



Appeal Decision

Site visit made on 13 September 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Appeal Ref: APP/M2840/W/22/3297655

116 Avenue Road, Rushden NN10 0SW

- 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 Vernon Chattell against the decision of North Northamptonshire Council.
 - The application Ref NE/22/00003/FUL, dated 4 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is demolition of the existing dwelling and the creation of a new dwelling and garage to the front of the site.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and the creation of a new dwelling and garage to the front of the site, at 116 Avenue Road, Rushden NN10 0SW in accordance with the terms of the application, Ref NE/22/00003/FUL, dated 4 January 2022, and the plans submitted with it, subject to the schedule of conditions to this Decision.

Applications for costs

2. An application for costs was made by Mr Vernon Chattell against the decision of North Northamptonshire Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site already has consent¹ for a replacement dwelling and detached garage. The appeal proposal seeks a similar scheme to that already approved but also incorporates a single-storey link between the new dwelling and the proposed garage. In addition, a number of rooflights are proposed.
5. Having regard to the fallback of the consented scheme which would introduce a sizeable dwelling, the addition of the single-storey link would add further scale and massing to that. However, the single-storey link would be of a lower height and recessed from the garage and therefore in my view would assimilate with the overall design and scale of the new dwelling and its garage.

¹ 21/000713/FUL

6. Whilst I note that there are examples of detached garages to the front of dwellings in the area, there are also examples of linked garages.
7. Consequently, the single-storey link would neither diminish the character nor the quality of the fallback scheme or detract from the street scene, which is distinctive because it supports dwellings in a range of styles and sizes.
8. Relative to the overall scale of the proposed dwelling, the proposed rooflights would be modest additions. Therefore, these would not unacceptably detract from the overall design of the proposal.
9. For the above reasons, the proposal would not harm the character and appearance of the area and accords with Policy 8(d) of the North Northamptonshire Joint Core Strategy 2016. This Policy requires proposals to respond to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation.

Conditions

10. In imposing conditions, I have had regard to the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty.
11. A condition requiring details of proposed external materials is necessary to ensure the satisfactory appearance of the development. Having regard to Policy 9 of the North Northamptonshire Joint Core Strategy 2016 and its requirement to ensure high standards of resource efficiency, it is reasonable to require details of sustainable measures for the new dwelling.
12. I have also imposed a condition requiring the retention of the approved parking spaces to ensure that adequate on-site parking is provided for the approved dwelling in the interests of highway safety. To safeguard the living conditions of neighbours it is necessary to specify the specification for first floor side facing windows. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

13. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans as follows: Location Plan – 19-113-01; Proposed Site Plan – 19-113-03G; Proposed Floor Plan – 19-113-05D; Proposed Front and Side Elevation Plan – 19-113-09C; Proposed Rear and Side Elevation Plan – 19-113-10C, Proposed Loft Plan -19-113-06 and Proposed Streetscene Plan – 19-113-04G.
3. No development shall take place above slab level until, details of the external wall and roof materials have been submitted to and approved by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
4. No development shall take place above slab level until, details of sustainable measures to be incorporated within the proposed dwelling have been submitted to and approved by the local planning authority. Thereafter, the development shall be constructed in accordance with the approved details.
5. Before the first occupation of the dwelling hereby approved, the first-floor side windows shall be fitted with obscured glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and any part of the window (s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
6. The parking spaces denoted on the approved plan (19-113-03G) shall be retained in perpetuity.