it would protect the form and character of the village. As such the objectives to increase the supply of housing would be outweighed by the identified harmful impact of development on the character and appearance of the area.
35. The proposal associated with Appeal B would not preserve or enhance the conservation area or preserve the setting of the adjacent listed building. As such, this would not complement the character or appearance of the area. The proposal would conflict with the development plan for the above reasons. As a result, this appeal is dismissed.

*B Plenty*

INSPECTOR

### **Schedule of conditions**

- 1) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place either before the expiry of three years from the date of this permission or not later than two years from the date of the approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site and Floor Plans drawing ref P841-A-01D, Sections AA & BB drawing ref P841-A-02C, proposed front and rear elevations drawing ref P841-A-03D, Side elevations drawing ref P841-A-04D, Vehicle Manoeuvre Sweep drawing ref P841-A-07A and Vehicle Manoeuvre Sweep 01 drawing ref 01 P841-A-08A.
- 5) The parking spaces shown on the approved plans shall be constructed/laid out and surfaced in accordance with the approved drawings before the dwelling is first occupied and shall not thereafter be used for any purpose other than parking of private motor vehicles.
- 6) Prior to construction works above slab level samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7) No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of the proposed type and a plan of the proposed position of fencing for the protection of trees or hedges that are to be retained on the site, have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.
- 8) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has been previously submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any of the development begins. If any contamination is found during the site investigation, a report specifying the measures to be

taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins.

- 9) Prior to the start of development on site a Demolition and Construction Management Plan (DCMP) shall be submitted to and approved in writing by the LPA. The approved DCMP shall be adhered to for the duration of the demolition and construction period.
- 10) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.
- 11) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwellinghouse in front of the dwellinghouse.

## **End of conditions**