



Appeal Decision

Site visit made on 29 October 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2024

Appeal Ref: APP/W2845/W/24/3345597

121 Beech Avenue, Northampton, West Northamptonshire NN3 2JW

- 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 Mr A Field against the decision of West Northamptonshire Council.
 - The application Ref is 2023/7640/FULL.
 - The development proposed is detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area, and
 - (ii) the living conditions of the occupiers of the existing property at No. 121 Beech Avenue and the neighbouring property at No. 123 Beech Avenue with particular regard to overshadowing and outlook.

Reasons

Character and appearance

3. The appeal site comprises of an open parcel of land and garage at the rear of No. 121 Beech Avenue, a two storey mid-terrace property with a detached garage to the rear. The proposal would involve the demolition of the garage and construction of a two storey detached dwelling with ancillary works and provision of a parking space accessed off Beechcroft Gardens.
4. The appeal site is located in a mature well-established residential area, characterised by two storey semi-detached and terraced properties of varied styles and designs set back from the road behind front gardens/driveways. To the north and south of the appeal site are the rear garden areas and the outbuildings associated with the adjacent properties. Where outbuildings and other structures exist between the dwellings, these are very low, clearly subsidiary, and have little impact upon the sense of space and openness in the area. This gives the area a strong unifying open character and appearance, which is further enhanced by the presence of mature landscaping and established trees within the surrounding gardens.
5. Whilst visually the design of the proposed dwelling would be acceptable, the scale and two storey form of the proposed dwelling would nevertheless still be

a significant addition in this location. Such positioning, on what would be an atypically narrow plot, would erode the visual gap between the dwellings, interrupting the established pattern of development and compromise the sense of space and openness in the area.

6. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along the surrounding roads. I therefore consider that the proposed development, by virtue of its scale, siting and layout, would fail to promote or reinforce the distinctive characteristics of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
7. I have considered the appellant's arguments that the design and layout of the proposed development has been carefully considered and redesigned during the planning application process in order to minimise any impacts on the area and the neighbouring properties. Whilst the reduced eaves and ridge height, use of matching materials, fenestrations and boundary treatment would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
8. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to the overall aims of Policies H1 and S10 of the West Northamptonshire Joint Core Strategy (JCS) and Policies Q1 and Q2 of the Northampton Local Plan Part 2 that, amongst other things, seek to ensure that development proposals promote and contribute to good placemaking through a high standard of design which responds to the local character and characteristics of the site's immediate and wider context. The proposal would also not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 131) that are sympathetic to the local character (paragraph 135).

Living conditions of the occupiers of the neighbouring properties

9. The proposed dwelling would be located adjacent to the two storey dwellings at Nos. 121 and 123 Beech Avenue (Nos. 121 and 123). The proposed dwelling would be set down to a single storey on the eastern elevation of the building and would be set back from the ground floor windows and first floor windows on the rear of No. 121, to the east of the appeal site. It would be separated from the rooms and garden at the rear of No. 121 by a high boundary fence running between the properties.
10. The proposed dwelling would be set back at an angle from the ground floor windows and first floor windows at the rear of No. 123, to the north-east of the appeal site. The proposed dwelling would project along the common shared boundary with No. 123 and would be separated from the rooms at the rear of the adjacent property by the garden and high boundary fence running between the properties.
11. Whilst I accept that there would be some impact from the development, given the proposed design and layout of the proposed dwelling, set back and stepped down, together with the separation distance between the properties and the orientation of the buildings, I consider that the proposal would not result in a significant loss of light and overshadowing to the rooms and garden at the rear of No. 121, nor significantly dominate the views to cause an overbearing effect

and an unacceptable sense of enclosure at the rear at No. 121. Whilst there would be some loss of outlook to the windows on the rear elevation of No. 121, the views are already towards the existing garage on the appeal site and the blank gable end of the adjacent two storey property at No. 16 Beechcroft Gardens. However, this is not a determinative factor on its own.

12. Whilst the layout of the adjacent property and the boundary treatment would limit potential views directly from the rooms at the rear of the adjacent property at No. 123, the proposed dwelling would result in a long two storey projection running parallel with the common shared boundary and enclosed garden area, including a small patio area, at the rear of No. 123. The occupants of No. 123 would use the garden to carry out leisure and household activities when relaxing and sitting out, particularly in the summer months.
13. Given the overall scale, siting and design of the proposed dwelling, separation distance between the properties and the orientation of the buildings, I consider that the proposed dwelling would introduce a dominant and enclosing structure in close proximity to the common shared boundary and the garden area at the rear of No. 123. This, in my view, would result in a loss of light and significant overshadowing to the garden at the rear and significantly dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 123. I therefore consider that the proposal would result in a poor quality living environment and an unacceptable change in the living conditions for the occupiers of the neighbouring property.
14. Consequently, I conclude that the proposed dwelling would result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 123 Beech Avenue with particular regard to overshadowing and outlook. It would be contrary to Policy H1 of the JCS and Policies Q1 and Q2 of the Northampton Local Plan Part 2 which, amongst other things, seek to ensure that development proposals provide a high standard of amenity for occupiers and do not result in an unacceptable impact on the amenities of occupiers of neighbouring properties. In addition, it would not accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 135).

Other Matters

15. I have considered the appellant's comments regarding the previous use of the site for motor vehicle repairs and the lack of adopted Council guidance on the amenity space. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposed development on the area and the neighbouring properties and as such are material considerations to which I can attach only limited weight in making this decision.
16. I have noted the comments received from third parties, including the letter of support for the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.
17. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design and through contributing to the housing supply in the area. While I have given them some weight in favour of the appeal, these benefits would not be sufficient to

outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR