



Appeal Decision

Site visit made on 9 August 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/M2840/W/22/3295243

114-116 Cecil Drive, Corby, Northants NN18 8BQ

- 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 P Noone against the decision of North Northamptonshire Council.
 - The application Ref NC/21/00348/DPA, dated 2 August 2021, was refused by notice dated 18 November 2021.
 - The development proposed is a detached property with off road parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The third reason for refusal refers to the size of the proposed dwelling, the Nationally Described Space Standards¹ (NDSS) and Policy 8 of the North Northamptonshire Joint Core Strategy, adopted 2016 (CS) which, amongst other things, seeks to ensure the quality of life of future occupiers. The Officer Report in respect of this reason for refusal also refers to Policy 30 of the CS, whereby part (b) requires the internal floor area of new dwellings to comply with National Space Standards. The appellant refers to Policy 30 of the CS within their Statement of Case and therefore I have determined the appeal on the basis of Policy 8 and Policy 30 of the CS.

Main Issues

3. The main issues are the effect of the proposed development on (a) the character and appearance of the surrounding area; (b) the living conditions of the occupiers of No 114 and 116 Cecil Drive with particular reference to outlook and amenity space; and (c) the living conditions of the future occupiers of the proposed dwelling with particular reference to internal and amenity space.

Reasons

Character and Appearance

4. No 114 and 116 Cecil Drive comprise a pair of two-storey, semi-detached dwellings. No 114 is sited on a corner plot, with Cecil Drive to the front and Cheriton Road to the side. Cheriton Road links Cecil Drive with Croyde Avenue. No dwellings front onto Cheriton Road. Closed boarded fences enclosing the

¹ Technical housing standards – nationally described space stands (27 March 2015)

rear gardens of those properties fronting onto Cecil Drive and Croyde Avenue abut the back edge of the pavement along Cheriton Road to either side.

5. The predominant characteristic of the immediate surrounding area is of two-storey, pitched roofed dwellings with small front gardens and spacious rear gardens, set within plots of a similar size and shape. The configuration of dwellings fronting Cecil Drive and Croyde Avenue results in a spacious open character where the rear gardens of these properties adjoin, which can be viewed from Cheriton Road.
6. The appeal site comprises the end section of the rear gardens of both No 114 and 116 Cecil Drive. The proposed dwelling would be detached and two-storeys in height and would front onto Cheriton Road. The dwelling would be set back from the pavement by a small front garden, the side gable of the dwelling would form the boundary with the rear gardens of No 114 and 116, and off-street parking would be provided between the proposed dwelling and an electricity substation. A garden would be positioned to the rear of the proposed dwelling that would extend behind the electricity substation.
7. The appeal site would not be comparable in size or shape to those in the immediate surrounding area. The proposed dwelling would introduce built development fronting onto Cheriton Road of a scale that is currently absent. Furthermore, its siting between the rear gardens of those properties fronting Cecil Drive and Croyde Avenue would erode the open character of the surrounding area when viewed from Cheriton Road. The resulting plots of the host dwellings would be significantly reduced in size and would be inconsistent with the prevailing pattern of development which fronts onto Cecil Drive and Cheriton Road. The proposed plot and the resulting plots of No 114 and 116 Cecil Drive would result in a cramped form of development that would harm the character and appearance of its surroundings.
8. My attention has been drawn to examples of dwellings in the surrounding area that the appellant considers are comparable to the appeal proposal with regard to their proximity to other dwellings and/or are sited in a perimeter block arrangement. However, these examples are not directly comparable to the appeal proposal as its immediate surroundings differ in character and appearance. Furthermore, the No 39 Croyde Avenue example relates to an extension rather than a new dwelling. In any event, each application must be decided on its own merits.
9. In regard to the first main issue, the proposed development would harm the character and appearance of the surrounding area, and as such, would not comply with Policy 8 of the North Northamptonshire Joint Core Strategy, 2016 (CS) Amongst other things, this policy requires developments to create a distinctive local character by responding to a site's immediate and wider context and local character which draw on the best of that local character without stifling innovation.

Living Conditions of Existing Occupiers of No 114 and 116 Cecil Lane

10. The proposed dwelling would result in the depth of the rear gardens of No 114 and 116 Cecil Drive being reduced. Although the resulting size of the rear gardens would be smaller than those of the immediate neighbouring properties, they would be of a size and shape that would be adequate for children to play, the drying of clothes and for the siting of a table and chairs. Therefore, I do not

agree with the Council that the reduced size of the host properties' rear gardens would result in a low standard of amenity space that would harm the living conditions of the occupiers of No 114 and 116.

11. The occupiers of No 114 and 116 Cecil Lane currently have a view from their rear windows and rear garden that encompasses the length of their rear gardens and across the rear gardens of those properties that front onto Croyde Avenue (particularly No 25 and No 27), as well as across Cheriton Road and the rear gardens beyond. The occupiers of No 114 and 116 also have an unrestricted view of the sky from their rear windows and rear garden. The proposed dwelling would be sited so that its two-storey gable would form the rear boundary to the garden of No 114 Cecil Lane, and to a lesser extent, of No 116 Cecil Lane. The massing of the proposed dwelling would be further exacerbated by a pitched roof. The proximity and scale of the proposed dwelling relative to the rear garden of No 114, together with the reduced depth of the host dwelling's rear garden, would significantly alter the occupiers' existing outlook in a substandard manner that would harm their living conditions. However, it would not be harmful to the living conditions of the occupiers of No 114 due to the siting of the proposed dwelling.
12. My attention has been drawn to No 40 Clovelly Court and No 37, 39 and 41 Croyde Avenue that the appellant considers are comparable to the proposed dwelling in respect of their proximity to neighbouring properties. However, the dwellings on Croyde Avenue comprise bungalows rather than two-storey dwellings and No 41 is not sited directly to the rear of No 43 Croyde Avenue. I acknowledge that the relationship between the windows in the rear elevation of No 40 are in close proximity to the two-storey side gable of No 30 Croyde Avenue, however, No 30 has a shallow pitched roof that reduces its overall massing. Furthermore, I have not been provided with the planning history of these properties, although they all appear to have been in-situ for some time and therefore would not have been considered against the same policies as this appeal. These examples are therefore not directly comparable to the appeal proposal. In any event, each application must be decided on its own merits.
13. In regard to the second main issue, the proposed development would harm the living conditions of the occupiers of No 114 Cecil Drive with specific reference to outlook, and as such, would not comply with Policy 8 of the CS, which amongst other things, seeks to ensure the quality of life of neighbouring properties.

Living Conditions of Future Occupiers

14. The proposed dwelling's rear garden would be smaller than those of the immediate neighbouring properties, however, it would be of a size and shape that would be adequate for children to play, the drying of clothes and for the siting of a table and chairs. Therefore, I do not agree with the Council that the size of the rear garden would result in a low standard of amenity space that would harm the living conditions of the future occupiers of the proposed dwelling.
15. The Council's Officer Report states that the proposed dwelling would have an internal floor space area of 70 sqm and each of the two bedrooms would have an internal floor space area of 12.5m (although this should refer to m²). The appellant does not dispute these figures. Paragraph 10(d) of the NDSS states "in order to provide two bedspaces, a double (or twin bedroom) has a floor

area of at least 11.5m²". The two bedrooms would therefore each provide two bed spaces each and consequently the proposed dwelling would comprise a 2-bed, 4 person, two-storey dwelling.

16. According to Table 1 of the NDSS, the proposed dwelling would require a minimum gross internal floor space of 79m². The appellant states that the gross internal floorspace of the proposed dwelling comprises 70m². I therefore agree with the Council that the proposed dwelling would not comply with the NDSS. This would result in a dwelling of an inadequate size for the number of people it could accommodate, resulting in a sub-standard level of living accommodation.
17. In regard to the third main issue, the proposed development would harm the living conditions of the future occupiers of the proposed dwelling with regards to internal amenity space, and as such, it would not comply with Policies 8 and 30 of the CS, which amongst other things, seek to ensure that as a minimum, new dwellings meet the national space standards in order to provide residents with adequate space.

Planning Balance

18. The appellant considers that Policy 28 of the CS regarding housing requirements is out of date as this policy has not been updated in the last 5 years. They therefore consider that paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged which states "where the policies which are most important for determining the application are out-of-date, granting planning permission unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies". The Council has not responded to this assertion.
19. The provision of one additional dwelling weighs in favour of the proposal and would make a contribution, albeit limited, to the Government's objective of significantly boosting the supply of new homes. There would be some benefit from providing a two-bedroom dwelling, as the Council has indicated that it would meet a specific local need. The proposal would also provide a limited amount of short-term employment through the construction of the dwelling and some further modest benefits would result from the additional support to the local community and its services from the future occupiers of the proposed dwelling. The appeal site would also be located near to facilities and services. These benefits carry moderate weight in favour of the scheme. No harm to the living conditions of neighbouring properties from a loss of privacy, and no harm to ecology, biodiversity or heritage assets are neutral factors.
20. Against the benefits is the harm that would be caused to the character and appearance of the area, to the living conditions of the future occupiers of the proposed dwelling from a sub-standard sized property, and to the occupiers of No 114 Cecil Drive from an overbearing effect on their rear garden. This would be contrary to the design, local distinctiveness and amenity objectives of the NPPF, matters which I give substantial weight.
21. Consequently, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. The proposal would not therefore represent a sustainable form of development.

Conclusion

22. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that the appeal is dismissed.

A Berry

INSPECTOR