



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/22/3298016

15 Webb Road, Raunds, Wellingborough NN9 6HH

- 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 Thorne of BDR Construction against the decision of North Northamptonshire Council.
 - The application Ref NE/21/01556/FUL, dated 18 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is modification to existing plot boundaries and construction of new single storey bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal related to the lack of a contribution to mitigate against any impact on the Upper Nene Valley Gravel Pits Special Protection Area (SPA). The specified financial contribution has subsequently been made and the Council have confirmed they no longer seek to defend this reason for refusal.
3. The proposal is a revised version of a previously refused scheme, reference NE/21/00203/FUL. I have assessed the proposal on its own merits and effects rather than by comparison to the previous scheme.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and the surrounding area;
 - Whether the proposed development would provide acceptable living conditions for future occupants of the dwelling, with regard to outlook and privacy; and
 - The effect of the proposed development on the safety of vehicular and pedestrian traffic.

Reasons

Character and Appearance

5. The site consists of part of the garden to the side of 15 Webb Road and part of the garden to the rear of 110 Windmill Lane. The area is residential and

contains a mix of detached and semi-detached dwellings of one and two storeys. Most are finished in brick with tile roofs but there is no consistent design or detailing. There are some front projections, but in the section of Webb Road onto which the site fronts, the main building line is strong and fairly consistent, particularly on the appeal site side of the road. There is some variety in the gaps between dwellings and some contain single storey structures. Despite this, gaps between built form at first floor and roof level are generous, allowing views between buildings and giving the area a spacious and open character. There is an electricity sub-station located in front of the site.

6. Under the proposal the layout of the garden space at No 15 and No 110 would be rearranged and a single storey detached dwelling erected. The general scale, detailing and materials of the proposed dwelling would be in keeping with the mixed character of the surrounding area. However, the proposed dwelling would be located significantly behind the predominant building line along Webb Road and behind the electricity substation. Despite the roof of the proposed dwelling sloping away from the boundary, the gap between the new dwelling and No 15 would be a lot narrower than is typical between nearby dwellings. Together, this would result in an unacceptable disruption of the established pattern and grain of development in the area and a reduction in the characteristic openness of the site and its surroundings.
7. The electricity substation is in close proximity to the proposed dwelling, located between the front elevation and the road. The presence of the substation in front of a dwelling would appear incongruous and out of keeping with the street scene where frontages are clearly visible from the road. The impact the substation has had on the proposed layout means the dwelling would appear cramped within a constrained site in comparison to nearby properties.
8. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site and the surrounding area. Consequently, the development would not comply with Policy R2 of the Raunds Neighbourhood Plan 2011-2031 (made November 2017) (NP) and Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031, adopted 2016 (JCS). Together, amongst other things, these policies seek to ensure that development is well designed and in keeping with local character. Furthermore, the proposal would not comply with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to secure visually attractive development that is well laid out and respects the arrangement of streets.

Living Conditions

9. The main window to the front of the proposed dwelling, which would be the only window serving the bedroom, would be in close proximity to and directly behind the electricity substation. The window would also be relatively close to the side elevation of No 15. This layout would result in the substation and side elevation of No 15 having an overbearing effect which would unacceptably dominate and constrain the outlook from the proposed bedroom window.
10. How long any future occupant might spend in the bedroom, at what times of day and how the room is used is not something which can be controlled by a planning condition. Therefore, a condition cannot be used to overcome the unacceptable outlook.

11. The main entrance to No 15 is to the side and due to the set back of the proposed dwelling and the narrow gap between the dwellings, would be in relatively close proximity to the proposed bedroom window. While this could potentially lead to overlooking it could be adequately mitigated by the installation of a boundary treatment. This could be secured via a planning condition were the appeal to be allowed. Consequently, this element of the proposal would provide acceptable privacy for future occupants.
12. Nevertheless, I conclude that the proposed development would fail to provide acceptable living conditions for future occupants of the dwelling with regard to outlook. Consequently, the development would not comply with Policy R2 of the NP and Policy 8 of the JCS, which together, amongst other things, seek to ensure that development does not have an unacceptable adverse impact on the residential amenity of future occupants. Furthermore, the proposal would not comply with paragraph 130 of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Highway Safety

13. The road is relatively quiet and most dwellings have a crossover to on-site parking without the ability to turn on site and exit in forward gear. I have no evidence to suggest that this arrangement has led to highway safety issues, or that the addition of one additional dwelling with similar parking arrangements, even close to the junction, would increase any highway safety issues. Subject to suitable visibility splays, which could be secured via a planning condition were the appeal to be allowed, the proposed layout for access and parking, for both the new dwelling and No 15 would be adequate.
14. I conclude that the proposal would not have an unacceptable impact on the safety of vehicular and pedestrian traffic. Consequently, in regard to highway safety it would comply with Policy 8 of the JCS, which seeks to ensure that development provides suitable access and safe streets.

Other Matters

15. As set out above, a financial contribution to mitigate any impact on the SPA has been made and the Council no longer seek to defend their second reason for refusal. On the basis of the information before me, I am satisfied that the contribution would be necessary if permission were granted for a dwelling in this location. However, I have insufficient detail to reach a conclusion on any mechanism to ensure the contribution would secure mitigation for this particular proposal. Regardless of this, as I have dismissed the proposal on other grounds, I have not considered this issue further.
16. The appellant states that a building similar to the proposal could be constructed at the site under permitted development rights. They have not specified which Part of The Town and Country Planning (General Permitted Development) (England) Order 2015 they are referring to or explained how the relevant rights, and their associated restrictions and conditions, would apply to the site. They have provided a drawing¹ showing outline frontages. However, it shows that the building proposed would be wider and taller, as well as differently located, than buildings which would benefit from permitted development rights.

¹ Referenced Appendix A Front Elevations

17. Consequently, on the evidence provided, a building of the dimensions and location proposed would not benefit from permitted development rights. While a smaller and differently located building may be possible under permitted development rights, its impact on character and appearance would be different to the building proposed so cannot be directly compared.
18. Notwithstanding this, even if a large building could be constructed on site under permitted development rights, I have been presented with no substantive evidence that constructing it would be likely to take place. In addition, permission would still be needed to use any such building as a separate dwelling, which would require overcoming the issue in relation to living conditions.
19. On the basis of the above, I do not consider the alleged permitted development rights to represent an evidenced fallback position, or a fallback with a greater than theoretical possibility of being implemented. I therefore ascribe limited weight to the alleged fallback position.
20. Other appeals have been referenced. At 8 Belmont Gardens, the inspector considered what could be built under permitted development rights and gave it weight as a fallback position. Full details of that appeal are not before me, but from the photographs provided, the size of the site, the spacing and the context appear materially different to this appeal. In addition, the Council state that at 8 Belmont Gardens the building did meet the requirements for permitted development, which cannot be said of the building subject to this appeal. At Dryden Street, from the photographs provided, the size of the site and its context appear materially different to this appeal. The Council also state that there were other material considerations which applied to Dryden Street which do not apply to this appeal.
21. The size of gardens, internal space, natural surveillance and flooding did not form part of the reasons for refusal and have not influenced my reasoning under this appeal. I note the dwelling is proposed to be energy efficient and the location is accessible, but this does not outweigh the harm identified above.
22. Planning legislation requires a decision to be made about the acceptability of a proposal on the basis of the development plan and all other material considerations. Granting permission for a development with unacceptable levels of amenity, on the basis that 'any purchaser of the dwelling will assess whether the level of residential amenity is satisfactory' would not comply with development plan policy.

Conclusion

23. 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