



Appeal Decision

Site visit made on 12 September 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/W2845/W/23/3319717

46 York Avenue, Cogenhoe, West Northamptonshire NN7 1NB

- 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 Blundred against the decision of West Northamptonshire Council.
 - The application Ref WNS/2022/2326/FUL, dated 5 December 2022, was refused by notice dated 14 February 2023.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Policy GS4 of the South Northamptonshire Part 2 Local Plan 2011-2029 (LP) refers to development proposals involving infilling or the complete or partial redevelopment of residential garden land, which is the case in the appeal proposal. I have therefore taken the policy into account.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the area; b) the living conditions of the future occupiers with regard to private garden space; and c) the need for the proposed development with specific regard to the appellant's personal circumstances.

Reasons for the Recommendation

Character and Appearance

5. There is a pleasant consistency and distinction to the York Avenue street scene and wider area along Orchard Way which, whilst having a mix of residential property types and materials, does tend to have two storey and single storey dwellings grouped respectively. This contributes positively to the character and appearance of the area. The insertion of a bungalow between two two-storey buildings would therefore have something of an alien presence.
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6. Whilst densely developed, there is a quality to the area's strong sense of spaciousness. Emphasised by set back from the back edge of the highway and open gardens to sides and rears. The siting of the appeal scheme, which would see contextually very small primary development somewhat shoe horned into what is essentially a driveway to the host dwelling, would appear cramped and lead to an unacceptable erosion of the area's spacious feel.
7. The proposal would see some of the area to the front used for off-street parking, with some front garden area also provided. Some of the properties in the street have created off-street parking here and therefore the proposed mix of parking and garden area to the front of the proposed dwellings (proposed and existing) would not in itself detract from the street scene.
8. No 44A is to the rear of No 44, however this layout does not have a significantly cramped appearance when viewed from the street or in plan form necessarily. Furthermore, the proposed bungalow would be set to the side of the existing house. As such, Nos 44 and 44A are not directly comparable to the scheme and do not subsequently justify the proposal in character and appearance terms.
9. For the above reasons, the proposal would cause harm to the character and appearance of the area. It would therefore be contrary to LP Policies SS2 and GS4 and the aims of chapter 4 South Northamptonshire Design Guide 2017 (DG), all of which require, amongst other things, for development to integrate with its surroundings and not to adversely affect the character of the area.

Living Conditions

10. Page 212 of the DG sets out that a minimum of 9m should be provided between the rear facade of a building (with habitable room windows) and the rear boundary of a house, although it recommends that a garden depth of at least 11m is provided.
11. The plot of land would be triangular in shape which narrows to a point at the rear. The greatest depth of the garden would be 10m at this point, although as a result of the shape of the garden only part of it would meet or exceed the 9m minimum distance. However, given the modest size of the bungalow and the needs of the appellant, a garden of this size, which partially exceeds the minimum distance set out in the DG in any case, would provide sufficient private amenity space for future occupiers. As such, and in regard to this main issue, the proposal would satisfy LP Policy SS2 insofar as it requires a good standard of living conditions for future occupiers.

Need

12. The proposal would assist in meeting the needs of a family member with mobility issues, as well as any future occupants with similar impairments. The Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. It does not follow from the PSED that the appeal should succeed. However, I am required to have due regard to the duty in my assessment. Also, paragraph 4.7.9 of the LP states that specialist accommodation may (my emphasis) be provided on sites that

would not normally be permitted for housing development because they are subject to planning policies or restraint.

13. The above matters need to be balanced with the adverse effects of the proposal which, as they would be significant and long lasting, are ascribed substantial weight. I am not persuaded, based on what I have seen, that there are no alternatives to the proposal, including extending the existing house, that could deliver the same benefits without the above harm and subsequent conflict with the development plan. Therefore, while I acknowledge the personal circumstances advanced, they are not matters which would be sufficient to outweigh the harm that would be caused by the proposal to the character and appearance of the area.

Other Matters

14. I would attach moderate weight to the energy efficiency of the resulting building, its reduced reliance on fossil fuel and the provision of an electric vehicle charging point. As I have explained above however, these matters would not be sufficient to outweigh the harm I have found.

Conclusion and Recommendation

15. The proposal would cause harm to the character and appearance of the area. This would result in conflict with the development plan. As I have explained, there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis I dismiss the appeal.

John Morrison

INSPECTOR