



Appeal Decision

Site visit made on 24 May 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/M2840/W/22/3290148
15 Broad Green, Wellingborough NN8 4LN

- 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 Tim Evans against the decision of North Northamptonshire Council.
 - The application Ref NW/21/00762/FUL, dated 31 August 2021, was refused by notice dated 14 October 2021.
 - The development proposed is conversion from an existing shop to a proposed set of residential flats, 1 flat which is a 2 bedroom for 3 people on the ground floor. The first floor will include 2 one bedroom and one person flats. This proposal will include a side first floor extension which will match the existing materials and design to accommodate an extra flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have removed reference to the fact that the application was a resubmission in the header above as that is, in itself, not an act of development. I am satisfied that neither party is prejudiced by this course of action.

Main Issues

3. The main issues in the appeal are:-
 - The effect of the development on the living conditions of future occupiers, with specific regard to outlook, light, noise and disturbance.
 - Whether the development meets minimum national space standards.
 - Whether the development meets national accessibility standards.
 - The effect of the development on the Wellingborough Town Outer Conservation Area.

Reasons

Living conditions

4. The appeal site is an existing shop, in a predominately commercial location that according to the evidence submitted, is seeing a number of premises turned into residential flats.

5. The shop is two-storey in height but with a single-storey flat roof addition and sits opposite a green area that includes a war memorial.
6. The proposal is to convert the shop into three flats, a two-bedroomed flat at ground floor, with two one-bedroomed flats at first floor. A first-floor extension would be constructed to facilitate the additional space required to allow the formation of the second flat.
7. Having viewed the appeal site, and its relationship with the adjacent property which is set further back from the highway, I have concerns with regard to the outlook from the habitable room window of the first floor flat adjacent to the side boundary.
8. It is indicated on the plans to be a bedroom window, but it would look straight on to the parking area of the adjacent property, leading to a relationship which would undoubtedly affect the living conditions of the future occupiers from the noise and disturbance that would come from the parking area from the opening and closing of car doors, vehicle manoeuvres, and the potential for headlights shining in the hours of darkness.
9. The issue of noise from the highway was raised by the Environmental consultee and as a result, a noise assessment was submitted to support the application, but I note that the sound level readings were taken from the first floor where I would expect the sound levels to be lower, rather than the ground floor, which I would expect to have a greater level of impact.
10. Irrespective of this, the assessment demonstrates that levels would exceed noise standards and suggests mitigation would be required. I find that the mitigation proposals have not been looked at in a comprehensive manner that would adequately address the issue.
11. As a result, I find that the reduced window outlook and the issue relating to noise and disturbance, and its lack of effective mitigation, renders the proposal contrary to policy 8 of the North Northamptonshire Joint Core Strategy (the JCS) which expects development to protect future occupiers from unacceptable impacts and being adversely affected by unacceptable levels of amongst other matters, noise pollution.

Conservation area

12. The appeal property is within the Wellingborough Town Outer Conservation Area. As required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to preserving or enhancing the character or appearance of a conservation area.
13. Revised drawings have been submitted at the end of the application process which attempted to overcome the concerns of the Heritage specialist and were submitted in support of this appeal. When having regard to the Wheatcroft principles and in the interests of fairness, this appeal must be determined on the basis of the plans on which the Council made its decision, and which have been subject to consultation.

14. To decide the appeal on the basis of those amended plans would prejudice unacceptably the interests of interested parties and/or consultees who have not been consulted on the amended plans and who may have observations to make. I have therefore determined this appeal with reference to the plans upon which the Council made its decision.
15. The '*Procedural Guide – Planning Appeals – England*' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application (*Annexe M.1.1*).
16. If a planning appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested parties and or consultees views were sought (*Annexe M.2.1*).
17. As part of the proposal, the appellant seeks to erect a first-floor extension and insert four roof lights into the roof slope. Having viewed the context of the proposal, the introduction of the extension would undoubtedly harm the setting of 21 Rock Street, which I understand is a non-designated heritage asset, and reduce its visibility within the Conservation Area, affecting its positive contribution to the Conservation Area.
18. Correspondingly, I consider that the insertion of the roof lights into the roof slope would not cause harm to the Conservation Area, but I find that only to be a neutral factor, and not a positive in favour of the proposal.
19. Overall, with regard to paragraph 202 of the National Planning Policy Framework (the Framework), the harm to the Conservation Area would be less than substantial. However, paragraph 199 of the Framework requires that great weight should be given to an asset's conservation, irrespective of the level of harm.
20. The Framework requires that harm to the Conservation Area should be weighed against the public benefits of the proposal. The proposed extension would provide additional living space, but this would be a private benefit.
21. The assistance of the extension to provide an additional housing unit, in order to meet the Council's housing supply needs is of modest benefit.
22. Although the level of harm would be limited it nevertheless carries considerable importance and weight. The extremely limited public benefit of the proposal would not outweigh this harm. The works would run contrary to policy 2(a) and (b) of the JCS, which seeks to protect the historic environment.
23. In addition, the proposal would not meet the Conservation aims and aspirations of the Framework.

Space standards

24. I have had regard to the Council's concern regarding this issue and have studied the layout of the properties. I have taken into account the requirements set out in the National Described Safety Standards, and I would agree with the appellant with regard to the interpretation of the larger flat and levels of occupancy.

25. However, I concur with the interpretation of the Council with regard to the one-bedroom units to the first floor. As the Council have correctly demonstrated, the property is two storeys, and the lower calculation provided by the appellant is not correct as it relates to a single storey unit.
26. Whilst I have agreed with the appellant for the interpretation of the larger unit at ground floor, I find the space given to the two first-floor flats to be inadequate in terms of meeting the standards.
27. As such, I consider that the proposal is contrary to the Nationally Described Safety Standards and as a result, policy 30(b) of the JCS which underpins those standards in the development plan.

Accessibility standards

28. With regard to accessibility, the Council have referred to policy 30 and the need to meet Category 2 of the National Accessibility Standards. This works in tandem with Part M of the Building Regulations, in terms of wheelchair access for new development.
29. The appellant has indicated that this matter was not raised by any consultee, and it would appear that no discussion took place between the parties.
30. In this instance I find the issue could have been avoided by negotiation between the parties in order to address the situation, and appropriate works in line with the standards, consistent with Part M, be designed into the scheme.
31. If there were no other issues regarding this appeal, then I consider that a condition could have been added to an approval in order to regulate the issue. As such I find that the proposals would not be in conflict with policy 30(c) of the JCS.
32. Nonetheless, given the harms that I have identified for other issues, any positive outcome in relation to accessibility would be far outweighed by other matters, and does not change my determination of the appeal.

Other Matters

33. I have noted the frustrations of the appellant with regard to the level of service received during the planning application. However, that is not a matter for this appeal, which I have determined on its merits, and should be dealt with in the appropriate Council forum.

Conclusion

34. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR