
Appeal Decision

Site visit made on 7 June 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/L2820/W/21/3289552

11 & 18 Dallacre Drive, Wilbarston, Market Harborough LE16 8QS

- 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 and Mrs Szafranski against the decision of North Northamptonshire Council.
 - The application Ref NK/2021/0694, dated 11 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is described on the application form as 'First floor extension to 2 Nr semi-detached dwellings, single storey front extension to dwelling and associated internal alterations'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have referred on their appeal form to a decision having been made by Kettering Borough Council. The former Kettering Borough Council is now part of a combined authority, North Northamptonshire Council.
3. The Kettering Site Specific Part 2 Local Plan (LP) was formally adopted on 1st December 2021. The appellant is aware of this and has referenced it as a material consideration in their grounds of appeal. In light of this I am satisfied that no party has been prejudiced by my consideration of the appeal proposal against its policies.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Wilbarston Conservation Area (WCA); and
 - the living conditions of the occupiers of 2 and 4 Rushton Road, and 3 and 5 Barlows Lane, having particular regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises a pair of semi-detached bungalows located at the end of a residential cul-de-sac. The remainder of the properties within the cul-de-sac comprise of modern detached and semi-detached houses set a modest distance from the pavement with landscaped front gardens. It abuts the Wilbarston Conservation Area (WCA), the boundary of which lies immediately to the north and east of the site.
6. The WCA incorporates the historical core of the village, which has a linear built form fronting Main Street and Rushton Road typical of many hilltop villages. This older part of the village is characterised by vernacular stone built cottages and houses which also extend westwards into Barlows Lane. There are a limited number of infill developments that have become established features within the historic streets. More recent housing developments, including those in Dallacre Drive, have distinctly different characteristics to the older parts of the village.
7. Paragraph 206 of the National Planning Policy Framework (the Framework) states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the asset, should be treated favourably. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
8. In this regard the appeal site falls within the setting of the WCA because of its close proximity to its boundary and the intervisibility between it and the village centre which includes properties in Rushton Road and Barlows Lane. I have paid special attention to the desirability of preserving or enhancing the character or appearance and appearance of the conservation area.
9. When viewed from Dallacre Drive the proposed development would appear as a significant addition to the host properties, in terms of its mass and volume. Whilst noting that the height and design of the proposed development would be comparable with other properties in Dallacre Drive it would be on higher ground than other properties. As a result, it would break the skyline and restrict views of the village centre, which lies at the heart of the WCA, that lies beyond. Furthermore, given its position at the head of the cul-de-sac, it would appear a prominent and incongruous feature within the street scene. Consequently, in this regard the proposed development would be harmful to the character and appearance of the immediate locality and the wider area.
10. The topography of the area combined with existing outbuildings and vegetation would restrict views of the site from Rushton Road, and the footpath that links it to Dallacre Drive. As a result, the proposed development would not have a detrimental effect on the visual impact on this part of the WCA.
11. The proposed development would sit on higher ground level than properties within Barlows Lane, including Nos 3 and 5. Glimpses of the roofs to the existing bungalows can be seen between the dwellings from Barlows Lane. Given its increased height and mass, relative to that of the original bungalows, the proposed development would be visible from Barlows Lane. It would appear as a prominent and incongruous addition to the host properties and have an adverse impact on the skyline to the detriment of the visual appearance of its

immediate locality. Consequently, the proposed development would cause harm to the character and appearance of the area, which includes the WCA.

12. Whilst the proposed development would provide some additional accommodation and there would be accompanying benefits in the form of employment in its construction these are not benefits that outweigh the harm that I have identified above.
13. For the above reasons, I conclude the proposed development would harm the character and appearance of the surrounding area and would not preserve the setting of the WCA as a designated heritage asset. Accordingly, it would not accord with Policies 2 and 8 d) (i) and d) (ii) of the North Northamptonshire Joint Core Strategy 2011-2031 (CS) and Policies RS5 and WIL1 of the Kettering Site Specific Part 2 Local Plan (LP). These policies, amongst other matters, seek developments that conserve and, where possible, enhance the setting of an asset in a manner commensurate to its significance, whilst also responding to the site's context, local character and topography.

Living conditions

14. The appeal site lies at a lower level than 2 and 4 Rushton Road. Moreover, there is a significant distance between the host properties and Nos 2 and 4, with outbuildings and vegetation in the intervening space. Consequently, I find that the proposed development would not have an adverse impact on the outlook from Nos 2 and 4.
15. Notwithstanding the above, the appeal site sits in an elevated position relative to 3 and 5 Barlows Lane. The shortest distance between No 3 and No 5, and the proposed development, would be approximately 22 and 39 metres respectively with only limited screening on the common boundaries. This relationship, together with the significant scale and mass of the resultant buildings, would result in an adverse impact on the outlook from these properties. This would be particularly apparent when viewed from the large rear facing windows, and the rear garden, of No 3. As a result, the accommodation would be less pleasant to use and enjoy. Given the greater separation distance the impact on No 5 would be more limited, although harm would still occur.
16. I have taken into account the appellant's revisions to the proposed development, since an earlier refusal, including a reduction in the roof height, as well as stepping the roof to No 11 to break up the mass of the proposed development. I also note their offer to provide obscure glazing in the side elevations and the 3 bedroom windows located at first floor level on the rear elevation to maintain privacy. Notwithstanding these amendments, I still find that the proposed development would have an adverse impact on the outlook from No 3.
17. In light of my findings, I conclude that the proposal would harm the living conditions of occupiers of No 3 with regard to outlook. Accordingly, there is conflict with Policy 8 e) (i) of the CS which seeks to establish good relationships between buildings with acceptable standards of amenity.

Conclusion

18. In failing to comply with Policy 2, 8 d) (i) and d (ii) 8 e) (i) and 8 of the CS and Policies RS5 and WIL1 of the LP the proposal cannot be said to comply with the development plan taken as a whole. There are insufficient material considerations of sufficient weight that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR