



Appeal Decision

Site visit made on 28 May 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/M2840/W/23/3333290

36-40 High Street, Irtlingborough, Northamptonshire NN9 5TN

- 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 Mil Property Group Limited against the decision of North Northamptonshire Council.
 - The application Ref is NE/23/00350/FUL.
 - The development proposed is 2nd floor roof extension to form 4 new apartments.
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Decision

1. The appeal is allowed and planning permission is granted for 2nd floor roof extension to form 4 new apartments at 36-40 High Street, Irtlingborough, Northamptonshire NN9 5TN in accordance with the terms of the application, Ref NE/23/00350/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. An update to the Parking Beat Survey and Transport Note was submitted alongside the appeal. Having regard to the principles established by the Courts in *Holborn Studios Ltd*¹ the amendment does not involve a substantive difference or a fundamental change. Furthermore, having regard to the procedural tests, I do not consider that any other party would be prejudiced by my acceptance of it. I have therefore considered the Roberts Highway Consultants Transport Note and Parking Beat Survey (May 2023) as part of this appeal.
3. I understand that the development site falls within the 3 km buffer of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), a European Designated Site protected due to the number and type of bird species present. Although not forming part of the Council's reason, as the competent authority I need to consider whether there would be adverse effects on the integrity of the Habitats Sites in accordance with The Conservation of Habitats and Species Regulations 2017. It is therefore necessary to consider this matter as a main issue.
4. The Council adopted the East Northamptonshire Local Plan Part 2 (LPP2) after its refusal of planning permission. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my Decision. The Council and appellant were invited to make comments

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWCH 2823 (Admin)

on the relevant policies, and I have taken these comments into account in reaching my decision.

5. My attention has been drawn to a proposal² to convert the first floor of the building into four residential apartments, including two 2-bedroom units and two 1-bedroom units for which prior approval was granted. I have been supplied with a copy of the approved plans.
6. Since the submission of the appeal a revised Framework was published in December 2023. However, as the Framework's policy content insofar as it relates to the main issue has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

7. The main issues are:

- i) the effect of the proposed development on character and appearance with particular regard to the Irthingborough Conservation Area (CA);
- ii) whether the proposal would provide satisfactory living conditions for the occupiers of existing properties, and the future occupiers of the apartments, with particular regard to parking provision; and
- iii) the effect of the proposal on the integrity of Habitats Sites.

Reasons

Character and appearance

8. The site comprises a two-storey, flat roof building, set back behind a wide pavement, on the northern side of High Street. There are a number of windows to the first-floor elevation of the existing building set in modern frames in a shallow strip arrangement across the width of the building's frontage. The ground floor has large windows and a flat canopy. At the time of my visit I observed the ground floor of the building to be occupied with a retail use. The building is located in an area of mixed commercial and retail use. To the rear of the site is a small area of hardstanding, used for parking, which is accessed via Warrens Close, a residential road.
9. The site lies within the Irthingborough CA. The CA includes the medieval core of the early village, centred on St Peter's Church and the Manor House and derives its significance from the presence of some late 19th century buildings mainly associated with the boot and shoe industry in College Street, and the more commercialised mainly 18th and 19th century High Street. Therefore, insofar as it relates to this appeal, the significance of the CA is primarily associated with the traditional style of its buildings and the historic street pattern.
10. In contrast, the existing property is of modern materials and design, with a flat roof. Its overall form and appearance are at odds with the historic character of the CA, thus it fails to make a positive contribution to the heritage asset.

² NE/22/01552/PDU prior approval granted 7th February 2023

11. The additional floor would have a sloping slate roof, inset with lead clad dormer windows that would give the building a traditional appearance, more reflective of the historic buildings I observed within the wider streetscene and CA. The second floor would have the same width and depth as the floor below. Furthermore, the dormer windows would reflect the scale and rhythm of the windows at first floor to both the front and rear elevations.
12. The eaves and the full height of the building would be similar to neighbouring properties. The proposal would be notable from both directions on the High Street and the form of the building would tend to emphasise the vertical aspect of the elevation. Even so, having regard to the immediate context of the appeal site wherein existing properties are set back from the pavement edge and relatively close together on similar alignments, much of the bulk of the proposed building would have limited visibility from the street when viewed from the front or rear elevation. Furthermore, the proposed materials for the external finish would be traditional and would not be incongruous within the streetscene. Accordingly, the scale, mass and proposed external materials would be more in keeping with the scale of neighbouring buildings and would not harm the significance of the CA.
13. For the reasons stated above, I conclude that the proposed development would not be harmful to the character and appearance of the area and would preserve and enhance the Irthlingborough CA. As such the proposal would accord with Policies 2 and 8 (d) of the North Northamptonshire Joint Core Strategy (JCS) and Policies EN11 and EN12 of the LPP2. Collectively these policies seek to promote good design and amongst other things, conserve, and where possible, enhance heritage assets. It would also accord with the Framework which requires developments to be sympathetic to local character while not preventing or discouraging innovation or change.

Living conditions and parking provision

14. Vehicular access would be via Warrens Close to the rear, where non-allocated parking spaces would be provided. It is not disputed between the parties that the proposal would not provide parking to serve the residential units in accordance with the Northampton Local Highway Parking Standards 2016. However, the shortfall would be modest.
15. Warrens Close is a narrow residential road where existing dwellings benefit from off-road parking provision. Although only a snapshot of time, I observed capacity for on-street parking along Warrens Close and on neighbouring streets. While vehicle movements may increase, they would likely to be limited by reason of the scale of the development proposed. Furthermore, there would likely be an off-set in vehicle movements associated with the former commercial use to the rear of the appeal site such that there would not be a material increase in vehicle movements and parking demand.
16. Within a short distance of the appeal site there are a number of car parks and on-street parking available. The proposed development would provide for bicycle storage which would support the use of alternative modes of transport other than the private motor vehicle. Notwithstanding the above, being within a town centre, the development is in a highly accessible location for services and facilities and where there would be opportunities to travel using means other than the private motor vehicle. This may have the potential to reduce reliance on the car for future occupants and thus the demand for parking.

17. I have had regard to the comments submitted by interested parties. However, there is little evidence to substantiate concerns that the proposal may lead to on-street parking issues that would subsequently impact upon the living conditions of the future occupiers of the apartments or the existing occupiers of properties on roads nearby to the appeal site. Nor is there robust evidence to substantiate concerns regarding any local parking problems which would warrant the dismissal of the appeal on highway safety grounds.
18. Furthermore, the absence of an objection from the Highway Authority is a significant material consideration. I am therefore not persuaded that the development would introduce unsafe and disruptive vehicular movements and on-street parking blockage to the detriment of living conditions.
19. For the reasons stated, I conclude that the proposal would not have a harmful impact upon the living conditions of the occupiers of existing properties, and the future occupiers of the apartments with particular regard to parking provision. I am therefore satisfied that the proposal accords with Policy 8 (b)(ii) of the JCS which seeks for new development to provide a safe access and parking provision and to not cause harm to highway users. The proposal would accord with the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Habitats Sites

20. The appeal site lies within the Upper Nene Valley Gravel Pits SPA that is designated for its international importance as wetland habitat for non-breeding waterbirds. An increase in dwellings would likely result in an increase in visitors to the SPA; which would in turn increase the level of disturbance to feeding and roosting birds due to activities such as dog walking, water-sports and fishing.
21. The Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document 2015 (SPD) and the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document Addendum to the SPA SPD: Mitigation Strategy 2016 (the Addendum), states that the evidence produced to inform the production of the Councils' Local Plan concluded that the in-combination impact of proposals involving a net increase of one or more dwellings within a 3km radius of the SPA will result in a significant effect on it, unless avoidance and mitigation measures are in place.
22. The proposal is of limited scale and as such the number of additional recreational visitors would be limited. However, in combination with other developments, likely significant effects cannot be ruled out. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on the integrity of the Habitats Sites. Natural England were consulted and raised no objection to the proposal.
23. The mitigation strategy for such impacts is set out in the Addendum, which states that making a financial contribution towards Strategic Access Management and Monitoring (SAMM), and/or other suitable mitigation, including wardens, education and signage, would reduce the adverse impact of increasing numbers of people visiting the SPA.

24. The appellants have indicated that they have made a per dwelling contribution to fund the strategic mitigation. The Council have confirmed receipt of the payment. The evidence before me indicates that as a responsible public body it will transfer the funds to the organisation responsible for administering the mitigation strategy. I am satisfied that the mitigation measures have been secured and would be used for their intended purposes.
25. Since the mitigation measures and processes for securing them outlined in the SPD and the Addendum have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effect of the proposal on Habitats Sites.
26. I therefore conclude that the integrity of the identified SPA would not be harmed by the development. As such the proposal accords with Policy 4 of the JCS and guidance in The Upper Nene Valley Gravel Pits SPA SPD and the Addendum. The policy and guidance seek to protect existing biodiversity assets, including key assets of wildlife. In this regard the proposal would accord with the policies within the Framework that seek to protect areas of particular importance relating to Habitats Sites. Consequently, there is no clear reason for refusing the development proposed in respect of such matters.

Other Matters

27. Local residents and the Town Council have expressed a wide range of concerns, including, but not limited to the following: increase in noise, impact on privacy and overshadowing of nearby properties, proximity of waste bin to residential properties, restricted turning space for waste collection and emergency services. However, I note that these matters were considered by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

28. The Council has suggested several conditions. I have included those which meet the six tests set out in the Framework and the Planning Practice Guide (PPG), reworded, where necessary, for clarity. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity.
29. I will impose a condition requiring submission and approval of the external materials of construction in the interests of preserving the character and appearance of the area.
30. Whilst any disturbance during demolition and construction would be for a temporary period only, given the proximity of existing built development to the rear of the appeal site, a condition restricting construction activity would be reasonable and necessary to manage the impacts of development upon the living conditions of existing residents.
31. The Council has recommended a condition for no burning of materials on site. This condition is unnecessary. This is because the impacts which it seeks to control will be adequately addressed through other regimes outside of the jurisdiction of planning. Therefore, such a condition would not meet the prescribed tests for conditions in terms of necessity and reasonableness.

Conclusion

32. For the reasons given above, and having regard to all other matters, I conclude that the development would comply with the development plan as a whole. The appeal is therefore allowed.

R Gee

INSPECTOR

Schedule of Conditions

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: P03 – Ground / first floor plan proposed, P04 – 2nd floor including roof plan, P05 REV A – Proposed front elevations, P07 REV A – Proposed rear elevation, S01 REV A – Site location and block plan, P06 REV B – Proposed side elevation and P08 REV B – Proposed section AA and bin store cycle store.
3. Prior to the commencement of the development above the existing eaves of the roof, full details of the external materials for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.
4. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays, Bank Holidays or Public Holidays.

*****End of Schedule*****