



Appeal Decisions

Site visit made on 30 May 2022

by Mr C J A Parker BA(Hons) PgCert MA MRTPI MCMi IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th June 2022

Appeal A Ref: APP/H2835/W/21/3278926

67-69 High Street, Finedon NN9 5JN (Adjacent)

- 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 Mrs Jilly Mann against the decision of Borough Council of Wellingborough (now North Northamptonshire Council).
 - The application Ref NW/21/00159/FUL, dated 12 February 2021, was refused by notice dated 11 June 2021.
 - The development proposed is described as '*The conversion of the existing building to a one bedroom dwelling, erection of a single storey rear extension and installation of rooflights. The works to the listed building include; demolition of rear outbuilding, replacement first floor, partial rebuild of part of front elevation, creation of new doorway in existing rear wall, reinstatement of existing panelling at ground and first floor and proposed structural works associated to roof strengthening*'.
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Appeal B Ref: APP/H2835/Y/21/3278929

67-69 High Street, Finedon NN9 5JN (Adjacent)

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Jilly Mann against the decision of Borough Council of Wellingborough (now North Northamptonshire Council).
 - The application Ref NW/21/00160, dated 12 February 2021, was refused by notice dated 14 June 2021.
 - The works proposed are described as '*The conversion of the existing building to a one bedroom dwelling, erection of a single storey rear extension and installation of rooflights. The works to the listed building include; demolition of rear outbuilding, replacement first floor, partial rebuild of part of front elevation, creation of new doorway in existing rear wall, reinstatement of existing panelling at ground and first floor and proposed structural works associated to roof strengthening*'.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the conversion of heritage centre to one bedroom dwelling, demolition of rear extension, erection of a single storey rear extension and installation of rooflights to rear (north) elevation. External alterations at 67-69 High Street, Finedon NN9 5JN (adjacent) in accordance with the terms of the application, Ref NW/21/00159/FUL, dated 12 February 2021 subject to the conditions set out in Appendix A.

Appeal B

2. The appeal is allowed and listed building consent is granted for the conversion of heritage centre to one bedroom dwelling, demolition of rear extension, erection of a single storey rear extension and installation of rooflights to rear (north) elevation. Internal and external works including replacement first floor, partial rebuild of part of front elevation, creation of new doorway in existing rear wall, reinstatement of existing panelling at ground and first floor and proposed structural works associated to roof strengthening at 67-69 High Street, Finedon NN9 5JN (adjacent) in accordance with the terms of the application Ref NW/21/00160, dated 12 February 2021 subject to the conditions set out in Appendix B.

Procedural Matters

3. The proposal concerns two appeals: Appeal A for planning permission and Appeal B for listed building consent. Whilst they are made under different legislation, and therefore have different considerations, I have considered both appeals in this single decision letter.
4. The Appellant indicates in the appeal forms the description of proposed development for planning permission and for listed building consent has been amended. These descriptions appear to approximately match the description used in the decision notices and what is shown on the submitted drawings. I have therefore used them to describe what planning permission and listed building consent has been granted for in the 'Decisions' section of this decision letter.
5. The Borough Council of Wellingborough was subsumed into North Northamptonshire Council as the unitary authority now operating as the local planning authority.
6. Lastly, the postal address for the appeal site is unclear. However it is clear from the submitted drawings as to the location that the planning permission and listed building consent relate to. I have proceeded on this basis.

Application for costs

7. An application for costs was made by Mrs Jilly Mann against Borough Council of Wellingborough. This application is the subject of a separate Decision.

Background and Main Issues

8. The main issue for both Appeals is:
 - The effect of the proposals on highway safety; and,
 - Whether the proposed works would preserve the listed building, its setting or any features of special architectural or historic interest it possesses.

Reasons

Highway safety

9. The appeal site is located on the northern side of the highway 'High Street' in Finedon. Number 69 High Street is located to the west, the grounds of Finedon

Infant School are located to the north and east. The appeal site contains a single storey stone building which was formerly a Quaker Meeting House. The proposal seeks the conversion of this building, understood to be last used as a local heritage centre, to a one-bedroom dwellinghouse.

10. I saw during my site inspection that there is a large amount of on-street parking located outside and near to the appeal site. In the main this is not controlled by double yellow lines – though I note that outside the nearby school there are wavy yellow lines restricting stopping outside the entrance. I did not see any parking restrictions such as permits or limited hours of parking visible nor have I been directed to any by the Council in this location. It is therefore possible for vehicles to park outside the appeal site on the public highway without controls. I also saw that locally there is a mix of off-street parking provided and some dwellings where it is not.
11. The reason for refusal for both planning permission and listed building consent states: *'The proposed scheme would provide no on-site parking to serve the occupiers who would reside in the development. Only on street parking on a bend with a rise with poor visibility when vehicles are parked would serve the proposed dwelling resulting in unsafe and inconvenient parking to the detriment of highway safety and the general amenity of the area. The shortfall in off-street parking results in the proposed development being contrary to policy 8 (b) (i) and (ii) of the North Northamptonshire Joint Core Strategy.'*
12. Policy 8 (b) of the *North Northamptonshire Joint Core Strategy 2011-2031* (CS) indicates that development should prioritise the needs of pedestrians, cyclists and public transport users by resisting developments that would prejudice highway safety and ensure a satisfactory means of access and provision of parking...in accordance with adopted standards.
13. The local planning authority have provided a copy of a document entitled *Northamptonshire Parking Standards, September 2016* with the covering information indicating that this was adopted by Northamptonshire County Council in 2016. Chapter 9, Parking Standards for Use Class, sets out that the parking standards are guidance. On page 22 this set out for use class C3: Dwellinghouses for a one-bedroom dwelling this should be 1 space per dwelling plus 1 visitor space across the development.
14. The council's case is partly that there is no off-street parking provided and there is no space on the street. However, the context of the proposed development is important. The proposal in this case relates to the conversion of a single small building into a one-bedroom dwelling. The building is already present and visitors by car to its previous use would have had to park on the highway.
15. Furthermore there is the potential for unrestricted parking on street already outside of the appeal site. Whilst I note the concerns raised by the Council and the risk of injury to pedestrians due to poor visibility around the rising bend, I have been provided with little evidence that this is a particular existing issue within this locality. Moreover, a parked vehicle would cause drivers to slow down further within this residential area should future occupiers have a need to park one near to the appeal site. As such, safe on street parking is already provided adjacent to the appeal site.

16. The appeal site is located within the centre of Finedon, near to services such as open spaces, schools, shops, churches and bus stops along Wellingborough Road. Future occupiers would therefore be able to access day-to-day services locally and/or have reasonable links to public transport to access those not found locally. I am reinforced in this by the assessment of the Council's professional planning officer who observed in the committee report; *'the site is close to the centre of the village, which could reduce the need for a car'*.
17. Whilst the proposal would technically breach the guidance set out in the Parking Standards document, this needs to be applied pragmatically as a guide. In this case, future occupiers of the proposal and their visitors would have access to satisfactory parking on-street adjacent and near to the appeal site. Accordingly the proposals would accord with Policy 8 of the CS, which seek the aforesaid aims. It would also accord with Paragraph 111 of the *National Planning Policy Framework* (the Framework) which sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Listed building

18. Put simply, Sections 16(2) and 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (PLBCAA) as amended, set out that in considering whether to grant listed building consent or planning permission, that special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historic interest it possesses.
19. The appeal site comprises the listed Grade II as 'John Drage Chapel of Rest and attached walls'. The appeal site also includes a small stone outbuilding. Within the site to the east of the building is a burial ground associated with the former use of the site as a Quaker Meeting House. The significance of the listed building derives in part from it being an early example within Northamptonshire of a Quaker meeting house and the architectural features it possesses.
20. A number of alterations and extension is proposed as shown on the submitted drawings. The Council did not state in its reasons for refusal that the proposal would fail to preserve the listed building or its setting. Moreover, the Council's historic environment and archaeological advisers did not raise any objections to the proposals, subject to the imposition of conditions. I see no reason to disagree and find that the proposal would, at the very least, preserve the significance of the designated heritage asset.
21. In the absence of evidence to the contrary, and paying particular regard to the duties imposed on decision makers under the PLBCA, I find that the proposal would preserve the listed building and its features of special architectural or historic interest it possesses.

Other Matters

22. Concerns have been raised by nearby neighbours and Finedon Town Council. I consider these before considering conditions and an overall conclusion. With regard to the adjoining neighbour's barn, drawing 19125s/F01 P2 labelled 'Foundations, General arrangement and details' show that existing walls would be reused and any new walls would not abut the barn. If there was any need for construction works or surveys to take place on adjoining land, then this

would follow other regulatory regimes such as building regulations or party wall legislation.

23. I acknowledge the Town Council's concerns over the loss of the most recent use of the building as a heritage centre and that it is considered inappropriate to use it as a residential dwelling. However, as considered above, the proposal is in the centre of the town, where a number of residential uses are present. It is unclear therefore as to why the use proposed is inappropriate in this location or for this building. I do not find that these other matters indicate that the dismissal of permission and consent is justified in this case.

Conditions

24. The local planning authority and interested parties suggest a number of conditions. I consider these in light of Paragraph 55 of the Framework and the national Planning Practice Guidance and the use of planning conditions. The Appellant has confirmed in writing that they agree with the suggested pre-commencement conditions, should they meet the above requirements.

Appeal A

25. Conditions requiring the proposed development to be started within three years and in accordance with submitted drawings are necessary for the avoidance of doubt and to provide certainty. A condition requiring archaeological work and a written scheme of investigation for building recording and programme of historic building recording are necessary and reasonable in order to protect archaeology above and below ground.
26. A condition requiring a schedule of external finish materials is necessary to preserve the character and appearance of the listed building. Conditions requiring evidence of a bat licence or that one is no longer required by a suitably qualified ecologist, and relating to enhanced bat roosting measures is necessary and reasonable to protect protected species. An external lighting plan is also necessary in order to minimise the impact of the proposal on bats.
27. Conditions requiring landscaping details and removing some permitted development rights, under Classes E and F of the GPDO 2015, are necessary and reasonable in order to safeguard the character and appearance of the area. The approval of details for the provision of cycle parking by condition is not necessary in this case given that there is ample room around and inside the building for the storage of bicycles. A condition relating to limit water usage is necessary and reasonable in order to comply with Policy 9 of the CS and also to help promote sustainable living.
28. A condition requiring sections of any proposed doors, rooflights and windows is not necessary to preserve the listed building as such matters can be covered within the approval of listed building consent. Similarly, a condition relating to the colour of rainwater goods could be dealt with under the grant of listed building consent.

Appeal B

29. In terms of any grant of listed building consent, conditions relating to the start of implementation is necessary to provide certainty. A plans condition is not necessary as this would be covered by the condition attached to the planning permission. Similarly, conditions relating to archaeological surveys and written

schemes of investigation are not necessary as this would be considered under a condition of the grant of planning permission.

30. Conditions relating to finish materials, external reconstruction and or repointing of masonry, flashings and verge treatments to the roof, scale drawings of windows, rooflights and doors, internal finish materials, rainwater goods are coloured black, and a sample panel for the exposed barn wall (and where appropriate approval of such details), are necessary and reasonable in order to preserve the listed buildings and special features of architectural or historic interest it possesses.

Conclusion

31. Appeal A would not conflict with the adopted development plan when considered as a whole and there are no material considerations indicating a decision otherwise than in accordance with it. For the reasons given above I conclude that Appeal A should be allowed subject to conditions.
32. Appeal B would, at the very least, preserve the listed building. For the reasons given above, I conclude that the appeal should succeed.

C Parker

INSPECTOR

Appendix A – Conditions for APP/H2835/W/21/3278926

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location,
Block Plan,
South-West Elevation and Upper Roof Plan as Existing 535-9,
Block Plan and South-West Elevation Existing/Proposed 535-19-D,
Proposed Floor Plans Demolition Works 535-13A,
Proposed Elevations Demolition Works 535-14A,
Proposed Ground, First and Lower Roof Plans 535-30-G,
Proposed General Details 535-32-D,
Internal Elevations 535-33,
Proposed Elevations and Sections 535-31G,
Foundations General Arrangement and Details 19125S/F01-P2,
Existing Roof Arrangement and section 19125S/S01-P1, and;
First Floor and Roof Level General Arrangement and Details 19125S/S02-P3.
- 3) No development shall take place until details of the implementation of a programme of archaeological work in accordance with a written scheme of investigation undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
 - (i) fieldwork in accordance with the agreed written scheme of investigation;
 - (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in writing with the Local Planning Authority); and,
 - (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (such as Northamptonshire ARC) approved by the Local Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork.
- 4) No development, including demolition and/or commencement of any works shall take place until a programme of historic building recording commensurate with Historic England Level 1/2/3/4 as set out in *Understanding Historic Buildings, Historic England* (2016) (or similar or replacement document), has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. A bound hard copy and digital copy of the recording report must be deposited with the North Northamptonshire Historic Environment Record (or any such replacement organisation) prior to the occupation of the development, or within three months of the recording survey being completed, whichever is sooner.

- 5) Prior to commencement of works, a schedule of all external finish materials, including the proposed brick (to be laid as specified in Flemish bond), proposed lime mortar, stone, roofing materials which are to be retained and reused with matching natural slate to make up any difference, ridge tiles and chimney pots shall be submitted to and approved in writing by the local planning authority. Development and works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- 6) No works to the front elevation, porch, or roof shall commence until the Local Planning Authority has been provided with either:
 - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (or any regulations revoking or re-enacting or amending those regulations) authorising the specified activity/development to go ahead; or
 - b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
 - c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.
- 7) Full details of enhanced roosting measures to be implemented on the site shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the extension above slab level. The measures shall be informed by the mitigation and compensation recommendations set out in Section 9.0 and Appendix 3 of the Ecological Impact Assessment: Bats, Former Quaker House, High Street, Finedon, NN9 5HU (Greenwillows Associates Ltd, September 2020). The measures shall be implemented in accordance with the approved details prior to first occupation of the dwelling and retained thereafter.
- 8) Prior to first occupation of the dwelling hereby permitted, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. If any lighting is required within the vicinity of existing or newly created bat features, it shall be low level, with baffles to direct the light away from the features, thus preventing severance of bat commuting and foraging routes. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained in that form thereafter.
- 9) Prior to first occupation of the dwelling hereby permitted full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing and proposed finished levels or contours; means of enclosure/boundary treatment; areas of hard surfacing materials; retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, plant supply sizes and proposed densities. The development shall be carried out in accordance with the approved details. 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 and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be

replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the dwelling.

- 10) Notwithstanding the provisions of Classes E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no building or structure or hard surface shall be erected or placed within the site area outlined in red on the Site Plan without planning permission from the Local Planning Authority.
- 11) The dwelling hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).

Appendix B - Conditions for APP/H2835/Y/21/3278929

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Prior to commencement of works, a schedule of all external finish materials, including the proposed brick (to be laid as specified in Flemish bond), proposed lime mortar, stone, roofing materials which are to be retained and reused with matching natural slate to make up any difference, ridge tiles and chimney pots shall be submitted to and approved in writing by the local planning authority. Development and works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- 3) Prior to the commencement of external reconstruction or repointing of masonry, including any making good and repointing required to the exposed adjoining barn wall, a written method statement shall be provided describing in detail the proposed method of down-taking and reconstruction. This shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement. Use of mechanical cutting tools should be avoided in down-taking masonry to avoid damage to the historic building fabric.
- 4) Prior to any roofing work, details of proposed detailing of upstand flashings where walls and stacks are met, and verge treatments, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- 5) Prior to installation, a schedule of drawings that show details of all proposed windows, including conservation rooflights, and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of framing, grazing bars, cills, and ironmongery, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- 6) Prior to commencement of internal fit out, a schedule of internal finish materials, including specification of new timber panelling at first floor including the detailing of any moulding or profiling, to match existing, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- 7) Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.
- 8) A sample panel demonstrating the proposed making good and re-pointing of the adjoining exposed barn wall shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The sample panel shall be in accordance with the approved written method statement. The works shall be completed in accordance with the approved details before the dwelling is first occupied.

***** END OF CONDITIONS *****