



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

Appeal Ref: APP/M2840/W/22/3298751

Land Adjacent to No.10 Vicarage Close, Wellingborough NN8 5ES

- 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 AG Global Development Ltd against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00105/FUL, dated 21 February 2022, was refused by notice dated 23 March 2022.
 - The development proposed is erection of a new detached two storey 4 bedroom dwelling, access, hardstanding for parking, boundary treatment and landscaping on land assigned public open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is a revised version of a previously refused scheme, reference NW/21/00800/FUL. I have assessed the proposal on its own merits and impacts rather than by comparison to the previous scheme.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the surrounding area, including with reference to protected trees, landscape and local green space;
 - Biodiversity; and
 - The safety of vehicular and pedestrian traffic.

Reasons

Character and appearance

4. The site is a parcel of land adjacent to the side of the dwelling at 10 Vicarage Close. It is located within an area of green space between dwellings in a residential area. The Plan for the Borough of Wellingborough – Part 2 of the Local Plan, Adopted 2019 (PBW) identifies the green space as a designated Local Green Space (LGS). This LGS is recognised for the important contribution that it makes to the character of the local area, giving it the feel of a village green. The green space is bounded by dwellings which predominantly front on to it, the side of No 10 being the exception. The dwellings around the green space have a strong and fairly consistent building line, which is emphasised by the pathway which runs around the perimeter. Dwellings are a mix of two

storey detached and single storey semi-detached, predominantly constructed in brick, with tile roofs and hung tile detailing.

5. While the general scale and design of the proposed dwelling would be in keeping with the surrounding area, the siting and layout would not. The dwelling would continue the front building line from No 10 but would be located significantly forward of the strong building line formed by the dwellings fronting onto the green space. This would result in an unacceptable disruption of the established pattern and grain of development in the area. The proposed dwelling would also impede views through the green space, closing down its sense of openness. An existing pathway would run between the sides of No 10 and the proposed dwelling and would be very enclosed, resulting in an overbearing feeling for users of the path. Taken together, the above factors mean that the proposed dwelling would be incongruous, overly prominent and harmful to the distinctive character and appearance of the area.
6. The green space contains a number of trees which are protected by Tree Preservation Order (TPO). The TPO was proposed by the Council in September 2021 and confirmed in February 2022, in recognition of the value of the trees to the amenity of the area. The trees add to the verdancy and visual interest of the LGS and help provide relief from built-up elements. Two of these protected trees, which are within the appeal site, would be removed under the proposal. Also, it appears likely that another protected tree would be removed to provide the proposed vehicle access. These mature, protected trees are noticeably prominent elements in the locality and their loss would erode the verdancy of the LGS. Replacements may take some years to reach similar stature and can be vulnerable during establishment phase.
7. The proposal would result in loss of part of the LGS and reduction in its openness. Moreover, it would erode distinctive local landscape qualities, and disrupt views through the space, particularly from the pathways. Together, the above factors would undermine the contribution that the LGS makes to the neighbourhood's distinctive character, and conflict with the purpose of the LGS designation relating to character.
8. Therefore, I conclude that the proposed development would harm to the character and appearance of the area, including with reference to protected trees, landscape and local green space. As such, the development would not comply with Policies 8 and 3 of the North Northamptonshire Joint Core Strategy 2011-2031, adopted 2016 (JCS) and Policy GI3 of the PBW. Together, these policies seek, among other things, to ensure that development responds appropriately to the distinctive character and immediate context of a site, retains or enhances landscape character, and protects a designated LGS. Also, the development would also be contrary to Policies 1 and 7 of the JCS in that it would not improve the social or environmental conditions of the area, and would result in net loss of open space.

Biodiversity

9. The proposed removal of trees would reduce nesting and foraging resources for birds in the local area. Scope for effective wildlife habitat mitigation measures in the proposed garden would be limited by the relatively small size of the proposed garden, especially as much of it would be under hard standing. As such, I am not persuaded that existing biodiversity would be protected or its loss adequately mitigated.

10. Consequently, the proposal would not meet the requirements of Policy 4 of the JCS which seeks to secure a net gain in biodiversity. In addition, it would not comply with paragraph 180 of the Framework¹ in terms of providing adequate mitigation for significant harm to biodiversity, integrated as part of the design.

Highway and pedestrian safety

11. No decisive information is presented to indicate that existing vehicle crossovers along Vicarage Close present a significant highway safety risk, or that the addition of the proposed access would alter this. Were the proposal acceptable in all other respects, details of suitable access and parking arrangements could be secured by condition.
12. Therefore, I conclude that the proposed development would not cause unacceptable harm to the safety of vehicular and pedestrian traffic. Consequently, with regard to this matter, I find no specific conflict with Policy 8 of the JCS which seeks, among other things, to ensure that development makes safe streets and ensures the provision of a satisfactory means of access.

Other Matters

13. Matters regarding ownership, purchase process and engagement during the application are beyond the scope of the substantive issues of this planning appeal, and do not alter my decision.
14. The proposal would contribute to local housing supply in the form of one dwelling for the area, with associated socio-economic benefit during and after construction. The scale of proposed this development limits is benefit, which does not outweigh the identified harm in terms of character and appearance, and biodiversity.

Conclusion

15. 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

¹ Council reason for refusal No 5 references chapter 15 of the Framework. Paragraph 180 is part of that chapter. Reason for refusal No 6 references paragraph 15 of the Framework. It is assumed this should also say chapter 15.