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# Appeal Decision

Site visit made on 27 September 2022

**by Helen Davies MSc MRTPI**

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

**Decision date: 26 October 2022**

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**Appeal Ref: APP/M2840/W/22/3299207**

**196/198 Northampton Road, Wellingborough NN8 3PW**

- 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 Peter Jakeways against the decision of North Northamptonshire Council.
  - The application Ref NW/21/00822/FUL, dated 7 September 2021, was refused by notice dated 29 November 2021.
  - The development proposed is permanent installation of three shipping containers for storage of stock for general store.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. At the time of my site visit, three containers were located at the site. Their dimensions and location were approximately as shown on the submitted drawings. The appeal has been determined on the basis of the submitted drawings and having regard to the existing containers which are of a form, size, scale and in a location that is not materially different to those identified on the submitted drawings.

## Main Issues

3. The main issues are the effect of the development on:
  - The character and appearance of the surrounding area;
  - The living conditions of the occupants of 1 Queensway with regard to outlook; and
  - The safety of vehicular and pedestrian traffic.

## Reasons

### *Character and appearance*

4. The site is located on a prominent corner at a busy junction, where Northampton Road meets Queensway and Kingsway. It contains a shop with a parking area to the front. A food trailer, which was granted permission in 2021 is located to the side of the shop. Although the roads are busy, the area is predominantly residential, with dwellings either side of and directly opposite the site and a large residential care home on the diagonally opposite side of the junction.

5. The 3 containers presently on the appeal site are located between the food trailer and the boundary with the residential dwelling at 1 Queensway. They are large blue metal containers with an industrial appearance. They are bulky and located in a prominent position adjacent to the walkway. Their appearance and bulk is out of keeping with the character and appearance of the surrounding residential area. Although located on the site of a shop, the industrial appearance and bulk of the containers is out of keeping with what might be expected at a commercial operation of this scale and nature.
6. The containers are located behind and in line with the food trailer which restricts visibility of them from some angles. However, they are open to and highly visible from Queensway as well as from much of the junction. As such, the containers fail to respond appropriately to the surrounding context, are incompatible with the local character, and appear as prominent and incongruous elements within the streetscene.
7. The appellant has suggested painting or cladding the containers. This could potentially reduce their industrial appearance but no details of the proposed cladding or the resulting appearance have been provided. Any such details would be fundamental in seeking to make the appearance of the containers acceptable. Therefore, it would not be appropriate in this case to leave the securing of cladding details to a planning condition. Notwithstanding that, even if the containers were clad or painted to reduce their industrial appearance, the bulk of 3 containers would still be prominent and incongruous in their current location and as identified on the submitted plans.
8. Reference has been made to an appeal<sup>1</sup> where wood cladding was found to be acceptable in a retail unit. That case related to a kiosk rather than storage containers. Along with the wood clad walls and sedum green roof the kiosk included a fully glazed wide central doorway to act as a shop front. As such the kiosk would have an active customer facing street frontage making a positive contribution to the streetscene. The food trailer which has already been granted permission at the appeal site has an active customer facing frontage, but the storage containers do not and hence are fundamentally different to, and cannot be compared with, the kiosk appeal.
9. The appellant also compares the containers to a double garage. While the scale may be similar, the containers have a fundamentally different impact on character and appearance than a double garage would have. Regardless of this, the appeal seeks permission for the permanent installation of 3 containers and has been assessed on that basis, not by comparison to some other potential development which would also require permission and is not for consideration under this appeal.
10. I conclude that the development causes unacceptable harm to the character and appearance of the surrounding area. Consequently, the development would not comply with Policy 8(d)(i and ii) of the North Northamptonshire Joint Core Strategy 2011-2031 (adopted 2016) (JCS) which seeks to create distinctive local character and ensure development responds to the sites immediate and wider context.

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<sup>1</sup> APP/H5960/W/20/3265581

### *Living conditions*

11. The closest shipping container is presently sited very close to the boundary with the dwelling at 1 Queensway and runs almost the full length of the front garden, this is also as illustrated on the submitted plan. The ground floor bay window is relatively close to the boundary. Due to the proximity of the containers, combined with their bulk, they have an overbearing effect, which would unacceptably dominate the outlook from the front ground floor window of No 1. This would be exacerbated by the unattractive and industrial appearance of the containers and cannot be compared to the outlook onto hedging which has since been removed.
12. The food trailer would be visible from No 1 if the containers were not on site and is also located forward of the residential building line. Despite this, the food trailer is set well off the boundary so the impact on outlook would be acceptable.
13. I conclude that the development causes unacceptable harm to the living conditions of the occupants of 1 Queensway with regard to outlook. Consequently, the development would not comply with Policy 8(e)(i) of the JCS, which seeks to protect the quality of life and amenity of the occupants of neighbouring properties.

### *Highway safety*

14. The area where the containers are located and as identified on the submitted plans may previously have been used for parking and they do block vehicle access to a garage. Despite this, the parking area to the front of the shop remains. I have been presented with no substantive evidence which would lead me to conclude that the remaining parking area is insufficient to safely serve the parking and delivery needs of the shop.
15. There are two vehicle access points at 1 Queensway. One is set off the boundary with the appeal site and the other relatively close. The containers block visibility from the access nearest the boundary to an extent. However, this would have been the case with the hedges that were previously along the boundary. In addition, the access points to No 1 are off a narrow road which runs parallel to Queensway and is separated from the main carriageway by a wide grass verge. This road provides access to dwellings, rather than access being directly onto or from Queensway and as such, this road is relatively quiet. Within this specific context, the containers are unlikely to lead to any increase in highway safety issues, for either vehicular or pedestrian traffic.
16. I conclude that the development does not cause unacceptable harm to the safety of vehicular and pedestrian traffic. Consequently, the development would comply with Policy 8(b)(i and ii) of the JCS, which seeks to ensure that streets are safe and pleasant.

### **Other Matters**

17. The appellant contends that the storage provided by the containers is vital to sustaining the viability of the shop which is a community facility. I have been provided with no substantive evidence to back this up or to set out why the containers are the only option for providing any necessary storage. Consequently, I can afford this only minimal weight in favour of the proposal and it does not outweigh the harm identified.

18. There is support for local facilities and business in Policies 1, 7, 8 and 12 of the JCS and Policy R2 of the Plan for the Borough of Wellingborough, Part 2 of the Local Plan. However, this does not override the need to comply with all other relevant policies. As set out above, the containers fail to comply with a number of policies.
19. Despite comments from Wellingborough Town Council, the containers have not been refused due to over development of the site and this did not form part of my considerations. Details of the planning permission granted for the care home on the opposite side of the junction are not before me. Whilst it is not for consideration under this appeal, I viewed the care home during my site visit and it did not appear out of character for the area.
20. The appellant makes reference to permitted development rights but does not state which Part of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is being referred to or how any such rights might apply to this particular site. As such I cannot consider any permitted development rights as a potential fallback position against which to consider the impact of the containers.

### **Conclusion**

21. The development has a harmful effect on the character and appearance of the area and the living conditions of the occupants of Queensway. I have also concluded that there is no material harm to vehicular and pedestrian safety and acknowledge the minimal weight of community benefits and some policy support. Overall, I am satisfied that the development would conflict with the development plan as a whole and results in material harm and there are no material considerations which would indicate a decision otherwise than in accordance with the development plan.
22. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Helen Davies*

INSPECTOR