



Appeal Decision

Site visit made on 5 September 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/W2845/W/23/3315156

1 Lodge Avenue, Northampton, West Northamptonshire NN4 0NQ

- 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 Peppy Williams against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/0549, dated 8 May 2022, was refused by notice dated 11 November 2022.
 - The development proposed is a new two storey four bedroomed house with a single garage and off-street parking spaces for 2 cars.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice sets out the description of the proposal as "Demolition of double garage and erection of a new two storey four bedroomed house with single garage and off-street parking spaces for 2no cars." This description more accurately describes the proposal and I have therefore dealt with the appeal on that basis.
3. The appellant has submitted a revised drawing with the appeal (GA002 Rev A). This revised drawing attempts to address the issues raised by the Highways Officer. The appellant indicates that the revised drawing was submitted to the Council during the application stage, but the Council has confirmed that it does not form part of the drawings it made its decision on. As this revised drawing would make fundamental changes to the application and was not consulted on as part of the application stage, I may prejudice the consideration of the Highway Officer and other interested parties if I were to accept it. I have therefore determined the appeal on the basis of the plans considered by the Council and referenced in the decision notice.
4. The Council's Residential Extensions and Alterations Design Guide Supplementary Planning Document (2011) (SPD) sets out a separation distance of 21 metres between a rear/front elevation of a proposed extension and a rear/front elevation of an existing property, and 13 metres between the side of an extension and the rear/front of an existing property. This increases by 1 metre for every 1 metre rise in ground level. Whilst this proposal is not for a residential extension, there is no substantive evidence to suggest the effect would be any different for a new dwelling. Therefore, I find the SPD to be suitable guidance against which to benchmark separation distances for privacy.
5. The Council has referred in its decision notice to Policies 2, 3 and 31 of the emerging Local Plan Part 2. However, since the determination of the

application, the Northampton Local Plan Part 2, 2011-2029, was formally adopted in March 2023. Following its adoption, Policies 2 and 3 were replaced by Policy Q1 and Policy 31 was replaced by Policy ENV6. The main parties are aware of this and have been given the opportunity to comment. I have therefore had regard to the policies of the development plan at the time of my decision.

Main Issues

6. The main issues are the effect of the proposal on the:

- living conditions of neighbouring occupiers, with particular regard to outlook and loss of privacy;
- highway and pedestrian safety;
- character and appearance of the area, with particular regard to the setting of the Collingtree Conservation Area.

Reasons

7. The appeal site is a corner plot located on the junction of Spinney Drive and Lodge Avenue. It comprises a detached two-storey dwelling with a double garage attached to the side.

Living conditions

8. The proposed two-storey dwelling would be positioned less than 9m from the side elevation of No 1. The Council's SPD indicates that a minimum separation distance of 13 metres would be expected between the rear elevation of the proposed dwelling and the side elevation of No 1. Therefore, the proposal's separation distance is considerably less than the separation distance set out in the SPD. Whilst the proposed dwelling would not be taller than the neighbouring dwellings, its inadequate separation distance would result in a significant mass of built form in close proximity to No 1. Consequently, it would appear as an enclosing, overbearing feature when viewed from the windows and rear garden of No 1. The loss of outlook would impact negatively on the occupant's living conditions.
9. The predominantly blank plain brick side elevation of the proposed dwelling would be sited in close proximity to the side elevation of the neighbouring dwelling at 2 Spinney Drive (No 2). Due to the proposal's bulk, it would result in a significant mass of built form being positioned uncomfortably close to No 2. As a consequence, the proposed dwelling would assume a dominating presence when viewed from the windows of No 2, diminishing outlook and harmfully compromising the quality of living conditions for the occupants of this neighbouring property.
10. As the proposed dwelling would not have any first-floor windows on its rear elevation, there would be no risk of overlooking into neighbouring properties. However, the proposal would include two velux type windows for bathrooms at first-floor level, on the side of the proposed dwelling that would face towards No 1. Due to the close proximity to No 1, these proposed windows would result in overlooking and therefore a loss of privacy to the neighbouring occupiers. A condition for the installation of obscure glazing to these proposed windows could be imposed to protect privacy.

11. The proposed dwelling would include windows at ground floor level close to the boundary with No 1. Nevertheless, boundary treatment such as a wall or fence would provide screening and prevent any significant overlooking at ground floor level. Such boundary treatment could be controlled by means of a suitably worded condition.
12. My attention has been drawn to a previous planning permission for a residential development at Collingtree Park. However, I do not know the planning circumstances that led to this permission or its specific relationship to the site and its surroundings. In any event, I have determined the appeal on its own merits.
13. For the reasons given above, I conclude that the proposal would not cause an unacceptable loss of privacy subject to the imposition of conditions, but would harm the living conditions of neighbouring residents with particular regard to outlook. The proposal would therefore fail to accord with Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (JCS), and Saved Policy E20 of the Northampton Local Plan 1993-2006 (1997) (Local Plan). These policies, amongst other things, seek to protect the amenity of neighbouring occupiers. The proposal would also conflict with the guidance set out in the Council's Design Guide SPD (2011). In addition, the proposal would fail to accord with the Framework (paragraph 130) where it seeks a high standard of amenity for existing and future users.
14. The Council refer to Policy S10 of the JCS in its reason for refusal for this main issue. However, this policy does not refer specifically to living conditions of neighbouring occupiers. As such, I do not consider this policy to be relevant to this main issue.

Highway and Pedestrian Safety

15. The proposal would introduce a new vehicular access point onto Spinney Drive. The site is adjacent to existing residential development and a primary school is located opposite the site on Lodge Avenue. It is also positioned near to a road junction. I saw that this all leads to pedestrian and vehicle movements in and around the locality of the site.
16. The Council's Highway Officer has raised concern with regard to the width of the access and the adequate provision of pedestrian visibility splays.
17. The Local Highway Authority Standing Advice for Domestic Vehicle Accesses Serving 1 to 5 Dwellings (2016) states that individual vehicular accesses serving parking spaces for single dwellings should have a minimum width of 3m. This width increases to 3.3m if the proposed access would also be used as the sole means of pedestrian access. Drawing number GA002 shows the proposed access width as 3.18m wide. This would be less than the minimum 3.3m advised in the standing advice for vehicular and pedestrian access.
18. Whilst drawing number GA002 shows an insufficient access width, during my site visit I observed that, given the additional width required is small, there would be enough space available to required access width at the appeal site. This could be met by the imposition of an appropriate planning condition.
19. With regards to the pedestrian visibility splay, the proposal would include a brick wall and a beech hedge, but this would be sited some distance away from the proposed access. Indeed, the proposed access would have clear space

either side and would therefore have sufficient room to achieve an adequate pedestrian visibility splay that would not be detrimental to highway safety. A satisfactory pedestrian visibility splay could also be achieved by the imposition of an appropriate planning condition.

20. Furthermore, given that the proposed development would be for one dwelling only, there would be a small number of daily vehicular movements into and out of the appeal site. Accordingly, subject to appropriate conditions, I find that the proposed development would not be harmful to highway safety.
21. For the reasons given above, and in the absence of substantive evidence to the contrary, I find the proposal would not be harmful to highway and pedestrian safety. The proposal therefore accords with paragraph 111 of the Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety. In addition, the proposal would also accord with Local Highway Authority Standing Advice (June 2016).

Character and Appearance

22. The site sits within an area of late 20th century modern housing consisting mainly of detached houses and chalet bungalows. The existing dwellings are generally set back from the road behind front gardens and have generous plot sizes. Collingtree Primary School is located across the road and sits opposite the site.
23. The appeal site is located at the entrance to Collingtree Conservation Area ('the CA'), which includes the historic area of the village. The significance and special interest of the CA is mainly drawn from its architectural and historic interest and the village's relationship to the countryside.
24. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
25. Although the site is located outside the CA, it is positioned on the edge of the CA and is therefore within its setting. Guidance contained in the Council's Conservation Area Appraisal and Management Plan for Collingtree Village Conservation Area (2008) states *"To an extent the character of the area derived from its natural evolution over time. New development which compliments this pattern and the established grain and settlement pattern will therefore be encouraged."*
26. The appeal site is uncharacteristically wide in comparison to most plots in Lodge Avenue and Spinney Lane. The proposed dwelling would be sited in the side garden of No 1 Lodge Avenue (No 1). Although it would be orientated to face Spinney Road, its building footprint and positioning within the plot would be similar to the host dwelling. Due to the spacious grounds, the proposed dwelling would not appear unduly cramped in the context of the wider streetscene. It would instead preserve the open characteristics of the appeal site, by virtue of adhering to the building line and set back and maintaining a garden area near the road junction.
27. Furthermore, the positioning of the proposed garden would soften the appearance of the proposed dwelling and retain part of the verdant character of the corner plot. The proposed dwelling would be of similar scale to the

neighbouring property, preventing any visual disruptions and maintaining the visual balance and character of the area.

28. Whilst the proposed dwelling would be sited near to the edge of the CA, the historic buildings of the High Street are located some distance away. The proposal's overall design, scale and location would reflect the more modern development within the village and the built form evident throughout the streetscene. The effect of the proposal would therefore be neutral and would not be harmful to the setting of the CA or the character and appearance of the area.
29. There is criticism regarding the proposal's use of boundary treatment in the form of a wall. However, this type of boundary treatment could be controlled by use of condition securing a landscape scheme for the site.
30. Turning to the proposed external materials, in my opinion it is unlikely that these would look odd against the more modern residential properties. Nevertheless, a materials condition could be imposed to ensure that those used are in keeping with the surrounding area.
31. Consequently, for the reasons given above I conclude that the proposed dwelling would not be harmful to the character and appearance of the area. In addition, its scale, siting and design would not be harmful to the setting or significance of the CA. The proposal would therefore accord with Policies S10, H1 and BN5 of the JCS, and Saved Policies H10, E20 and E26 of the Local Plan. It would also accord with Policies Q1 and ENV6 of the Northampton Local Plan Part 2, 2011-2029 (March 2023). Collectively, these policies, amongst other things, seek to ensure development conserves and enhances the natural and built environment, including heritage assets and their settings, and reflects the character of its surroundings and respects local distinctiveness of the area. In addition, the proposal would also accord with the design objectives of the Framework.

Other Matters

32. The appeal site is in close proximity to the grade II listed building of St Columbra Church. The Council has not raised this as an issue. Based on the evidence before me and the observations I made during my site visit, I find that the proposal would have a neutral effect on the significance of this heritage asset and would preserve its setting.
33. I note the concerns from local residents regarding the loss of trees on site. However, the Council has confirmed that consent was not required for the removal of these trees.
34. Letters of objection have been received from local residents. In addition to matters I have addressed above, the letters of objection raised other concerns including parking issues and the site's proximity to the school. These other matters are not in dispute between the main parties and as I am dismissing the appeal, I do not need to give these matters further consideration.
35. I have had regard to the appellant's concerns with how the Council handled the planning application, including matters relating to the revised drawing. However, how the planning application was handled is outside my remit and there are separate procedures, which can consider procedural matters relating

to the process. This would not, however, affect my conclusions on the main issues.

Planning Balance

36. The proposal would deliver one dwelling that would make an economic contribution during the construction period and subsequently from future occupiers in terms of spending in the local area. The proposal would also support the provision of a family size home on a small windfall site to meet the needs of present and future generations contributing to housing land supply.
37. Whilst a lack of harm has been found in regard to highway and pedestrian safety and the character and appearance of the area, this would be neutral in any planning balance.
38. The Council's evidence indicates that it does not have a five-year housing land supply. The lack of a 5-year housing land supply means that paragraph 11d) of the Framework is engaged. However, part ii of paragraph 11d) clarifies that permission should not be granted if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There would be harm arising from this proposal regarding residents living conditions that is so significant that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

39. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR