



Appeal Decision

Site visit made on 20 June 2023

by J Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/W2845/W/22/3306613

7 Williams Terrace, Daventry, Northamptonshire NN11 9ER

- 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 Mrs Balvinder Khaira against the decision of West Northamptonshire Council.
 - The application Ref WND/2022/0259, dated 21 March 2022, was refused by notice dated 9 June 2022.
 - The development is described on the application form as 'Retention of the structures that have been erected that are associated with the hot food van on the land behind 7 Williams Terrace. The purpose of these structures are for the safety of pedestrians (structures behind the van cover the gas canisters) and to ensure there is a place for customers to wait whilst food is being cooked (covered area therefore increasing chance of customers walking to the van rather than using their vehicle).'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - the effect of the development on the living conditions of the occupiers of the neighbouring residential properties, having particular regard to noise and nuisance.

Reasons

Character and appearance

3. The appeal site lies in a predominantly residential area to the rear of 7 Williams Terrace, and adjacent to 2 Weston Avenue, a retail outlet. The residential properties in the locality comprise of two storey semi-detached and terraced dwellings set back a modest distance from their respective highways, with well-defined building lines, behind landscaped front gardens. No 2 has been extended well forward of the established building line with the addition of a single storey building.
4. The proposal seeks to retain the timber seating area, which comprises of a timber structure with a blue plastic roof covering, located in front of the hot food takeaway van. The appellant also wishes to retain the chip board enclosure to the gas cylinders to the rear of the hot food takeaway van and the

chip board fencing panels that lie to the rear of the seating area located on the common boundary with the garden to 8 Williams Terrace. The appellant indicates that the seating area has been decorated to a high standard with flowers etc. and asserts that it adds to the character and quality of the area.

5. I noted on my site visit that the area contains a variety of buildings of different design and materials. However, I find that the seating area, and gas cylinder enclosure, which are constructed in short lived materials and covered in lightweight roofing fabric, appear as discordant features that are prominent and obtrusive. Furthermore, they occupy space that would previously have had an open appearance. Consequently, they appear out of context within their immediate surroundings. Harm to the character and appearance of the area occurs as a result.
6. I acknowledge that works have been carried out in an attempt to mitigate the visual impact of the structures, as set out above. However, no details are provided of the works, and the location and scale of the planters is not shown on any drawings. Furthermore, from what I saw during my visit it appeared to me that the flowers were restricted in scale, temporary and seasonal, and therefore their impact was limited. No mitigation proposals have been put forward in respect of the structures located to the rear of the hot food takeaway van and the boundary fence. Therefore, I do not accept the appellant's assertion that the development adds to the character and appearance of the area.
7. Accordingly, on this main issue, the development is contrary to Policy ENV10 of the Settlements and Countryside Local Plan (Part 2) For Daventry District 2011-2029 (the Local Plan Part 2), paragraph 130 of the National Planning Policy Framework (the Framework) and the design principles set out in the Daventry Town and Parish Design Statement. These policies and guidance jointly seek, amongst other matters, high quality design that add to the overall quality of the area.

Living conditions

8. The development backs onto 8 Williams Terrace, with a 2.2m high chipboard fence separating it from the rear garden. Concern has been expressed by a local resident that the new structures will exacerbate existing problems associated with the food van including increased traffic movements, noise and odours. The Council officers report refers to the seating area providing an opportunity for customers to wait for their food to be cooked or eating it on the premises.
9. Whilst recognising that the provision of seating could prolong the period of time customers spend on the site, I saw only two seats were provided within the seating area. Consequently, any additional activity arising from the provision of the seating would be likely to be very limited. Moreover, I have no substantive evidence before me, including comment from the Environmental Health service, to support the Council's view on this matter.
10. Accordingly, on this main issue, I find that the development does not have a significant adverse impact on the living conditions of the occupiers of the neighbouring residential properties. Consequently, it does not conflict with Policy ENV 10 of the Local Plan Part 2 or paragraph 130 of the Framework.

These policies seek, amongst other matters, to protect the amenity of existing dwellings and not compromise the function of existing surrounding uses.

Other Matter

11. I have been presented with no substantive evidence before to indicate that the gas cylinders need to be enclosed. Even if that were the case, I am not convinced that the development before me is the only way that requirement could be achieved.

Conclusion

12. I have found that the development does not have an adverse effect on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and nuisance. However, the absence of harm in this regard is a neutral factor and does not outweigh the significant harm that I have found with regards to the character and appearance of the area.
13. There are no other material matters, of sufficient weight, that indicate the application should be determined other than in accordance with the development plan as a whole. The appeal is therefore dismissed.

J Gunn

INSPECTOR