



Appeal Decision

Site visit made on 20 March 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/W2845/W/22/3310602

55 Lime Trees, Church Way, Northampton NN3 3BX

- 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 S Corley against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0727, dated 30 August 2021, was refused by notice dated 10 August 2022.
 - The development is for a proposed single storey dwelling with off road parking to front.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey dwelling with off road parking to front at 55 Lime Trees, Church Way, Northampton NN3 3BX in accordance with the terms of the application, Ref WNN/2021/0727, dated 30 August 2021, and the plans submitted with it and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development used in the heading and decision above is taken from the planning application form. However, for clarity, I have omitted the following details "on land adjacent No 55 Church Way" because this is not a description of development.
3. Since the Council issued the decision, it has been brought to my attention that the Northampton Local Plan Part 2 2011-2029, (NLPP2) was adopted on March 23rd 2023. The NLPP2 replaces the Northampton Central Area Action Plan and the saved policies of the Northampton Local Plan 1993-2006, adopted June 1997. The Council has confirmed that NLPP2 policies Q1 and Q2 are now relevant to this appeal, the appellant has had the opportunity to comment on these policies. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.

Main Issue

4. The main issue of this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The wider character of Church Road is defined by a mix of detached and semi-detached 2 storey houses which front the street and some which are set behind street fronting houses. The spaces between houses are not even, with some

gaps wide enough to have provided access roads to houses built at the back, and some which are a footpath's width. Between the appeal site and Favell Way there are three large, detached garages in front gardens with hipped and gable roof designs.

6. The appeal site is between two bungalows and the proposed bungalow would replace a wide side garden, resulting in a comparable plot width to other houses in the street. The neighbouring bungalow has a large double garage with gable roof near to the pavement, and like adjacent houses in the row is set back from the highway. The single storey roofs of these houses, the garage, and a house to the rear of the appeal site can all be seen from the highway. Front boundaries in the vicinity are a mix of dense planting and low walls. I saw that No. 55 was not typical because it had little landscaping to the front.
7. The site is not within or adjacent the Conservation Area and there is no substantive evidence which leads me to conclude there would be any detrimental impact on a Conservation Area as a result of this proposal.
8. The side elevation bay windows at No. 55 would be partially obscured by the proposed bungalow. However, these windows do not face the highway, the visible projection out from the side elevation is limited, and in any case is subservient to the main street fronting elevation of No. 55 which largely defines the visual contribution this bungalow makes to the area, which would be retained.
9. The proposed step in the side boundary line to widen the front part of the driveway extends the plot by a very small amount and does not cross the front elevation of number 55, so there would be very little visual effect and little, if any, harm to the character and appearance of the area.
10. The appeal site plot would be smaller than most of the plots in the immediate vicinity, however from the public realm where the relationship would be experienced, the smaller plot size would not be pronounced because the proposed bungalow would be set back from the highway and the width of the plot varies across its depth. The design also proposes to retain gaps to both neighbouring houses, which would help to preserve a detached appearance in keeping with others in the street, a relationship which would have a greater visual presence than the plot shape, any perceived small increase in density and the plot width itself. Furthermore, the building would be seen in the context of other small garage buildings with hipped and gable roofs in front gardens, which are in closer proximity to the road.
11. For these reasons I conclude that the proposal would not adversely affect the character and appearance of the area. It therefore accords with policies S10 and H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part1) adopted December 2014, policies Q1 and Q2 of the NLPP2, and relevant policies of the National Planning Policy Framework (Framework) in particular paragraph 130. These policies seek, amongst other things, new development should be designed to promote and contribute to good placemaking through high quality, beautiful and sustainable design which encourages the creation of a strong, locally distinctive sense of place.

Other Matters

12. I have had regard to the concerns expressed regarding highway safety. No. 55 already has two points of access and one of these would be removed to provide space and access for the proposed bungalow, the additional traffic and manoeuvring required to and from a house on a 30mph road would not be significant. Consequently, I do not disagree with the Council's conclusions that subject to conditions for gradient, drainage and surfacing details to be approved, safe egress and access can be achieved here and that the provision of parking as proposed is acceptable.
13. Interested parties have raised concern over the effect works at the appeal property would have on existing tree roots, and any resulting damage to neighbouring buildings. Any such damage caused would be a private matter between the parties involved.
14. The separation of the proposed bungalow to an existing boundary fence and neighbouring house, combined with the single storey design and roof shape ensures there would not be any significant reduction in light to any neighbouring houses, so the proposed relationship would be acceptable.
15. I have had regard to concern about the amenity space of the appeal bungalow. The garden is large enough for future occupiers to sit out and dry clothes and would be of similar depth to No. 55. Consequently, I do not disagree with the Council's conclusions that the garden space is adequate.
16. Interested parties have raised concern about an existing materials storage use, a different use to that described on the application forms. I saw no evidence at my site visit that the appeal site is not currently a house with a side garden, and I have determined this appeal on the basis of this existing use and that it would be a residential use as indicated on the application.
17. I have had regard to the suggestion by interested parties of a landscape condition. However, at the time of my site visit there was little landscaping at the appeal site so a condition to include new landscaping would not be reasonable or necessary to make the proposed development acceptable. Furthermore, the Council has not suggested such a condition is necessary.
18. Interested parties have commented that access to the rear of No. 55 and the proposed bungalow would only be wide enough to serve pedestrians. There would be no harm to future occupants through a lack of such an access and what is proposed would be sufficient to serve future occupants needs. This is also commonly the case at other houses in the street which have similar narrow access to rear gardens.
19. Although the side bay windows would be close to the shared boundary with the proposed bungalow, the height of the fence and bungalow would not be so significant to prevent light to these windows. Furthermore, there are already additional windows on the front and rear elevations of No. 55 serving the same rooms as the side bay windows, which provide additional light and alternative outlook. Consequently, there would not be an unacceptable effect on outlook and light.

Conditions

20. In addition to the standard 3 year time limit condition, I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty and I have included a condition requiring details of external facing materials to be approved, to protect the character and appearance of the area. I also impose a condition for requiring details to be approved of the driveway gradient, surfacing and drainage, in the interests of highway safety. However, I am not satisfied that the pre-commencement requirement of the last condition is justified as being so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission, so it is sufficient that details are required and approved prior to occupation.
21. I have not imposed the suggested condition regarding land levels, and finished floor levels, because the submitted plans are sufficient in detail and so this requirement is unnecessary. I have not attached the suggested condition for the details of electric vehicle charging points to be installed because they are a requirement of building regulations, so are not necessary. I have not included the suggested conditions restricting the future use of permitted development rights or changes of use, as I do not consider that such a condition is justified, having regard to the scale and nature of the proposal and contrary to paragraph 53 of the Framework, which states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so.

Conclusion

22. For the reasons given above and having had regard to the development plan as a whole and all other matters, I conclude that the appeal should be allowed.

S Crossen

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 approved plan ASM-21-K1-030.
- 3) Prior to any development above slab level, full details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) The dwellinghouse hereby approved shall not be occupied until full details of the means of access and parking area, to include gradient, surfacing and drainage have been submitted to and approved in writing by the Local Planning Authority, and the works have been fully implemented in accordance with the approved details which shall be retained thereafter.