



Appeal Decision

Site visit made on 7 May 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/M2840/W/24/3337316

2 Warren Close, Irchester, Wellingborough, Northants, NN29 7HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Ellie McCullagh against the decision of North Northamptonshire Council.
 - The application Ref is NW/23/00665/FUL.
 - The development proposed is described as 'New 1 bed dwelling, at side garden in 2 Warren Close. One new additional dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the application form. However, I have determined the appeal on the basis of the submitted plans, which show a single one-bedroom bungalow is proposed, along with vehicular access and an area of hardstanding for vehicle parking.
3. The appellant has submitted some additional plans with the appeal documents, which seek to illustrate the proposed stepped entrance as well as the relationship between the proposed dwelling and neighbouring properties in terms of levels and building lines. The Council has had the opportunity to comment on these plans as part of the appeal process. Therefore, no prejudice is caused in my taking account of them in my consideration of the appeal.
4. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that, before deciding to give permission for a plan or project which is likely to have a significant effect on a European site, the competent authority must make an appropriate assessment of the implications of the plan or project on its conservation objectives. As competent authority in the determination of this appeal, I have had regard to this duty and will return to this matter later in my decision.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of 2 Warren Close, with particular regard to outlook, loss of daylight and sunlight, and privacy; and,

- whether the development would provide an adequate standard of accommodation for future occupiers, with particular regard to the size of the internal living space and external amenity space, accessibility, and outlook.

Reasons

Character and appearance

6. The area around the appeal site has a spacious character, owing in part to the gaps between buildings and the low profile of the existing bungalows and two-storey dwellings. The appeal site contributes to the open character of the area by providing undeveloped space on a prominent corner between Warren Close and Arkwright Road. Whilst there is some variation in the building lines around the appeal site, the majority of existing dwellings are set back from the highway behind front gardens and driveways. This allows for long and wide views along the streets, which are a distinctive feature of the area.
7. The proposed dwelling would be sited adjacent to 2 Warren Close but, due to its orientation, it would form part of the Arkwright Road frontage. The new dwelling would reflect local character in terms of its size, scale and materials. However, owing to the shallow depth of the appeal site, it would be positioned close to the highway edge on Arkwright Road. Consequently, the front elevation of the proposed building would project significantly forward of the building line of 74 Arkwright Road and most other properties on the same frontage, including those with front extensions. Moreover, given the proposed front garden would be modest in size, the proposed dwelling would have an uncharacteristically shallow setback from the road, when compared to other dwellings nearby on Arkwright Road. Therefore, the proposed development would be an incongruent feature that would fail to respond to local character.
8. The proposed side garden would provide adequate separation space between the new dwelling and No 74. However, the retained gap between the proposed dwelling and No 2 would be uncharacteristically small, even when compared to the space between existing dwellings on Warren Close. Consequently, the proposed bungalow would be at odds with the prevailing pattern of development within the area and would not reflect the spatial relationship between existing dwellings in the street scene.
9. Due to the overall bulk of the proposed dwelling, its front building line, and the loss of the existing open garden area, the new dwelling would disrupt the long and wide views along Arkwright Road that are a distinctive feature of the area. Consequently, the proposed building would be unduly prominent when observed from Arkwright Road and Warren Close to the degree that it would have a harmful effect on the open character of the area. Furthermore, whilst the appearance of the new dwelling could be softened through additional landscaping, this would not be sufficient to mitigate the harm that would be caused by the proposed position of the new dwelling.
10. Taking all of the above into account, I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (Adopted July 2016) (JCS) and the Framework which, taken together and amongst other things, expect development to respond to the site's immediate and wider context and local character. There would also be

conflict with Policy 3 of the JCS insofar as it seeks to conserve and enhance distinctive qualities of the landscape character.

Living conditions

11. There is an existing glazed doorway and two windows in the elevation of 2 Warren Close, facing the appeal site. I have not been provided with a floor plan for No 2. However, the appellant has stated that the two windows serve a bathroom and kitchen.
12. The bathroom is a non-habitable room. Therefore, no undue harm would arise as a result of any deterioration in the outlook from the bathroom window.
13. However, I cannot be certain from the evidence before me, whether the doorway and kitchen window serve habitable rooms. Additionally, I do not have sufficient information to establish whether or not there are other window openings serving the same internal areas. Therefore, in the absence of substantive evidence to the contrary, it is reasonably likely that the doorway and kitchen window provide principal openings to habitable rooms.
14. Although the proposed dwelling would be constructed at a lower elevation than No 2, it would project beyond No 2's rear wall. Therefore, due to the combined effect of the width, ridge height, and proximity of the new dwelling, views from No 2 would be towards a boundary fence and, beyond that, the largely blank rear wall, eaves and roof slope of the new building at close proximity. Consequently, the proposed dwelling would restrict views of the wider area and the sky that can currently be gained from the adjacent kitchen window and doorway. It would therefore unduly dominate the outlook from No 2 to the degree that it would detract from the living conditions of its occupants.
15. Furthermore, whilst the level difference and orientation of the new dwelling means it would be unlikely there would be a loss of direct sunlight to No 2, the proximity of the dwellings would restrict daylight penetration to No 2. Consequently, the living environment within No 2 would be dark and gloomy, and unpleasant for its occupants.
16. I have had regard to the relationship between other bungalows on Warren Close, which are positioned close to each other and have facing windows. However, from the evidence and my own observations, there is larger separation distance between the existing properties than there would be between the proposed building and No 2. Therefore, the spatial relationship between existing dwellings on the street is not directly comparable to the appeal scheme.
17. However, notwithstanding the harm I have identified through loss of outlook and daylight, I am satisfied there would be no loss of privacy to the occupants of No 2. This is because the only window in the rear elevation of the proposed dwelling would serve a non-habitable room and could be conditioned to be obscured glazed. Moreover, some mutual overlooking of gardens is common in the locality and would be reduced to an acceptable level by the proposed boundary fence.
18. Overall, whilst no harm would arise in respect of privacy or direct sunlight, the proposal would cause harm to the living conditions of the occupants of 2 Warren Close, with particular regard to outlook and loss of daylight.

Therefore, there would be conflict with Policy 8 of the JCS and the Framework insofar as they seek to protect the amenity of existing occupiers.

Standard of accommodation

19. The internal accommodation within the proposed bungalow would comprise a double bedroom, bathroom, storage cupboard, and an open plan kitchen lounge, and dining room. In order to comply with the Nationally Described Space Standards¹ (NDSS), the bungalow would be required to have a minimum gross internal floor area of 50m² for two-person occupancy. The NDSS also sets out minimum requirements for bedroom sizes, amongst other things.
20. The evidence does not set out the quantum of floorspace within the proposed living accommodation. However, the submitted plans show that there would be space within the bedroom for a double bed and a built-in wardrobe without compromising the space available for other bedroom furniture and circulation. Moreover, there would be adequate room within the lounge and dining area for a dining table and two sofas. Whilst the accommodation would be modest in size, there is no substantive evidence before me to indicate it would be too small for two-person occupancy. Therefore, the proposed development would meet the internal space requirements of its future occupants.
21. Externally, the proposed development would provide wraparound amenity space with a small side garden. I have not been directed to any development plan policy that sets out local standards for outdoor amenity space. However, the proposed amenity areas would provide sufficient space to cater for the daily needs of two occupants, including spending time outdoors and drying clothes, amongst other things. Moreover, the proposed side garden would not be significantly smaller than other gardens on Warren Close. Consequently, the evidence does not persuade me that planning permission should be withheld on the basis of the size of the proposed external amenity space.
22. The outlook from the proposed kitchen window in the new dwelling would be towards the proposed garden and, beyond that, towards the side elevation of a neighbouring garage. However, the proximity and height of the garage to the proposed dwelling would allow upward views of the sky to be available from the proposed kitchen window. Moreover, compensatory views from the combined kitchen, living and dining room would be available from an alternative window serving the same internal space. Therefore, the existing garage would not unduly compromise the outlook from the proposed dwelling.
23. Amongst other things, Policy 30 of the JCS requires new dwellings to meet Category 2 of the proposed National Accessibility Standards (NAS). I have not been provided with a copy of the NAS. However, the supporting text to Policy 30 of the JCS indicates the standards provide criteria for age friendly, accessible and adaptable housing.
24. The single storey format of the proposed dwelling would make it suitable for use by future occupants with mobility needs. However, access to it would be via a mix of steps and ramps. The inclusion of stepped access may impede those with mobility issues from accessing the property. Whilst it may be possible to provide ramps instead of steps, I do not have sufficient evidence before me to demonstrate this would be feasible given the level constraints on

¹ Technical housing standards – nationally described space standard (Department for Communities and Local Government, March 2015).

the site and the modest space around the building. Therefore, it would not be appropriate or reasonable to condition the implementation of ramps. Consequently, based on the proposal as it stands before me, I cannot be certain the development would comply with the NAS.

25. Overall, whilst the proposed development would provide an adequate standard of accommodation for future occupiers with regard to the internal amenity space, external amenity space, and outlook, it would be inadequate in terms of its accessibility. Therefore, there would be conflict with Policy 30 of the JCS insofar as it expects new dwellings to achieve Category 2 of the NAS. However, in respect of this main issue, there would be no conflict with Policy 8 of the JCS which, amongst other things, seeks to ensure development does not result in an unacceptable impact on the amenities of future occupiers.

Other Matters

26. The appeal site lies within the zone of influence of the Upper Nene Gravel Pits Special Protection Area (SPA), which is a European site as defined by the Habitats Regulations. I note that the appellant is willing to provide a financial contribution to mitigate the effects of the development on the SPA, although I have not been provided with a legal agreement or other mechanism to secure this through the appeal. However, as I am dismissing the appeal for other reasons, it is not necessary for me to undertake an appropriate assessment or to consider this matter further.
27. The proposed development has some support from the local community, in part due to the need for additional housing including smaller properties and bungalows. However, there is no substantive evidence before me to indicate that the need for the proposal is sufficient to outweigh the harms I have identified. Therefore, this matter has not been determinative to the outcome of the appeal.
28. No harm has been identified in respect of parking or highway safety. However, the absence of harm weighs neither for nor against the appeal scheme.
29. I acknowledge the appellant's frustrations with the Council's communication, including that no opportunity was provided to address concerns during the application process. However, this matter falls beyond the scope of the appeal, which I have considered with regard to the evidence submitted and my observations of the site and surroundings.

Conclusion

30. The proposal would conflict with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside

INSPECTOR