



Appeal Decision

Site visit made on 28 March 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/W2845/W/22/3309705

Billing Arbours House, Heather Lane, Northampton NN3 8EY

- 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 and Mrs S Hyland against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0093, dated 22 April 2021, was refused by notice dated 18 August 2022.
 - The development proposed is the erection of a single dwelling and formation of new access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling and formation of new access at Billing Arbours House, Heather Lane, Northampton NN3 8EY in accordance with the terms of the application, Ref WNN/2021/0093, dated 22 April 2021, and the plans submitted with it, subject to the conditions in the schedule at the end of the decision.

Preliminary Matters

2. I have been referred to policies within the emerging Northampton Local Plan Part 2 (2011 – 2029) with the Inspector's Report having been issued in February 2023. This concluded that the Plan is legally compliant and sound, subject to Main Modifications being made. I therefore consider that the policies therein carry significant weight.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area; and
 - ii) the living conditions of the future occupiers of the proposed dwelling.

Reasons

Character and appearance

4. The appeal site would be accessed from, and front, Jubilee Terrace. Jubilee Terrace is a residential street comprising two and three-storey semi-detached and terraced houses. Dwellings opposite the site are set close to the back edge of the pavement creating an intimate streetscene and other dwellings in the vicinity of the site are set back from the pavement edge with small areas of

hardstanding and/or landscaping. The appeal site comprises an area of scrubland set back behind an existing electricity sub-station.

5. Although the proposed dwelling is wider than existing dwellings in the street its design incorporates a stepped front elevation and ridgeline which would break up the scale and mass of the property. In the context of surrounding properties, which includes semi-detached and terraced properties, the scale, design and materials of the proposed dwelling would complement the existing development along Jubilee Terrace and Jubilee Mews and would not appear incongruous in the streetscene.
6. The set-back of the proposed dwelling would be greater than other houses along the street due to the presence of the electricity sub-station to the front of the site, however, the set-back would not appear unduly out of character with the pattern of development in the locality. The sub-station is an existing incongruous feature within the streetscene and the introduction of a dwelling behind this restrictive feature would not adversely affect the existing character and appearance of the streetscene and would make efficient use of the land in accordance with the National Planning Policy Framework (the Framework).
7. I do not have the full details of the appeal decision relating to the site (APP/V2825/W/20/3257246), however, from the evidence before me the schemes differ in terms of the quantum of development and the site layout. I consider that the proposed dwelling would enhance the streetscene with an appropriate form and scale of development rather than the current view of an area of scrubland dominated by the presence of a sub-station.
8. I therefore conclude that the proposed development would not cause harm to the character and appearance of the streetscene. Accordingly, the proposed development would comply with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy (JCS), Policy E20 of the Northampton Local Plan (LP) and Policy DES1 of the Growing Together Neighbourhood Plan (NP). These policies, amongst other matters, require high quality design that adequately reflects the character of its surroundings.

Living Conditions

9. The proposed dwelling is set back from the sub-station and has been designed with the main living accommodation to the rear of the property with an aspect over the private residential garden. To the ground floor front elevation is a doorway, a WC with obscure glazing and a kitchen window which serves an open kitchen/dining room. The windows to the front elevation of the proposed dwelling are not positioned directly behind the sub-station. The intervening space between the proposed dwelling and sub-station ensures that the living conditions of the future occupiers of the dwelling would not be significantly harmed.
10. I therefore find no conflict with Policies H1 and S10 of the JCS, Policy E20 of the LP or the NP. These policies collectively require that developments are designed and located in a manner which ensures adequate standards of amenity for existing and future users.

Other Matters

11. Billing Arbours House is a detached Grade II listed former farmhouse dating from the early to mid-nineteenth century. The site lies within the setting of

Billing Arbours House. I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which the listed building possesses. Policies S10 and BN5 of the JCS are relevant which require new development to conserve and enhance heritage assets.

12. Billing Arbours House is constructed from local sandstone with a slate roof, sash windows and has pleasing symmetry. It is an attractive property and derives its special interest and significance through its historical and architectural merit. This property is set-back from the road in a spacious plot on the corner of Heather Lane and Jubilee Terrace. In contrast recent housing development is of a high density which has enclosed the listed building and its curtilage. The site currently does not make a positive contribution to the heritage significance of the listed building. A lawn to the front of Billing Arbours House and substantial landscaping is present between the appeal site and the listed building. As such the proposed dwelling would largely be screened from views from the listed building and the proposed dwelling would be read as part of the streetscene associated with the modern housing along Jubilee Terrace. The proposed dwelling would not be directly in front of the listed building and would not harmfully affect the setting of the listed building or cause harm to its special interest or significance.
13. The impact on the setting of the listed building has not been raised as a reason for refusal by the Council and there is no evidence before me to reach a contrary conclusion. I therefore find that the proposal would comply with the statutory test, the JCS and the Framework which collectively seek to promote the conservation of the historic environment.
14. I am satisfied that the proposed dwelling is positioned and designed such that it would not have an adverse impact upon the living conditions of the occupiers of existing dwellings by reason of loss of sunlight, daylight, privacy or outlook.
15. Interested parties have raised concerns with regards to the removal of trees. The Council's Arboricultural Officer is satisfied with the arboricultural assessment submitted. This notes the form and health of the trees and their limited amenity value and on this basis raises no objection to the scheme. I have no reason to disagree with their findings.
16. Any disturbance during the construction process would be for a temporary period only.

Conditions

17. The Council has suggested several conditions. I have included those which meet the six tests set out in the Framework and the Planning Practice Guide, rewording where necessary, for clarity. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interest of clarity.
18. I will impose a condition requiring details of the materials to be submitted to and approved by the Council prior to the external walls or roof being constructed. I consider this reasonable and necessary in the interest of preserving the character and appearance of the area.

19. In the interests of highway safety, a condition is imposed regarding visibility splays.
20. Due to significant road traffic noise, it is necessary to require a scheme of mitigation works to address environmental noise.
21. A condition regarding contaminated land is necessary in order to minimise risks to human health and the environment.
22. Given the relatively flat topography of the site a condition regarding access gradient is not necessary.

Conclusion

23. For the reasons given above, and having regard to all other matters, I conclude that the development would comply with the development plan as a whole. The appeal is therefore allowed.

R Gee

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: H89 – 1.
3. No development shall commence to the external elevations or the roof of the hereby approved dwelling until details/samples of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Prior to first use of the development hereby permitted, pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular access. The splays shall thereafter be retained throughout the life of the development and kept free of all obstacles to visibility over 0.6m in height above access / footway level.
5. Prior to the first occupation of the dwelling a scheme of noise mitigation for both internal and external areas shall be submitted for approval. The approved scheme shall be implemented in full and maintained as such throughout the life of the development.
6. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the

site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

*****End of Schedule*****