



Appeal Decision

Site visit made on 5 July 2022

Decision by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2022

Appeal Ref: APP/W2845/W/21/3287329

103 Beech Avenue, Northampton NN3 2JW

- 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 Nizam Uddin against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0651, dated 10 August 2021, was refused by notice dated 4 October 2021.
 - The development proposed is erection of new dwelling to the rear of 103 Beech Avenue.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Reference is made to the emerging Northampton Local Plan which has been submitted for examination and is therefore well progressed. I am not aware of the extent of unresolved matters, and in any event, emerging policies that may be relevant to this proposal have not been identified. Therefore, I attach limited weight to this matter and have determined the appeal in regard to the adopted development plan at the time.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the area; and b) the living conditions of the occupants of 107 and 105 Beech Avenue with specific regard to outlook and privacy.

Reasons

Character and Appearance

4. The appeal site is roughly a square plot of former garden space near the junction of Beech Avenue and Lindsay Avenue. It contained no structures at the time of the site visit. The surrounding residential area is generally characterised by a linear pattern of development with dwellings in long narrow plots.
5. The site fronts a part of Lindsay Avenue which comprises a mix of semi-detached and short terraces of properties that are set back from the road. These terraces are punctuated by gable projections and the street is characterised by the rhythm of this attractive feature and the consistency in the built form. I saw, even with the periodic breaks of gables, that dwellings near the appeal site have a distinct and generally consistent building line on

both sides of the Lindsay Avenue which also contributes to the street scene in a positive manner.

6. The design of the proposed dwelling has taken cues from the appearance of neighbouring properties in respect to materials, porch detail, and front gable. But it would be the sole detached dwelling in a street of semi-detached and terraced dwellings. Its plot would be significantly shorter in depth compared to other plot sizes on Lindsay Avenue. Moreover, the proposed front gable would be noticeably shallower than others. Consequently, the front elevation of the dwelling would appear broad and flat in comparison to the neighbouring built form. This, combined with the other uncharacteristic features outlined above, would result in a sizable, incongruous addition to the street that would be unsympathetic to the appearance of neighbouring dwellings and the prevailing character of this part Lindsay Avenue.
7. The proposed dwelling would be near to 103 Beech Avenue, but both this and the more distant dwelling at 138 Park Avenue North are corner plots with dwellings that address different roads. For this reason, these properties are significantly less influential on the character of Lindsay Avenue and the context for development fronting the Avenue.
8. The neighbouring property, 130 Lindsay Avenue, has been extended but the characteristic gable and building line have been replicated in that case. This would not be so in this proposal where the dwelling would be positioned significantly forward of this existing building line and comparatively closer to the highway than surrounding dwellings on Lindsay Avenue. In this regard the uncharacteristic dwelling would break the existing pleasant rhythm of built form in the Avenue, disrupting this positive feature. In turn this would harmfully diminish the character of the street scene.
9. The proposal would therefore have a harmful effect on the character and appearance of the area. It would in this regard be contrary to Policies S10 and H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (JCS) and Policy E20 of the Northampton Local Plan (Local Plan) which collectively state that development will achieve the highest standards of sustainable design, and that housing developments will be expected to make the most efficient use of land having regard to, amongst other things, the location and setting of the site and the existing character and density of the local area. It would also be inconsistent with the National Planning Policy Framework (the Framework) which seeks well-designed places.

Living Conditions

10. The proposed dwelling would have a relatively shallow rear garden. Consequently, the full width of its mass would be close to the side and rear boundary of 107 Beech Avenue, filling a substantial portion of the existing space at the shared boundary. The outlook from much of the rear lower half of the garden space of No 107 would, as a result, be dominated by what would be a sizeable two storey structure. By virtue of its size and proximity the proposed dwelling would therefore appear an overbearing feature to the occupants of that dwelling when in the rear garden and this would make this space at No 107 considerably less pleasant.
11. The rear first-floor bedroom window of the proposed dwelling would allow close and direct views over a significant portion of No 107's rear garden. This is a

suburban area, and a degree of overlooking is expected, and this space is already overlooked by neighbouring dwellings. But this proposal would bring the built form considerably closer to a part of the garden which is not currently closely overlooked by properties. This would be untypical in an area where I saw rear gardens are generally not flanked by other dwellings. Any existing sense of privacy that occupants currently have when in this space would be substantially eroded by the looming form and this would make it a significantly less enjoyable to use.

12. The Council's advisory separation distances between dwellings seek to ensure that development respects neighbouring properties with regards, amongst other things, privacy and outlook.
13. The separation between the proposed dwelling and that at No 105 would be slightly shorter than that advised. However, the current outlook from the ground floor rear extension at that dwelling is of a high rear boundary fence. Only a proportion of the side elevation of the proposed dwelling would align with the southern corner of the extension at No 105. Whilst the development would encroach into the existing space to the side of the neighbouring dwellings, much of the outlook directly to the rear from No 105, above the existing rear fence, would be towards the rear garden space of the new dwelling. For these reasons I find that the proposal would not appear harmfully overbearing when viewed by occupants in rear habitable rooms at No 105.
14. Although I find no harm in this regard, I have in respect to the rear garden space at No 107. The proposal would have an unacceptable impact on the living conditions of the occupants of 107 Beech Avenue with specific regard to outlook and privacy for the reasons I have set out. It would conflict with Policies H1 and S10 of the JCS and Policy E20 of the Local Plan which collectively require in respect to new development, regard will be given to the impact on the amenities of occupiers of the neighbouring properties and permission will be granted where, amongst other matters, it is designed, located and used in a manner which ensures adequate standards of privacy.
15. It would also be inconsistent with guidance set out in the Residential Extensions and Alterations Design Guide Supplementary Planning Document in respect to this matter and, the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

16. The proposal would support the Government's objective of significantly boosting the supply of homes and would add to the mix of houses in the area. But this would be a small benefit given the scale of the development and would not be sufficient to outweigh the harms in this case.
17. The principle of development at this location is not in dispute and the dwelling would be well related to the town centre with good access to transport services. The Framework provides support for small sized windfall sites and using suitable sites within existing settlements. This proposal would make an efficient use of land, but I have found that it would not maintain the quality of the area's prevailing character. It would not be suitable for this reason. The Framework encourages the effective use of land in meeting the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions, and I have found that this would not be the case with

this proposal. These matters would not for these reasons weigh in favour of this appeal. Moreover, the Framework states that good design is a key aspect of sustainable development.

18. There is no highways objection to the scheme subject to conditions and this along with adequate garden space should be an expectation for all development. These matters do not therefore weigh in favour of the proposal.
19. Wheatfield Close has a distinctly different character and development pattern than the appeal site and is not directly comparable for this reason. Details of the developments at Birchfield Road, Chestnut View and Beechcroft Gardens have not been submitted and the similarities between these developments and this proposal are noted. But these developments are not in the immediate vicinity of the appeal site where rear garden spaces are less hemmed in and overlooked. In any event these exceptions in the wider area should not justify harmful development at this location.
20. There is reference to heritage assets which is not relevant in this case and attention has been drawn to local plan policies that are not in dispute. Regardless I have found harm in this case and conflict with the development plan when read as a whole.

Conclusion

21. For the reasons stated above, having had regard to the development plan and to all other relevant material considerations, the appeal should be dismissed.

A J Sutton

INSPECTOR