



Appeal Decision

Site visit made on 15 June 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/W2845/W/23/3314811

1 Orchard Close, Northampton NN4 6HF

- 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 D Lynes against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/1073, dated 23 September 2022, was refused by notice dated 18 November 2022.
 - The development proposed is erection of single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of neighbouring occupiers with regards outlook.

Reasons

Character and Appearance

3. The appeal site is triangular shaped side garden land in an elevated position above the highway. Associated with No 1 Orchard Close, it is located on the corner of Orchard Close and Water Lane. The lack of built development on the site creates an open spaciousness within the street scene that contrasts the surrounding built development consisting of terraced, semi-detached and detached dwellings.
4. The site has planning permission for a 2 storey dwelling with a single storey element to the side. The proposal is for a similarly styled property but the single storey would be replaced with 2 storeys. The graduated increase in the scale of the development that exists with the extant permission would be lost as a consequence. This would reduce the sense of openness that characterises this part of the road. The proposed staggered ridgeline of the dwelling would be insufficient to ameliorate the harm. The appellant says the proposed amendment should be viewed in isolation. I disagree. The development should be considered as a whole.

5. The form and scale of the development would harm the character and appearance of the area. It would therefore conflict with Policy E20 of the Northampton Local Plan which amongst other things requires new development to adequately reflect the character of the surroundings in terms of layout, form and scale. It would also conflict with the part of Policy 2 of the Northampton Local Plan Part 2 (Local Plan Part 2) that requires new development to be of high quality design and respond to and enhance the townscape.

Living Conditions

6. The increased scale and bulk of the development created by the proposed 2 storey element would sit close to the boundary with No 58 Water Lane. It would have an overbearing impact on No 58 as a consequence. The development would harm the living conditions of the occupants of the neighbouring dwelling in terms of outlook.
7. The development would therefore conflict with the part of Policy 4 of the Local Plan Part 2 that requires new development to protect a high standard of amenity for occupiers and not have an overbearing impact on existing buildings or open spaces.

Other Matters

8. The appellant has identified a number of benefits of the scheme including compliance with national described space standards, provision of outdoor space and bin and cycle storage. Be that as it may, these policy compliant elements of the scheme do not outweigh the harm I have identified.

Planning Balance

9. The appellant says that the Council cannot demonstrate a 5 year housing land supply and this has not been disputed. Consequently, the policies that are most important for determining the appeal are considered to be out of date. Paragraph 11d of the National Planning Policy Framework (NPPF) is engaged. In accordance with paragraph 11d ii) of the NPPF consideration must be given as to whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
10. The development would be located in an established residential area where development is supported. There would be some economic and community benefits as a result of the development although this would be very small given the very modest contribution to residential supply proposed.
11. As set out above, the development would cause harm to the character and appearance of the area and the living conditions of neighbouring occupants to which I give considerable weight. The harm significantly and demonstrably outweighs the benefits. The proposal would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

12. The proposal would conflict with the development plan as a whole and there are no other considerations, either individually or in combination, that would outweigh the identified harm and development plan conflict. Therefore, the appeal is dismissed.

K Ford

INSPECTOR