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# Appeal Decision

Site visit made on 15 November 2022

**by Emma Worley BA (Hons) Dip EP MRTPI**

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

**Decision date: 8th December 2022**

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**Appeal Ref: APP/Z2830/W/22/3299990**

**The Old Telephone Exchange, Little Lane, Blisworth NN7 3BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Philip Holland against West Northamptonshire District Council.
  - The application Ref WNS/2021/1887/FUL, is dated 3 November 2021.
  - The development proposed is the demolition of the existing building and erection of a 2 bedroom detached dwelling.
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## Decision

1. The appeal is dismissed and planning permission for the demolition of the existing building and erection of a 2 bedroom detached dwelling at The Old Telephone Exchange, Little Lane, Blisworth NN7 3BS is refused.

## Application for Costs

2. An application for an award of costs was made by Mr Philip Holland against the Council. This application is the subject of a separate decision.

## Preliminary Matters

3. The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council has prepared an appeal statement. This advises that had the Council determined the application, planning permission would have been refused. Based on the Council's evidence, the main issues are those set out below.
4. Amended plans have been submitted as part of the appeal which omit the window in the front elevation of the proposed dwelling and replace it with an arrow-slit. Given that the Council have had the opportunity to comment on the amendment, I am satisfied that no injustice would occur should I determine the appeal on the basis of these plans.

## Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area including the setting of the Blisworth Conservation Area (the CA); whether the development would preserve the setting of 2 High Street as a listed building (the LB); the effect of the development on protected species, specifically bats; and the effect of the development on highway safety having regard to parking provision.

## Reasons

### *Character and appearance*

6. The appeal site includes a single storey pitched roof storage building, the front gable of which lies close to the back of the pavement which runs along Little Lane. The properties in Little Lane vary in style, size and appearance and include two storey detached dwellings, a dormer bungalow and a pair of semi-detached bungalows. The properties are set back from the road, and the dwellings on this side in particular benefit from wide frontages and are set in generous plots including a number of single storey outbuildings. This contributes to a pleasant sense of spaciousness to the area.
7. Despite its position on the plot, the existing building is relatively low profile and so is not readily discernible in the street scene. The staggered roof heights of the existing buildings, including that on the appeal site and the neighbouring garages, reflect the ground levels.
8. The proposal, which would replace the existing building, would be a relatively small dwelling set on a very modest plot. Like the existing building, it would be located closer to the highway than the neighbouring dwellings and would have a limited area of amenity space to the sides and rear. The proposed dwelling would have a narrow gable projection to the front elevation which would be lower in height than the main part of the dwelling, which would be set back from the highway. Despite this, as a result of the height and siting of the building, as well as the resulting plot size, the proposal would be a visually dominant and incongruous feature which would be at odds with the layout and form of the surrounding development. Furthermore, the proposed building would interrupt the rhythm of the stepped building heights on this side of the road.
9. The appeal site lies immediately outside the boundary to the northern part of the CA. The CA includes a number of buildings of special architectural and historic interest, many of which are constructed using local materials including limestone. The significance of the CA lies partly in the built form, which includes terraced cottages that run parallel to the highway, which creates a strong sense of enclosure. Spaces between the buildings created at road junctions such as Little Lane and High Street allow for longer distance views towards the open countryside beyond the built-up form of the village.
10. The Blisworth Conservation Area Appraisal and Management Plan (2015) highlights the importance for any development which affects the setting of the CA to have regard to views in and out of it. By virtue of its height, scale and siting the proposal would appear unduly prominent in views from Little Lane towards the CA and as such would harm its setting. Furthermore, for the same reasons the proposal would be detrimental to views out of the CA.
11. Whilst I note the appellants comments regarding the recent widening and re-alignment of Little Lane to accommodate construction traffic, which it is suggested is a temporary arrangement, this itself would not be a determining factor with regards to the effect of the development having regard to the site context including the neighbouring buildings.
12. For the reasons set out above, I conclude that the proposal would harm the character and appearance of the area, including the setting of the CA. In these

regards it would conflict with Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted 2014 (the JCS) which sets out that housing developments will be expected to make efficient use of land having regard to, among other things, the location and setting of a site and the existing character and density of the local area. It would also conflict with the design aims of Policy SS2 of the South Northamptonshire Local Plan (Part 2) 2011-2029 (the SNLP). Moreover, the proposal would fail to accord with Policies HE1 and HE6 of the SNLP which require a heritage assessment to be undertaken to determine the potential impact of the proposal on the significance of the asset.

#### *Setting of the listed building*

13. No 2 High Street is an attractive Grade II listed building with white painted walls and a thatched roof. Its significance is informed by its architectural and historic interest as a building dating back to the 18<sup>th</sup> century. The building occupies a prominent corner plot at the junction of High Street and Little Lane. Its position is somewhat elevated in relation to the neighbouring properties in Little Lane, as a consequence of the rising ground levels towards the junction.
14. The rear and side elevations of the LB are seen in views along Little Lane towards the junction, despite mature vegetation to the rear garden of the LB. As such there is a visual relationship between the appeal site and the LB due to the intervisibility between them. Whilst the immediate setting of the LB is already defined by existing houses and domestic paraphernalia, the dwellings in Little Lane are set back from the highway, with smaller scale lower profile outbuildings set forward of the dwellings. The introduction of the proposed dwelling in the foreground would change the appreciation of the LB in views from Little Lane. The visual prominence of the proposed building in these views of the LB would harm its setting.
15. In light of the above I conclude that the proposal would fail to preserve the setting of the LB and would undermine its significance. In these regards it would conflict with Policy HE5 of the SNLP in so far as it requires development to preserve the setting of listed buildings. It would also fail to accord with the aims and objectives of the National Planning Policy Framework (the Framework) in respect of the historic environment.

#### *Heritage balance*

16. In accordance with advice in the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy HE6 of the SNLP also requires any harm to the setting of a Conservation Area or views into or out of the area to be weighed against the public benefits of the proposals.
17. The proposed development would only affect a small part of the setting to the LB and the CA and would therefore cause less than substantial harm to these heritage assets. The submissions highlight no particular public benefits to the proposal. As such, the harm that would be caused to the significance and setting of the LB and the setting of the CA are not outweighed by any other factors.

### *Protected species*

18. The Council has suggested that due to its age, construction and location close to habitats which may be used for foraging and commuting, the existing building, which is proposed to be demolished, has potential for bats to be present. I have not been presented with any evidence to the contrary so have no reason to reach a different view to the Council in this regard.
19. The presence of a protected species is a material consideration, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. An ecology survey was not submitted with the planning application or the appeal. Whilst I acknowledge the Council's suggested condition to deal with the matter, in the event that planning permission is granted, I note the Council's Ecology Officer's comment that a protected species survey and report is required to understand the current status of protected species within the development site prior to the determination of the planning application.
20. I have considered the use of a suitably worded condition to require appropriate surveys to be carried out in order to determine whether or not there are protected species on the site and any remediation strategies which may be necessary. However, given the lack of substantive evidence before me that the proposed development would not be harmful to any protected species or that any such harm could be appropriately mitigated, I find that the matter could not be reasonably controlled by way of a planning condition. Therefore, for the foregoing reasons an ecological survey is necessary.
21. I therefore conclude that the appellant has failed to demonstrate that the proposal would not harm protected species, specifically bats. Accordingly, the proposed development would conflict with Policy BN2 of the JCS which among other things requires development that has the potential to harm sites of ecological importance to demonstrate how protected species will be safeguarded.

### *Highway safety*

22. The Council's Parking Standards and Design Supplementary Planning Document 2018 (the SPD) sets out a minimum requirement for 2 off road parking spaces for a 2 bedroom dwelling. However, where this is not achievable, the SPD advises that it would be appropriate for single plot infill developments that are otherwise acceptable, to utilise on-street parking provision where it is safe to do so having regard to highway safety and the flow of traffic. This is subject to there being capacity for additional on-street parking and that the proposal will not add to existing parking congestion or parking problems.
23. I am told that parking on Little Lane is at times difficult, during school drop off and pick up for example. In addition, I note there is a degree of parking pressure locally, due to the number of older properties without off-street parking facilities, which leads to parking in side streets including Little Lane. Whilst I note comments made by interested parties regarding parking pressure for deliveries and construction traffic, this is a temporary and short term inconvenience.

24. The appellant indicates that future occupiers of the development would be able to use the existing on-street parking provision opposite the appeal site, in the same way that the current owner of the site does. Furthermore, at my site visit, which I appreciate is only a snapshot in time, there was ample on-street parking provision available in Little Lane.
25. I note the details of the Blisworth Car Parking Survey at appendix 6.4 of the appellant's Design and Access Statement. However, the survey covers somewhat arbitrary time periods and represents snapshots in time. Furthermore, the survey is not verified and does not include details of the extent of the survey area. Consequently, it carries limited weight in my consideration of the appeal proposal and my conclusion is made as a matter of judgement, having regard to the characteristics of the area.
26. It has also been brought to my attention that Little Lane is subject to temporary parking restrictions, which when lifted will mean there will be additional on-street parking provision available. However, I have not been provided with details of the nature or anticipated timescale of the restrictions, as such I have given this little weight.
27. In light of the above, whilst I understand concerns regarding the shortfall in off-street parking provision to serve the proposed development, there is no substantive evidence that the proposal would lead to an increase in on-street parking provision that would adversely affect the flow of traffic or exacerbate existing parking problems such that it would harm highway safety.
28. I therefore conclude that the proposal would not harm highway safety having regard to parking provision. The proposal would therefore accord with Policy SS2 of the SNLP and advice in the SPD.

### **Other Matters**

29. The proposal would make use of a previously developed site in an existing built-up area. It would provide adequately sized rooms in terms of the Technical housing standards – nationally described space standard (March 2015), would benefit to a high degree of accessibility to a range of amenities in the village, as well as transport links and nearby employment opportunities. However, these factors would not outweigh the harm set out above. Whilst it is common ground that the proposal would not harm the living conditions of the neighbouring properties, the absence of harm is a neutral factor.

### **Conclusion**

30. The proposal would be contrary to the development plan when read as a whole. There is no sound justification to grant planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

*Emma Worley*

INSPECTOR