



Appeal Decision

Site visit made on 21 June 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/G2815/W/21/3289559

19 Newton Road, RUSHDEN, NN10 0PS

- 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 Carl Gren (Local Kitchen Co Ltd) against the decision of North Northamptonshire Council.
 - The application Ref 20/01640/FUL, dated 7 December 2020, was refused by notice dated 29 July 2021.
 - The development proposed is Change of Use from Retail to Residential.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The evidence before me indicates that the appeal site is located within the Zone of Influence of the Nene Valley Gravel Pits Special Protection Area (SPA). I address this further in relation to 'other matters'.

Main Issue

3. The main issue is whether the proposed development would provide an acceptable standard of living accommodation to future occupiers of the dwelling, with particular regard to access to natural light and the amount of private outside space proposed.

Reasons

4. The appeal site comprises the ground floor of 19 Newton Road which has an existing retail use. The existing retail use is a mobile phone repair workshop. The proposed development is for a change of use of the ground floor to a residential use comprising a single ground floor flat. There would be no significant alterations to the external appearance of the building.
5. The proposed bedroom to the rear of the unit would include the widening of the rear door to create glazed patio doors, providing access to the proposed outside space.
6. During my site visit I noted that the existing area towards the rear of the main shop unit is particularly dark with very little natural light. Whilst I accept that the access to natural light would be somewhat improved over the existing situation, the rear door would be located in the corner of the bedroom and the wall of the proposed shower room would limit the amount of natural light provided into the remainder of the bedroom. Furthermore, the area immediately outside to the rear of this proposed door is very enclosed with the

existing rear outriggers to the east and west limiting the amount of natural light. All of these factors combined mean that, even if I accept that the window provision would be in line with building regulations (which is a separate regulatory regime) there would be inadequate access to natural light in the bedroom.

7. The proposed development also includes a very small area of outside space immediately to the rear of the proposed patio doors. In addition to being particularly enclosed and dark, this area is also partially overlooked by the neighbouring first floor windows to the west of the site. There would be a further area of 'amenity space' to the rear but this would not be shared and would not be private.
8. In summary, there would be insufficient outside space provided and insufficient access to natural light in the proposed bedroom. As a result, the proposed development would not provide an acceptable standard of living accommodation. The proposed development is therefore contrary to North Northamptonshire Joint Core Strategy (2016) Policy 8 and Rushden Neighbourhood Plan (2018) Policy EN1, which seek in part to ensure that development is of an acceptable standard for future occupiers.
9. There would also be a conflict with Framework Paragraph 130, which states in part that development should provide a high standard of amenity to future users.

Other Matters

10. The appellant has referred to various planning permissions granted locally. However, I do not know the precise case-specific circumstances of these cases. In this case, I have found that the level of accommodation proposed would be substandard. Whether or not there are substandard levels of accommodation elsewhere does not provide a justification for the harm which would be caused by the proposed development.
11. The appellant asserts that the retail unit has been vacant during several periods since 2007. However, little substantive evidence has been provided to support this. Furthermore, the unit is currently occupied and there is no substantive evidence to indicate that a retail use in this location is not viable. As such, this is not a consideration which outweighs my findings.
12. The extent to which the site complies with other planning policies and guidance in relation to the principle of development, transport, technical housing standards¹ or other matters does not outweigh the harm which would be caused. Indeed, compliance in this regard is a neutral consideration.
13. There would be some social and economic benefits associated with the provision of a dwelling and the resultant increase in housing stock. However, as only one dwelling would be provided these benefits would be of limited weight and they would not outweigh the harm which would be caused.
14. The appeal site is located within the Rushden Conservation Area. Under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

¹ Technical Housing Standards – Nationally Described Standards (2015) – These do not apply to outside spaces

15. The CA primarily derives its significance from the broad historic function of the buildings as part of a former working industrial town. In this sense, and given the wide extent of the CA, there are a broad range of uses prevalent. The residential use would be compatible with other nearby uses in the CA and there are only minor external alterations proposed. As such, the development would preserve the character of the CA.
16. The evidence before me indicates that the site is within the zone of influence of the Nene Valley Gravel Pits SPA. It is sufficiently clear that as the development proposal is for a new dwelling, the SPA is likely to come under pressure for recreational purposes from future occupiers thereof. This would be a likely significant effect on habitats and areas protected by these designations.
17. In order to mitigate these effects, the Council requires contributions from qualifying developments towards Strategic Access Management and Monitoring. The Officer Report confirms that a financial contribution has been made in this regard. Be this as it may, in the absence of a sufficiently robust mechanism to satisfactorily show how the monies paid by the appellant will be spent, such as a planning obligation in this case, I cannot be satisfied that the harm that would arise from the appeal scheme will be mitigated appropriately.
18. It is not clear whether such an obligation has been made. Nonetheless, given that I am dismissing this appeal on other grounds it is not necessary for me to consider this matter further, nor undertake an appropriate assessment.
19. The appellant refers very briefly to 'the known housing shortage'. However, there is no substantive evidence before me to confirm whether there is a shortfall in the supply of land for housing. Hypothetically, even if there were, the significant harm by reason of the substandard accommodation which would be provided would clearly and demonstrably outweigh the modest benefits of the proposed development.

Conclusion

20. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations (of sufficient weight) which warrant a decision other than in accordance with it. As such, the appeal is dismissed.

Luke Simpson

INSPECTOR