



Appeal Decisions

Site visit made on 9 January 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal A: APP/M2840/W/23/3323318

36 West Street, Earls Barton, Northamptonshire NN6 0EW

- 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 K Starks against the decision of North Northamptonshire Council.
 - The application (Ref: NW/23/00099/FUL), dated 20 February 2023, was refused by notice dated 14 April 2023.
 - The development proposed is the creation of a hardstanding to the front of the property.
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Appeal B: APP/M2840/Y/23/3323319

36 West Street, Earls Barton, Northamptonshire NN6 0EW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr K Starks against the decision of North Northamptonshire Council.
 - The application (Ref: NW/23/00100/LBC), dated 20 February 2023, was refused by notice dated 14 April 2023.
 - The works proposed are the creation of a hardstanding to the front of the property.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. At the time of my site visit, the development appeared to be substantively complete.
4. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

6. The appellant has submitted an amended proposal. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
7. Established case law states that, in considering whether, or not, to accept amendments to a proposal during the appeal process, it must be considered whether the proposed change involves a "substantial difference" or a "fundamental change" to the application and whether the proposed amendments would cause unlawful procedural unfairness to anyone involved in the appeal.
8. The amendments would substantially alter the layout and appearance of the development, when compared to those upon which the Council made its decision. These are material matters affecting the determination of this appeal. The changes have not been consulted upon. I find that neither part of the necessary test set out in the relevant case law has been satisfied and so I will not accept the amendments. Accordingly, I have determined the appeals having regard to the same proposal on which the Council made its decision.

Main Issues

9. The main issues are: whether the proposal would preserve a Grade II listed building, "34-36, West Street" (Ref: 1294195) (the LB) and any of the features of special architectural or historic interest that it possesses; the extent to which it would preserve or enhance the character or appearance of the Earls Barton Conservation Area (the CA) and the effect of the proposal on the character of the local landscape.

Reasons

10. The CA encompasses the historic core of the settlement which is centred on a meeting point of four roads from Northampton, Wellingborough, Great Doddington and Lord Northampton's estate at Castle Ashby. The majority of the listed buildings within this core are modest post-medieval domestic structures, the majority being 18th century with a few 17th and 19th century examples. The historic enclosure of these dwellings, when present, is typified by regular coursed lias (ironstone) or Wellingborough red bricks. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, is the enclosure of the building curtilages with a consistent palette of traditional materials.
11. The LB was originally a farmhouse dating from the mid-18th century, that was subsequently divided into two dwellings (Nos 34 and 36). The historic range is set back from the road and is dominated by a later addition that projects from the main elevation of No 36. The historic enclosure of the front garden, comprising a coursed, ironstone wall is still apparent in front of the adjoining property as well as part of the appeal property where it has not been reduced in height. Given the above, I find the special interest, insofar as it relates to these appeals, to be the enclosure and traditional domestic function of the front garden of these dwellings which helps to maintain the legibility of the historic farmhouse.

12. The development comprises an area of hardstanding of white stone chips, for the parking of cars, surrounded by a low wall, to the front of a late 19th century extension to the front of No 36. A yew hedge is proposed to be planted between the hardstanding and the road but is not yet in situ. The low wall is constructed in brick with a narrow, flat coping. The historic enclosure has been modified along part of the frontage through what appears to be the reuse of materials to create a low stone wall. Photographs show that, prior to the works, the area of hardstanding contained dense planting with a continuation of the low stone wall along Leys Road. Whilst modified, this would have been suggestive of the historic enclosure of the farmhouse curtilage which would have been further emphasised by the planting of this area.
13. The wider local landscape has a mix of stone buildings set at the back of the footway or behind mature gardens of verdant appearance. Boundaries, where these exist, are a mix of stone walling or lower brick walling surmounted by hedges. The overall effect gives an impression of semi-rustic verdancy. This makes a positive contribution to the overall character and appearance of the area, allowing an appreciation of its character and appearance prior to historic expansion of the settlement and the use of private motor vehicles.
14. At the time of my site visit the surfacing had weathered slightly and become discoloured. Nevertheless, its pale colour appears stark against the more mellow and richer colours of the traditional materials and planting around it.
15. The replacement of the planting with the brightly coloured hard landscaping and the installation of an incongruent, low brick wall has further eroded the legibility of the historic farmhouse and its curtilage. The parking area and materials are alien and wholly unsympathetic to the LB as a whole. This further compounds the harm caused to it by the later addition to No. 36 and adds to the strident, over dominant massing of this structure. The loss of enclosure and the use of stark modern materials also harms the significance of the CA whilst the loss of planting and the associated verdancy harms the overall character of the wider settlement.
16. The appellant has suggested that the proposal would not harm the LB because it would appear in context of the later extension to the front of the earlier farmhouse. However, the presence of existing harm is not a justification for the further harm that has been caused.
17. The appellant has identified that the formation of an access and hardstanding for a dwelling would normally be permitted development, even within a CA. Nevertheless, he has applied for planning permission and listed building consent is still required for such works. Consequently, the delivery of the works as permitted development is not a viable fallback position.
18. The appellant has suggested that the changes would be acceptable because views of the works are not in a prominent position. However, I observed that the changes would be clearly visible from West Street and Park Street, when approaching from the west or south which would harm the appearance of the CA and the wider settlement, as set out above. Even if this were not the case, listed buildings are protected for their inherent historic interest irrespective of the prominence of any changes within the public domain.
19. Whilst planting is proposed, in the form of yew hedging, behind the stone wall fronting West Street, this would have a limited effect in mitigating the effects

of the proposal, as they would remain visible from West Street and Park Street. Furthermore, this is a temporary feature that could be removed or die of natural causes at any time, in addition to being extremely slow growing and taking many years to provide any reasonable degree of screening.

20. Given the above, I find that the proposal would fail to preserve the special interest of the LB and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
21. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
22. Given that the scheme would not cause harm to the building itself I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
23. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
24. The appellant is of the opinion that the proposal would be beneficial because it would reduce pressure on on-street parking, with the potential for improving highway safety and access. A petition and letters of support from local residents has been submitted in support of the application. There is no evidence before me to demonstrate that there is a significant accident history in the vicinity. Whilst there is anecdotal evidence of access problems, particularly in regard to refuse or emergency services, those services have not provided direct evidence of experiencing problems.
25. The proposal would allow residents to charge an electric vehicle off the street and the appellant has stated their intent to use such a vehicle in the future. This is supported by a letter from their employer relating to the provision of such a vehicle. Such use would provide a public benefit by moving towards more environmentally sustainable transport, in line with the aims of the government.
26. Taken together, the benefits of reducing parking demand in the public realm and the facilitation of use of an electric vehicle are not sufficient to outweigh the harm that I have identified. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
27. Various representations have been received stating that the current works are preferable to the overgrown state of the garden which existed previously. However, the deteriorated state of a heritage asset should not be taken into account in any decision.
28. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the development fails to preserve the special interest of the Grade II listed building and the appearance of the Earls Barton Conservation Area and local landscape. This would fail to satisfy the requirements of the Act,

paragraph 206 of the Framework and conflict with policies 2 and 3 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (the Joint Core Strategy) that seek, among other things, to ensure that the distinctive North Northamptonshire historic environment will be protected, preserved and, where appropriate, enhanced and to conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design and management. As a result, the proposal would not be in accordance with the development plan.

Conclusion

29. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

I A Dyer

INSPECTOR