



Appeal Decision

Site visit made on 1 June 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/W2845/W/22/3312154

Land adjacent 31 Park View, Moulton, Northamptonshire NN3 7TP

- 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 N Snedker against the decision of West Northamptonshire Council.
 - The application Ref WND/2022/0412, dated 4 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is new house specifically for an older person(s) or retired person(s).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is a suitable location for residential development having regard to the development plan.
 - The effect on the character and appearance of the area.
 - The effect on living conditions with regards overlooking and the provision of amenity space.

Reasons

Location

3. The appeal site is located in the village of Moulton, a settlement designated as a Primary Services Village in the rural area. Policy S1 of the West Northamptonshire Joint Core Strategy Local Plan (Part1) (Core Strategy) deals with distribution of development. In the first instance development is directed to urban centres such as Daventry with limited development permitted in rural areas. Policy S3 of the Core Strategy identifies the expected scale and distribution of housing development to different areas including about 2,360 dwellings to Daventry rural area. This figure has been exceeded.
4. Policy R1 of the Core Strategy outlines a spatial strategy specifically for the rural area. The policy is clear that where housing numbers have been exceeded further housing development is only permitted where certain criteria are met. There is little before me to demonstrate that the requirements of the criteria

have been met. Consequently the proposal would conflict with Policy R1 of the Core Strategy.

5. The Core Strategy was adopted in 2014, prior to the publication of the most recent National Planning Policy Framework (NPPF). I have not been presented with any evidence of a review. However, this does not necessarily mean policies should be considered out of date. Paragraph 219 of the NPPF states that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF. Policies S1 and R1 of the Core Strategy are consistent with the NPPF in that they set an overall strategy for the pattern of development. I therefore attribute them full weight.
6. There is little before me to indicate that the Council cannot currently demonstrate a 5 year housing land supply. I therefore attach significant weight to the conflict of the proposal with Policy R1.

Character and Appearance

7. The appeal site is located in a predominantly residential area. Whilst there is some variety in the street scene, unifying features include the presence of detached dwellings in generous plots set back from the road behind front gardens and driveways, creating an open spacious character. There are examples of detached garages that stand forward of the established building line but their scale and positioning does not always make a positive contribution to the street scene and detracts from the character of the area.
8. In contrast, the appeal site is a very small triangular plot of garden land currently free from development. The proposal would sit forward of the established building line, comparatively close to the highway creating a prominent addition in the street scene. The size of the proposal relative to the plot would create a cramped incongruous addition and the proposed materials would do little to overcome the harm.
9. The development would harm the character and appearance of the area. As such it would conflict with the part of Policy S10 of the Core Strategy that requires new development to protect, conserve and enhance the built environment. It would also conflict with Policies SP1, RA1 and ENV10 of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2020 (Local Plan). Amongst other things, these policies require new development to protect the form, character and setting of a village, protect the integrity of garden land that makes an important contribution to the form, character and setting of a settlement and be of high quality design that responds to the wider landscape context. Poor design that does not add to the character and quality of an area and the way it functions will not be supported.

Living Conditions

10. Due to the size of the plot the proposal would sit very close to the site boundary on the side closest to No 31 Park View. The ground floor and first floor windows of the scheme would consequently lead to overlooking in close proximity and a loss of privacy for both the occupants of the development and the neighbour, even with the view being at an angle. Obscure glazing would not overcome the harm when the windows were open. Whilst the appellant has

suggested the windows could be fixed closed, I do not consider this to be a satisfactory solution for the occupants of the dwelling who would reasonably expect to be able to open the windows, particularly in the summer months. Although the appellant says that separation distances would be in excess of 22 metres, there is little before me to corroborate this.

11. The small plot would generate a small amount of amenity space totalling some 27.8 square metres which would be awkward in shape. Whilst reference has been made to additional provision in the form of a footpath to the side of the dwelling and a parking area to the front of the property, they would have little practical value for amenity purposes. The development would generate an inadequate level of amenity space for the occupant as a consequence. Whilst the appellant has referenced alternative green space provision in the vicinity I do not consider it to provide appropriate mitigation as its form and nature is different to that which would be provided by private amenity space.
12. The development would harm the living conditions of the occupiers of the dwelling and the neighbouring dwelling. As such it would conflict with the part of Policy R1 of the Core Strategy and Policy RA1 of the Local Plan that requires residential development to protect the amenity of existing residents.

Other Matters

13. The development would make provision for an older person which would meet an identified housing need. However, the weight I attribute to this is outweighed by the harm I have identified.
14. Reference has been made to other elements of the scheme such as compliance with nationally described space standards, daylight and sunlight tests and accessibility standards. They also identify that the development would be located in a village with a range of services and facilities. Be that as it may, these are features that can be reasonably expected of a development rather than a benefit. I therefore give these elements of the proposal neutral weight.
15. The appellant has referred to development elsewhere in support of their case. However, the location is different and the circumstances are not directly comparable to this case. In any event, each case is determined on its own merits and my assessment is based on the evidence before me.

Conclusion

16. For the reasons identified above, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR