



Appeal Decision

Site visit made on 1 October 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/G2815/W/24/3345481

1 The Moorings, Woodford, Kettering, Northamptonshire, NN14 4HN

- 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 Mrs Wendy Heslop against the decision of North Northamptonshire Council.
 - The application Ref is NE/23/00429/FUL.
 - The development proposed is detached two bedroom one and a half storey dwelling using existing access.
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Decision

1. The appeal is allowed and planning permission is granted for detached two bedroom one and a half storey dwelling using existing access at 1 The Moorings, Woodford, Kettering, Northamptonshire, NN14 4HN in accordance with the terms of the application, Ref NE/23/00429/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area having particular regard to the site's location within the Woodford Conservation Area.

Reasons

3. The appeal site forms part of the garden area of No. 1 The Moorings (No. 1) and is a long narrow triangular site that occupies a prominent corner plot at the junction of The Moorings and Church Street. The appeal site contains a detached double garage, shed and a number of trees and other mature planting within and immediately adjacent to the site. The topography of the site slopes gently away from Church Street towards the residential properties on The Moorings to the south of the site.
4. The appeal site lies within the Woodford Conservation Area (CA) that covers the majority of the historic village and comprises distinct groups of buildings reflecting different periods of the village's development. Its special character is derived from the mixture of historic buildings set around a number of attractive green open spaces and narrow rural lanes¹. The appeal site is located on the lower part of the village characterised by the mixture of historic cottages and properties of varying styles, ages and materials, some of which are positioned close to the back edge of the narrow rural lane. A high brick wall running along

¹ Woodford Conservation Area Appraisal May 2010

the north eastern rear boundary of the appeal site is the only feature of historic interest on the site.

5. By contrast, The Moorings is a modern cul-de-sac development of detached houses, including No.1, built in the 1970s on relatively spacious plots with open frontages. A number of more modern dwellings, built in the 1980's, are located immediately to the north east of the site, including a chalet style dwelling at No. 28 Church Street. Within the frontage of No. 28 Church Street, is a large detached pitched roof garage annex built abutting the road edge and the rear boundary of the appeal site. This provides a diverse mix of house types and variety in the design, density and appearance of the residential properties that gives the area a mixed well-established residential character.
6. The proposal would entail the construction of a one and half storey dwelling that would be set back close to the rear boundary wall and would be set in from the front boundary behind the existing roadside grass verge. It would be constructed with 2no. pitched roof dormers on the front of the property and a gable pitched roof that would be stepped down below the ridge line of the main dwelling and the detached garage annex at No. 28 Church Street. It would be set down to a single storey on the south-eastern section of the building to utilise the gently sloping topography of the site, with vehicular access via a new shared access driveway at the front of No. 1 The Moorings. The external finish of the dwelling would be predominantly constructed from brick with timber painted windows and slate grey plain tiles.
7. The appeal site is in a relatively large plot and as such the proposed development would not appear overlarge, relative to the overall plot size. Given the site's location, the proposed dwelling would only be visible over short distances when passing the site and would be viewed in the context of the current varied architectural styles of the properties along Church Street and to a lesser degree, the more modern two storey properties along the Moorings.
8. The scale and form of the proposed dwelling would be seen in the context of flank walls of the adjacent dwelling and the detached garage annex at No. 28 Church Street, including the high brick wall running along the rear boundary of the appeal site, that provide a dominant backdrop to the site. On the opposite side of the principal access into the Moorings, is a detached garage at the side of the extended two storey dwelling at No. 26 Church Street, positioned behind some mature planting, a high close boarded fence and a grass verge running along the road. The modest overall scale and layout of the proposed dwelling, set back and stepped down, together with the landscaping and the retention of the existing grass verges either side of the access road will ensure that the existing degree of openness along the entrance into The Moorings will be retained. Given this context, to my mind, the development would not be unsympathetic to the streetscene nor would it appear cramped when taking into account the overall character of the area.
9. Against this backdrop, the scale, form and design of the proposed dwelling, set back and stepped down, would not appear significantly out of place or excessive in relation to the built form of the adjacent properties and the surrounding area. The modest overall scale and layout of the proposed dwelling, together with the control of the use of materials, fenestrations, landscaping and boundary treatment through appropriate planning conditions would ensure the proposal would sit relatively unobtrusively against the built

form of the adjacent properties and would ensure that the overall proposal would not have a significant impact on the character and appearance of the surrounding area.

10. Given the location of the appeal property within the CA, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. The proposed removal of some of the trees and vegetation from the front of the site could have a potential negative impact on the area.
11. However, the current flat roofed double garage and shed on the site do not make a positive contribution to the appearance of the CA and will be demolished as part the development. The appellant has also indicated that the existing historic brick wall, which is currently covered in ivy, would be stripped, repaired and restored as part of the appeal scheme. Subject to appropriate tree protection and mitigation measures, supplemented by an appropriate landscaping scheme, this would ensure survival of the retained trees and provide an opportunity to enhance the existing landscaping and historic wall on the site. I therefore consider overall that the appeal scheme, by virtues of its scale, layout and design, would have a positive, albeit minor, material impact and would preserve the character and appearance of the CA.
12. Consequently, I conclude that the proposed development would not adversely harm the character and appearance of the area and would preserve the Woodford Conservation Area. It is consistent with the overall design and conservation aims of Policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2016 (Joint Core Strategy) and Policies EN11 and EN12 of the North Northamptonshire Local Plan Part 2 2023. These policies, amongst other things, seek to ensure that development proposals complement and respond to the local character and characteristics of the site's immediate and wider context and protect, preserve and, where appropriate, enhance the distinctive historic environment where it impacts on the significance of a heritage asset and its settings.
13. The proposal would also accord with the National Planning Policy Framework (the Framework) that developments are sympathetic to local character, including the surrounding built environment (paragraph 135), sustain and enhance the significance of heritage assets and make a positive contribution to the local character and distinctiveness (paragraph 203).

Other Matters

14. I have noted the comments from the Council and appellant regarding the planning history of the site. However, the application (ref. 10/01153/FUL) and appeal dismissed for a detached dwelling on the site has different development characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to the appeal proposal before me.
15. The appeal site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area and Site of Special Scientific Interest. Policy 4 of the Joint Core Strategy and the Council's related Supplementary Planning Document seek to mitigate additional recreational impacts from new development by means of a financial contribution which has been made.

16. The proposal for a dwelling would result in an increase in local residents within the buffer of the designated protected sites. As a result, there would be the potential for increased disturbance to water birds from recreational activity, including dog walking. Therefore, based on the evidence before me, it is likely that, in the absence of mitigation measures, the proposal would have a localised adverse effect on the integrity of the designated protected sites.
17. A Council's mitigation strategy seeks to avoid and mitigate likely significant effect on the designated protected sites by securing a financial contribution towards Strategic Access Management and Monitoring (SAMM) and/or other suitable mitigation. The required mitigation payment of £363.62 has already been paid to the Council by the appellant. Therefore, having had regard to the characteristics of the proposed development and the evidence before me, including the advice from Natural England, in making an appropriate assessment, I am satisfied that the proposal would not adversely affect the integrity of the nearby designated protected sites. The proposal would therefore accord with Policy 4 of the Joint Core Strategy.

Conditions

18. Having regard to the Framework and in particular paragraph 56, I have considered the conditions based on those suggested by the Council but with some variation to the wording where necessary and in the interests of clarity.
19. In addition to the standard time limit conditions, I have specified the approved plans and supporting documents as this provides certainty. Those conditions relating to the samples and detailing of the external materials, landscaping, boundary treatment, construction working hours are necessary in order to safeguard the amenities of the nearby residents and the character and appearance of the area. A condition relating to the sustainable design measures is necessary in order to ensure a sustainable development and in the interests of climate change. A condition relating to the protection of the trees/shrubs on the site is necessary in order to ensure their survival and to protect the visual amenity of the trees. A condition relating to the biodiversity enhancements is necessary for the protection and enhancement of potential biodiversity and protected species interests.
20. The control of burning of materials on site is administered and enforced by legislation other than planning and such the suggested condition is not necessary, reasonable nor relevant to planning.

Conclusion

21. For the reasons given above and having considered all other matters raised, I conclude that the proposed development would be in accordance with the development plan when read as a whole and that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

Location plan, proposed site plan, proposed floor plans and elevations received 17 April 2023 (Drawing no. 22-156-01A)

Existing & Proposed Site Plans received 17 August 2023 (Drawing no. 22-156-02A)

Existing Sectional Elevations received 17 April 2023 (Drawing no. 22-156-03)

Proposed Sectional Elevations received 17 April 2023 (Drawing no. 22-156-04)

Tree Condition Assessment received 17 April 2023 (22-156-TCA)

Ecology Report received 9 September 2023 (ref P23-673)
- 3) No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted including samples of the wall and roof materials together with joinery details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the development above slab level of the development hereby permitted, details of the boundary treatment shall be submitted to and approved by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans and the all approved boundary screening shall have been installed prior to the first occupation of the development hereby permitted.
- 5) No development shall take place above slab level until details of sustainable design measures to be incorporated within the proposed dwelling have been submitted to and approved in writing by the local planning authority. The details shall include an electrical vehicle charging point and water and energy efficiency measures. The measures shall thereafter be implemented in accordance with the approved details prior to the first occupation of the dwelling and retained as such thereafter.
- 6) No development shall take place above slab level until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The approved details shall be carried out in full prior to occupation of the dwelling and thereafter maintained in accordance with the approved scheme. The scheme shall indicate:
 - tree planting to replace any trees removed;
 - soft landscaping including plant sizes and species and densities of planting for plants and shrubs;
 - details for the repair, restoration and boundary treatment of the existing brick wall along the north eastern rear boundary of the site;
 - landscape management plan showing requirements for the ongoing maintenance of the landscaping.

- 7) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species to those originally planted.
- 8) Prior to the occupation of the development hereby permitted, Bat boxes (in a south facing position at a height of not less than three metres) and nest boxes for House Sparrow and Swift (in groups of three) shall be installed on the new building and any external lighting shall be kept to a minimum and directed downwards using hoods and cowls. Particular care must be taken to avoid lighting newly created roost features. These features shall thereafter be retained and maintained in a serviceable manner in perpetuity.
- 9) 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 unless otherwise agreed with the local planning authority.