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# Appeal Decision

Site visit made on 9 February 2023

**by David M H Rose BA(Hons) MRTPI**

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

**Decision date: 17 March 2023**

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## **Appeal Reference: APP/M2840/W/22/3307788**

### **1 Rectory Lane, Woodford, Kettering, NN14 4HS**

- 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 Nick Bowditch (Evetine Property Management Ltd<sup>1</sup>) against the decision of North Northamptonshire Council.
  - The application Reference NE/22/00674/FUL, dated 13 May 2022, was refused by notice dated 13 July 2022.
  - The development proposed is the demolition of garage and erection of linked dwelling.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the demolition of garage and erection of linked dwelling at 1 Rectory Lane, Woodford, Kettering, NN14 4HS in accordance with the terms of the application, Reference NE/22/00674/FUL, dated 13 May 2022, subject to the schedule of conditions at Annex A of this decision.

### **Preliminary Matter**

2. The Council has confirmed that the Upper Nene Valley Gravel Pits Special Protection Area mitigation payment has been made, and the third reason for refusal has been resolved<sup>2</sup>. However, as I am the Competent Authority for the purposes of the Habitats Regulations, I return to this following my consideration of the main issues.

### **Main Issues**

3. The main issues are: firstly, in light of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, whether the proposal would preserve or enhance the character or appearance of the Woodford Conservation Area; and secondly, the effect on highway safety.

### **Reasons**

#### **The first main issue – Conservation Area**

4. The Woodford Conservation Area comprises distinct groups of buildings reflecting different periods of the village's development. The appeal site is located towards the southern edge of the designated area, characterised by narrow rural lanes, strong boundary walls, St Mary's Church, historic cottages and significant areas of green public open space.

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<sup>1</sup> Taken from the appeal form – some documents refer to 'Evetine Property Management Ltd'

<sup>2</sup> Receipt confirming SPA payment made attached to Appellant's final comments

5. The appeal site is to be found at the corner of Rectory Lane with Addington Road. The existing dwelling, now sub-divided into two, that occupies the neighbouring land is untypical of the designated area in that it is comparatively 'modern' in origin and appearance. In this regard, it is broadly square in plan form; it has large windows with front bays; rendered walls; and it sits under a red-tiled hipped roof. The double garage, which would be demolished, is of similar general appearance.
6. Save for the existing vehicular access, the appeal site is well defined by roadside walls and a traditional outbuilding to the north of the site. Whilst ignoring its unkempt and untidy nature, the site, albeit close to the edge of the village and the open countryside beyond, cannot be depicted as semi-rural. Moreover, the extent to which it is 'open' plays no tangible part of the major green spaces that are a component of the designated area or to the rural landscape which embraces the village. To my mind, neither the existing buildings nor the side garden make a positive contribution to the Conservation Area as a whole or to its countryside setting.
7. The proposed dwelling would be well mannered in that it would reflect the characteristics of the building to which it would be attached. Its two-storey form would be more apparent than the existing garage on entry into the village along Addington Lane. However, its framework outbuilding would remain evident and much of its presence would be obscured by, or seen as a backdrop to, the hipped-roof bungalow on the facing corner of Rectory Lane. From the opposite direction, the confines of the lane and the foreground of the outbuilding would provide a strong mask to the proposal.
8. Although the Council criticises the scheme for its 'terrace-like appearance', the bridging link, with a lower ridge line, and the ensuing expressed hipped roof form, would provide articulation and clarity in design. In any event, terraced built form is not anomalous to the village.
9. In my opinion, although the proposed development would not reflect the defining built characteristics of the Conservation Area as a whole, it would be well related to the adjoining building. Moreover, there would be no loss of distinguishing open space and sufficient land would be available to meet the needs of domestic amenity and parking. Even though the land between the new dwelling and Addington Lane would be given over to car parking, an appropriate level of enclosure and screening, to preserve the perception of open land beyond, could be provided by a scheme to secure the rebuilding of the existing boundary wall.
10. As such, the proposal would not amount to over-development. Consequently, given the modest scale of the proposal, and its site specific context, I conclude that the scheme would have a neutral effect on the designated area and the character and appearance of the Woodford Conservation Area would be preserved, and there would be no loss of significance to the designated heritage asset.
11. In reaching this conclusion, I have had regard to the planning history of the site, and note that the extracts provided by the Council relate to applications and appeals for a detached dwelling 'much closer to Addington Lane'. As such, I find the site and application specific details to be materially different to that which has gone before.

12. On the basis of the above, I find no conflict with the protection of the historic environment through Policy 2 a) and b) of the North Northamptonshire Joint Core Strategy (Joint Core Strategy). Further, in particular, the proposal would accord with the place shaping principles of Policy 8 d) i.; the distribution of development in Policy 11; the need to accommodate smaller households promoted by Policy 30; and the overall sustainability objectives of Policy 1.

**The second main issue: highway safety**

13. Rectory Lane is single vehicle width, lacks footways and the tight turn into and out of the lane has to be exercised with caution. The location and width of the repositioned access would also be contrary to the local highway authority's standing advice. Nonetheless, given the constraints of the lane, the small number of dwellings directly served by it and the inevitable low vehicle speeds, the addition of a further small household and related traffic movements would not result in any measure of serious highway danger.
14. As to the parking spaces, the Northamptonshire Parking Standards requires driveway parking spaces to be a minimum of 3.0 metres x 5.5 metres, and individual spaces within parking courts to be no less than 2.5 metres x 5.0 metres. Here the parking for the existing and proposed dwellings would take the form of a parking court with all of the spaces meeting, and in some cases exceeding, the minimum recommended standard. On this basis, I am satisfied that the proposal would provide sufficient and usable parking for the project.
15. As such, I find no conflict with Policy 8 b) i. and ii. of the Joint Core Strategy.

**The Upper Nene Valley Gravel Pits Special Protection Area**

16. The appeal site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area. Policy 4 of the Joint Core Strategy and the Council's related Supplementary Planning Document seek to mitigate additional recreational impacts from new development by means of a financial contribution which has been made.
17. In this regard, the Habitats Regulations Assessment for the North Northamptonshire Joint Core Strategy assessed the in-combination effect of residential development within a 3km catchment of the Special Protection Area. It concluded that such development would have an adverse effect on the integrity of the area unless avoidance and mitigation measures are in place.
18. A mitigation strategy is set out in the Special Protection Area Supplementary Planning Document to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits Special Protection Area by securing financial contributions towards Strategic Access Management and Monitoring and/or other suitable infrastructure. This would reduce the adverse impact of people visiting the Special Protection Area through specific measures and monitoring.
19. The Officer Report includes a Habitats Regulations Appropriate Assessment which, in light of the mitigation payment made, I adopt and conclude that any potential significant impacts would be mitigated. The proposal would therefore accord with Policy 4 of the Joint Core Strategy.

## **Conclusion**

20. From the foregoing, I conclude that the proposal would be in accordance with the development plan when read as a whole. I shall therefore allow the appeal.
21. Looking at the suggested draft conditions, I shall impose the standard time period in which the development is to commence and list the approved plans for certainty (Conditions 1 and 2). Facing materials and surfacing materials (particularly the area for car parking) and the overall design of the rebuild boundary wall are to be agreed to safeguard the character and appearance of the Conservation Area. The removal of specific permitted development rights is justified for the same reason (Conditions 3 and 4).
22. It is important that the vehicular access and area for parking is available for use before the dwelling is occupied to ensure appropriate off-street parking provision. A scheme for cycle storage and arrangements for refuse/recycling storage is required for amenity reasons (Conditions 5 and 6).
23. No justification, or policy reference, has been provided to limit water usage or to secure minimum standards for gas boilers above those required by other legislation. However, for sustainability reasons, I shall amend the suggested condition to require further details in the event that the Council has specific standards which are not before me (Condition 7).
24. I have adjusted the requirements of the Construction Management Plan and reworded it to be proportionate to the development proposed (Condition 8). The control of burning of materials on site is subject to other legislation and specifying the hours of work would duplicate the details required by the Construction Management Plan.
25. From my consideration of these and all other matters raised the appeal is allowed subject to the conditions in the attached schedule.

*David MH Rose*

Inspector

**Annex A: Schedule of conditions (1 – 8)**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - (a) Site Location Plan (Proposed dwelling at 1 Rectory Lane, Woodford, NN14 4HS - 1:1250)
  - (b) Proposed Site Plan (Drawing 1644.04.05, March 2022)
  - (c) Existing Plans (Drawing 1644.09.03, April 2022)
  - (d) Proposed Plans (Drawing 1644.06.03, May 2022)
  - (e) Proposed Elevations (Drawing 1644.05.04, May 2022)
- 3) Prior to the progression of development above slab level, details and samples of all external facing and hard surfacing materials and details of all boundary treatments (including height, design and materials) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of schedule 2, Part 1, Classes A – E, of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.
- 5) Prior to the occupation of the dwelling hereby approved, the access and parking shall be provided in accordance with the approved details, reference 1644.04.05, and shall thereafter be retained for those purposes.
- 6) Prior to the occupation of the dwelling hereby approved, a scheme for cycle storage, refuse/recycling storage and collection shall be submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be provided prior to the first use of the dwelling and thereafter retained as such.
- 7) Prior to the progression of development above slab level, details of measures to ensure sustainable water usage and energy efficiency shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 8) Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
  - (a) the timing/schedule of works and hours of working;
  - (b) areas for parking the vehicles of site operatives and visitors; the loading and unloading of plant and materials; and areas for the storage of plant and materials used in constructing the development;

- (c) details of the erection and maintenance of security fencing;
- (d) provision of wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (e) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

End of schedule