



Appeal Decision

Site visit made on 13 June 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2022

Appeal Ref: APP/M2840/D/22/3298188

19 Diamond Drive, Irthlingborough NN9 5PT

- 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 Laraine Ann Scott, 46 Degrees Logistic Limited, against the decision of North Northamptonshire Council.
 - The application Ref NE/21/01842/FUL, dated 20 December 2021, was refused by notice dated 7 March 2022.
 - The development proposed is the placement of a portable office at 19 Diamond Drive, Irthlingborough.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue is the effect of the portable office on the character and appearance of the area.

Reasons

3. The appeal site is a detached house on the corner of Diamond Drive and Marriott Close. The area is residential in character. The office is already in place and is located in the side garden. At the time of my site visit it was partly painted a deep yellow colour; part of the original grey/blue finish referred to in the decision notice, had not yet been painted over. The office is a free standing structure, single storey in height but due to the land levels, it is located higher than the ground level of the house and can be seen above the height of No 19's boundary fence.
4. Core Strategy¹ Policy 8 sets out design principles for new development and subsection d) i. indicates that development should create a distinctive local character by responding to the site's immediate and wider context and local character. This is reflected in the National Planning Policy Framework². Whilst I note that the appellant has commenced painting the structure in an alternative colour, presumably to match the colour of the boundary fence, it remains commercial in its design and due to its location, is very prominent in the street

¹ North Northamptonshire Joint Core Strategy 2011-2031, Adopted July 2016.

² Ministry of Housing, Communities and Local Government National Planning Policy Framework 2021 (the Framework).

- scene. I consider that due to its design and prominence, the structure is out of character in this residential area and conflicts with Policy 8 and the Framework.
5. The appellant suggests that an ancillary building can be constructed within the curtilage of a dwelling without the need for planning permission and therefore this structure should be assessed against what could be constructed as permitted development. Whilst I appreciate that an ancillary building could be erected, this structure falls outside permitted development rights and so I have assessed it accordingly, bearing in mind the appellants suggested 'fall back' position. However, in this case, I do not consider that this matter carries sufficient weight to overcome the effect of the office on the street scene but conflicts with the policy referred to above.
 6. The appellant also suggests that painting could be conditioned and a temporary period of ten years could be imposed. I do not consider that requiring the structure to be painted and maintained in a particular colour is a reasonable condition for a domestic outbuilding. Also, the ten years suggested is akin to a full permission and I see no merits in this suggestion.
 7. I note that the office enables the appellant to work from home and I appreciate that the current siting limits any immediate effect on the occupiers of neighbouring properties. Whilst these are positive matters which I have taken into consideration, they do not override the negative effect on the character and appearance of the area.
 8. I have taken all matters raised into consideration but none alter my conclusion. I conclude that the office has a harmful effect on the character and appearance of the area, it conflicts with Core Strategy Policy 8 d) i. and the Framework and therefore, the appeal fails.

J D Clark

INSPECTOR