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# Appeal Decision

Site visit made on 7 June 2022

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 July 2022**

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**Appeal Ref: APP/M2840/W/22/3293892**

**Former Police Station, North Street, Rushden NN10 6BU**

- 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 Kavanagh against the decision of North Northamptonshire Council.
  - The application Ref 20/01446/FUL, dated 29 September 2020, was refused by notice dated 16 February 2022.
  - The development proposed is demolition of former police station and construction of 6 dwellings with associated landscaping, parking and vehicular accesses to Shirley Road.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The description of development in the banner heading above has been modified by the Council from that on the application. Agreement was sought from the applicant.
3. With regard to the second reason for refusal on the Decision Notice, the SPA payment has been agreed and as per the statement on the decision notice, the Council are not now defending that reason for refusal. The matter has been brought to a satisfactory conclusion and I will therefore not be addressing the matter any further in this appeal.

## Main Issue

4. In light of the above, the main issue in this appeal is the effect of the development on residential amenity on 71-73 North Street and the new six-bedroom dwelling proposed.

## Reasons

### *Living conditions – existing residents*

5. The appeal site is a former Police Station that, from the evidence submitted, appears to have ceased use by 2019 at the latest. Two former police houses adjacent the site were also approved for conversion to family homes in 2019.
6. The Council's concerns relate to the six-bedroom dwelling proposed in the north-east corner of the site. There are no objections from the Council to the principle of residential development on site, or the five properties looking onto North Street. Indeed, I understand from the evidence supplied that a later application for five dwellings has been approved in 2022.

7. The six-bedroomed unit would be located approximately 12.5m from the rear of 71-73 North Street, at a higher site level, with a gable end facing 71-73 North Street. In terms of sunlight, it would be located to the north of those properties, so would not directly affect natural sunlight to the North Street properties. Regardless of this, there would be a close physical relationship between the new and existing properties.
8. The Council do not have a specific policy in the development plan that sets out acceptable separation distances between new and existing properties. That does not mean that separation distance is an irrelevance.
9. The rear amenity areas of 71-73 North Street are modest in their sizing, and I find that the proximity of the new dwelling, magnified by the difference in site levels and the scale of the dwelling, would have an unacceptable overbearing and dominating effect on the outlook from the rear amenity areas and rear habitable rooms of the North Street properties.
10. I find the proposal would therefore be harmful to the living conditions of the residents of 71-73 North Street with respect to the overbearing and dominating nature of the proposal on the rear private amenity areas and rear habitable rooms of those properties.
11. As such, with regard to this element of the proposal, I find conflict with policy EN1 of the Rushden Neighbourhood Plan (2018) (made version) and policy 8 of the North Northamptonshire Joint Core Strategy (2016) (the JCS), which collectively, taken as a whole, expect development to respond to local topography and character and not affect the amenities of neighbouring properties.
12. I also find that the proposals are contrary to Paragraph 130 (f) of the National Planning Policy Framework (the Framework), which amongst other matters, expects proposals to have a high standard of amenity for existing users.

*Living conditions – new residents*

13. With respect to the issue of noise from the heritage railway affecting the living conditions of potential occupiers of the 6 bedroomed dwelling, I note the noise report prepared by the appellant which demonstrates that the levels would not be harmful to the occupiers, as well as the list of authorised events for the heritage railway, which demonstrates that they are not within anti-social hours.
14. I note that the appellant has sought to engage with the Council to discuss the matter further, without success. I am aware that the heritage line operates outside of these events on occasions for things such as maintenance and engine movements on the railway line.
15. However, I have no evidence to show that the heritage line is currently or has historically caused issues with regard to its operation. There are properties closer to the line that the appeal property which would be affected if there were to be a problem.
16. Without significant evidence to the contrary, I find no conflict with policy with regard to this aspect of the proposal, and as such, I find no conflict with policy 8 of the JCS in respect of the amenity aspect of the proposals in respect of the occupiers of the new development.

17. Nonetheless, given the harm that I have identified for the other aspect of the development, any positive outcome in relation to new residents would be outweighed by other matters, and does not change my determination of the appeal.

**Conclusion**

18. The proposal conflicts 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