



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: 26 October 2022

Appeal Ref: APP/W2845/W/22/3295732

The Skerries, High Street, Guilsborough NN6 8PU

- 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 N Modhwadia against the decision of West Northamptonshire Council.
 - The application Ref WND/2021/0174, dated 22 May 2021, was refused by notice dated 11 February 2022.
 - The development proposed is demolition of existing bungalow and garage. Proposed 2 storey dwelling with garage to rear and single storey dwelling to frontage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow and garage. Proposed 2 storey dwelling with garage to rear and single storey dwelling to frontage at The Skerries, High Street, Guilsborough NN6 8PU, in accordance with the terms of the application, Ref WND/2021/0174, dated 22 May 2021, and the plans submitted with it, subject to the schedule of conditions attached to this Decision.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area.
 - ii) The effect of the proposal on the living conditions of the occupiers of Paddock View with regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises a spacious plot, which is occupied by a bungalow and a detached garage. The site is within a developed part of the village, which is characterised by a range of properties in an assortment of sizes and styles. These properties are located within plots of varied dimensions. There are also examples of tandem development nearby. These variations along with the varied spacing of properties from the highway, contribute to the diverse character and appearance of the area.
4. The proposed bungalow would be located along the front of the site, closer to the highway than the extant property. However, if the appeal were to succeed, the Council has suggested a condition requiring that this is on the same slab level as the existing garage on the site. Furthermore, the proposed scheme includes the retention and continuation of the stone wall frontage with

landscaping behind it. This, together with the single storey form and shallow pitched roof of the bungalow would enable this frontage development to assimilate with the varied streetscene.

5. The detached double garage is to be sited behind the proposed bungalow. Therefore, this would not be particularly apparent in views from the highway. Even so, this has been designed to reflect the form of the bungalow and would therefore complement the wider development.
6. The proposed 2-storey dwelling would be located deeper within the site behind the frontage bungalow development and, in part, would be visible from the highway.
7. The height of the new 2-storey dwelling would not be dissimilar to existing nearby buildings, such as the Village Store and Elm Tree House. Furthermore, its hipped roof form and incorporation of appropriately proportioned fenestration with some header and cill detailing would add interest to the design and also provide relief to its overall massing. Although the detail of the facing materials and fenestration finishes for the development have not been finalised, these could be secured by a condition.
8. Both the new dwellings would occupy plots that provide a proportionate and adequate amount of garden / amenity space and off-road parking provision.
9. Overall, the proposed built form would be of an acceptable scale, layout and design, which would be complemented by the new landscaping. Together, these would secure environmental improvements and ensure that the proposal assimilates with its diverse context.
10. For the above reasons, the proposal would not have any unacceptable effect on the character and appearance of the area. Therefore, the proposal accords with Policy R1(i) of the West Northamptonshire Joint Core Strategy, policies RA2.C.(i) RA2.C.(iii), ENV10(iii) of the Settlements and Countryside Local Plan (LP) and Policy 3(a)2.ii of the Guilsborough Neighbourhood Plan (NP). Together, these policies seek to secure new developments which bring environmental improvements and are of an appropriate scale, form, character and setting for the village, blend well within the site and with its surroundings and safeguards public amenity.

Living conditions

11. The proposed 2-storey dwelling would be positioned adjacent to the neighbouring dwelling Paddock View and its associated amenity areas. In particular, the front and rear building lines of these properties would broadly align.
12. Paddock View is orientated with a front elevation facing down the access and a rear elevation towards a field. It also includes a front projecting (garage) wing that contains bedroom windows and solar panels on the roof, which face the appeal site.
13. Although Paddock View is set at a lower land level than the appeal site, the separation distance of the proposed 2-storey dwelling would be about 9m to Paddock View's side gable and near 16m from the front projecting (garage) wing. Furthermore, there is mature landscaping along the shared boundary between Paddock View and the appeal site.

14. Drawing on the above observations, some views from Paddock View would be available towards the development site and the 2-storey dwelling. Nevertheless, because of its siting, separation and intervening boundary treatment, the proposed 2-storey dwelling would not be visually intrusive or have an unacceptably oppressive or dominating effect when viewed from Paddock View.
15. Whilst the 2-storey dwelling may reduce the amount of morning sunlight falling onto the property and its roof-mounted solar panels during the winter when the sun is lower in the sky, when taking account of the existing landscaping, the extent of any reduction would be limited and is not a sufficient reason to justify the refusal of the proposal.
16. For the above reasons, the proposal would not unacceptably affect the outlook from Paddock View. Accordingly, I find no conflict with policies RA2.C vi and ENV10(viii) of the LP and Policy 3(a)2.ii of the NP which all seek to safeguard amenity.

Other Matters

17. In addition to the above matters, third parties have raised concerns about the effects of the proposal on the living conditions of the occupiers of other nearby properties, the effects on parking pressure on the surrounding roads and the impacts of the construction of the development on adjoining properties. These matters were addressed in the Council's Report and did not form part of its reason for refusing the proposal. I have also considered these matters and on the evidence before me I see no reason why these factors, whether alone or in combination, would justify resisting the scheme.
18. Whilst there may be alternative ways of developing the appeal site, I can only determine the appeal on the basis of the proposal before me.

Conditions

19. Having regard to the Framework and the Planning Practice Guidance. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
20. A condition requiring that the slab level of the bungalow hereby permitted is the same as the existing garage on site, is necessary in the interests of the amenity of the area and neighbours.
21. Conditions requiring details of proposed external material and finishes and the provision, implementation and maintenance of landscaping, are necessary to ensure the satisfactory appearance of the development and to safeguarding the amenity of neighbours. To safeguard the privacy of neighbours, I have specified a condition requiring obscure glazing for certain windows on the 2-storey dwelling. A condition for the provision of parking spaces and turning areas is necessary to ensure accessibility and safety of highway users.
22. The approved dwellings could be altered and extended under the provisions of permitted development rights, thereby resulting in an adverse impact on the character and appearance of the area and the living conditions of neighbours. To this end, it is reasonable, necessary and justified to remove permitted development rights for the enlargement, improvement or other alterations to the approved dwellings, including enlargements and additions to roofs and

buildings etc incidental to the enjoyment of a dwellinghouse. However, given the modest scale of any porches, the removal of permitted developments for these is not clearly justified.

23. A separate condition requiring removal of permitted development rights for windows and dormer windows is not necessary as these are largely covered by the above-mentioned permitted development rights. In light of the proposed layout and the extent of boundary treatments, the removal of permitted development rights for ground floor windows is not justified.
24. Conditions to minimise the disruption caused by demolition / construction and associated activity and the suppression of dust are necessary to protect the living conditions of neighbours.
25. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

26. 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 following approved drawings: ASM-21-M11-03c, ASM-21-M11-04c, ASM-21-M11-05c, ASM-21-M11-06b and ASM-21-M11-07a.
3. Notwithstanding the notation on the approved drawings, the slab level of the bungalow hereby permitted shall not exceed the current slab level of the existing garage on site, as shown on the topographical survey 21171-TOPO dated June 2021.
4. Prior to any construction works above slab level, samples of the materials to be used in the construction of the external surfaces and finishes of the dwellings and garage hereby permitted shall have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
5. Prior to any construction works above slab level, a detailed scheme of planting / landscaping for the site, to include suitable natural screening for the boundaries with Elm Tree House and Paddock View, shall be submitted to and approved in writing by the local planning authority. The approved planting / landscaping shall be implemented prior to the development being first occupied, or in accordance with a programme approved in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or shrub, these, or any replacement planting are removed, uprooted or destroyed or die (or becomes in the opinion of the local planning authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
6. Prior to the occupation of the approved 2-storey dwelling, the first-floor windows on the side (north west) elevation shall be fitted with obscure glass which shall not be removed without the prior express consent in writing of the local planning authority (Replacement of the glass with glass of an identical type would not necessitate the Council being notified).
7. Prior to the first occupation of any of the dwellings hereby approved, the parking spaces and turning areas shall be constructed/laid out in accordance with the approved drawing ASM-21-M11-03c. Thereafter those areas shall be retained for those purposes.
8. Notwithstanding the provisions of the Town & Country Planning (General Permitted development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Classes A, B, C and E of Part 1 of Schedule 2 to the Order.
9. During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen

dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

10. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0830 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.