



Appeal Decision

Site visit made on 17 October 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/M2840/W/23/3321606

Land to the rear of The Old Rectory, Lower Road, Stoke Albany LE16 8PZ

- 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 Victor Green against the decision of North Northamptonshire Council.
- The application Ref NK/2021/0033, dated 14 January 2021, was refused by notice dated 8 November 2022.
- The development proposed is detached dwelling and garage (resubmission of application KET/2020/0284).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an updated Preliminary Ecological Appraisal (PEA), dated April 2023 and an Ecological Impact Assessment (EIA), dated May 2023. The reports were prepared after the Council's decision, and I am not aware that the Council or interested parties have had sight of the PEA and EIA. The appeals procedural guide¹ makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. To do otherwise could unacceptably prejudice the interests of other parties and on this basis, I have determined the appeal without taking the PEA or EIA into consideration.
3. The appellant has also submitted amended plans as part of the appeal, which they set out would provide clarity of the visibility splays, position of boundary treatments and hardstanding materials, to address comments of the Northamptonshire County Council's Highways consultee. Having regard to the appeals procedural guide and the principles established in Holborn Studios Ltd², and acknowledging the comments of the appellant, I am content that the proposed amendments do not involve a substantial difference or a fundamental change to the proposed development. The changes could also be secured by suitably worded planning conditions and would still enable the Council a further opportunity to agree the details. On this basis, I am satisfied that the amendments, as shown on the amended plans, would not unacceptably prejudice the interests of other parties.

¹ Procedural Guide: Planning Appeals – England (2023)

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823

Main Issues

4. The main issues are:

- i. The effect of the proposed development on the character and appearance of the Stoke Albany Conservation Area (the CA), and in the event that any harm is identified, whether that harm would be outweighed by any public benefits of the proposal; and
- ii. the effect of the proposed development on biodiversity.

Reasons

Character or appearance of the CA

5. The appeal site forms part of the extensive grounds of The Old Rectory, an attractive nineteenth century, stone built detached dwelling, with outbuildings, located in the CA. As such, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA is characterised by attractive stone built cottages, set within spacious plots, located along narrow lanes. The northern part of the CA includes the Church of St Botolph, which is a Grade II* listed building, and occupies a commanding position within the CA. The Church overlooks a crossroads through the village with its deep, spacious grass verges, and war memorial. The outlier narrow lanes that extend away from the crossroads have a typical rural character, with a prominence of stone built walls and buildings built up to the boundary. These features, along with the attractive buildings and the abundance of mature trees, contribute to the tranquil village setting and comprise the main historic interest of the CA.
6. The site is located off Lower Road on the eastern edge of the CA, with open fields beyond. Lower Road reflects the prevailing character of the CA, with a prominence of mature trees, and stone built cottages set behind stone walls. The southern boundary of the appeal site fronts Lower Road and is defined by a stone built wall and timber picket fence, with a short row of conifers behind. Large mature trees on the boundaries provide screening of the host building and its extensive grounds from the road. The Old Rectory is set within a large, spacious plot with an extensive lawned garden and ornamental planting to the front. It is identified in the Stoke Albany Conservation Area Appraisal (the Appraisal), as an "Other Significant Building" and the appellant considers it to be a non-designated heritage asset. It is located immediately to the southeast of the Church and a tall stone wall, with extensive mature tree screening on its boundaries, resulting in there being minimal views from public vantage points from within the CA, other than in its spacious plot size and slightly elevated position above street level.
7. The Rectory is a more modern infill dwelling, set within a spacious plot, to the west of the appeal site, which is open to views from Lower Road, despite a close boarded fence on the front boundary. This neighbouring dwelling is not stone built but it has a form and scale that is similar to the vernacular of other older buildings on Lower Road. However, this infill plot, in terms of its appearance, open character and the close boarded boundary fence, is not representative of the overall prevailing character and appearance of the CA.
8. The design of the proposed dwelling, with its 'L-shaped' footprint, 2-storey height, facing stone walls and a slate roof, attempts to sensitively integrate

into this part of the CA. However, the development will reduce the spacious plot size of the Old Rectory and it would occupy a lower ground level than the street, which would be contrary to STA1 of the Kettering Site Specific Part 2 Local Plan (Local Plan). Additionally, the footprint of the proposed dwelling and double garage would maximise the limited plot size to the extent that it would result in the development dominating the site when compared to other existing developments within the CA. Therefore, the proposed development would result in a harmful reduction to the spacious plot size of the Old Rectory, and it would have an uncharacteristic plot size and lower ground level, which would not be in keeping with the prevailing character and pattern of development within the CA.

9. The proposed development also includes the provision of a new vehicle access and driveway, proposed off Lower Road. Tree removal would be required to accommodate the new access which would open up views of the appeal site from the road. The small length of stone wall would be retained and a replacement fence, supplemented by soft landscaping would mitigate, to some degree, the openness of the site frontage. The appellant has set out that the proposal would create a new vista through towards The Old Rectory, which would improve permeability through the CA and enhance the appearance from this location.
10. The Appraisal does not specifically identify that views from this part of the CA are important, contrary to the Council's suggestion that it does. However, the proposed development would be open to views from Lower Road and the edge of the village, and by virtue of its massing, within the modest plot size, along with its position in relation to the road and juxtaposition with the Old Rectory, would result in a discordant appearance which would create a harmful new vista within the CA.
11. I conclude, on this main issue, that for the above reasons, the proposed development would fail to preserve the character and appearance of the Stoke Albany Conservation Area. As such, in respect of this issue, it would conflict with Policies 2, 8(d) and 11(2b) of the North Northamptonshire Joint Core Strategy (JCS), and Policies RS1(d), RS5(a, c & e) and STA1(d, e & f) of the Local Plan, which together, amongst other things, require development to conserve and enhance the character and appearance of a CA and be sympathetic to the existing size, form, character and setting of the village also.
12. I have had regard to paragraph 199 of the National Planning Policy Framework (the Framework), in terms of giving great weight to the CA's conservation, which is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case, the harm that I have found would be caused to the significance of the CA would be less than substantial due to the relatively small scale of the proposed development. As such, under paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. A new dwelling would provide a new family home in the rural area and contribute to boosting the supply of new housing, as referenced in the Framework and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with

neighbouring land uses. However, it is likely that the above benefits would be fairly small, relating to only one new dwelling, thereby attracting limited weight.

14. For the above reasons, the public benefits of the proposed development would be insufficient to outweigh the less than substantial harm that would be caused to the significance of the CA, and so would conflict with the aim of the Framework of conserving and enhancing the historic environment.

Biodiversity

15. The appeal site forms the extensive residential garden of The Old Rectory, and the proposed development would result in the loss of mature trees and vegetation on the site boundaries.
16. Policy 4 of the JCS seeks a net gain in biodiversity, which is consistent with the Framework.
17. The parties agree that there is scope for the proposed development to secure ecology mitigation measures in various forms. However, limited details are provided, and no measurable biodiversity net gain has been demonstrated. Furthermore, due to the dominance of the proposal within the plot, there would be a limited amount of space available for landscaping and any other ecological enhancements. Therefore, whilst I acknowledge that the proposed development could secure biodiversity improvements there is insufficient substantive evidence before me to demonstrate how this could be achieved.
18. Consequently, the proposed development fails to comply with the provision of Policy 4 of the JCS.

Conclusion

19. I have found that the proposed development would fail to preserve the character and appearance of the Stoke Albany CA and would not provide any public benefits sufficient enough to outweigh the less than substantial harm identified. There is insufficient evidence to show that the proposal would lead to a net gain in biodiversity.
20. In conclusion, the proposed development would be contrary to the identified policies of the development plan as a whole and there are no other material considerations which outweigh this conflict, and for the reasons given above, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR