



Appeal Decision

Site visit made on 22 October 2024

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/M2840/W/24/3345338

Jack and Jill Nursery, Moor Road, Rushden, Northamptonshire NN10 9TP

- 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 & Mrs Paul and Helen Hughes against the decision of North Northamptonshire Council.
 - The application Ref is NE/23/01275/FUL.
 - The development proposed was originally described as '*Change of Use from Nursery to Residential. Residential Development of 4No Dwellings including access, parking and amenity space*'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally described in the manner set out above. I have however noted the agreement between the parties to a revised description which more accurately and concisely describes the development for which planning permission is sought. With regard to the appeal site address, whilst it is given as Moor Road, the site itself does not have a boundary with Moor Road and instead fronts Station Road. Noting the above, I have retained the development description and appeal site address in the banner heading above and have determined the appeal accordingly.
3. I have been provided with the proposed plans, delegated officer reports and decision notices for two previous proposals at the appeal site. Of these, one scheme was for two semi-detached 2-storey dwellings which was granted planning permission¹ (the 2022 scheme). The other, for a residential development of four dwellings, was refused². I have also been provided with a copy of the plans and appeal decision³ letter in respect of an outline planning application for three dwellings.

Main Issues

4. The main issues are the effects of the proposed development upon:
 - The character and appearance of the appeal site and surrounding area; and
 - Highway and pedestrian safety, with particular reference to the provision of car parking.

¹ LPA Ref No: NE/22/00483/FUL

² LPA Ref No: NE/23/00176/FUL

³ APP/G2815/W/21/3277115 – LPA Ref No: NE/21/00145/OUT

Reasons

Character and appearance

5. Although the appeal site address is given as Moor Road, the site itself does not have a boundary with Moor Road. Instead it fronts Station Road, a legacy of the site previously forming part of the larger Jack & Jill Nursery site from which the appeal site address is taken. The area surrounding the appeal site is predominantly residential in character, characterised mostly by terraces of 2-storey properties. There are exceptions, however. Most notably the appeal site itself, which was previously a hard-surfaced playground area associated with the neighbouring 'Jack and Jill Nursery'. The appeal site is now separate to it, whilst the nursery retains a hard-surfaced playground adjacent to the appeal site. To the other side of the site on Station Road lies a surface-level public car park, beyond which are open landscaped grounds of St Peter's Church.
6. Whilst the appeal site and the land to either side are devoid of buildings and relatively open, creating a somewhat open feel, this is the exception to the prevailing pattern of development in the surrounding area rather than the rule. The terraced properties nearby either directly address the narrow streets and pavements or are set behind small front yards enclosed by low brick walls. The area is characterised by a largely tight urban grain typical of streets of predominantly terraced properties.
7. The principle of residential development on this site has been established by way of the 2022 scheme. From the available evidence, which included the proposed layout plans for that scheme, the 2022 scheme seems to me to have been consistent with the prevailing pattern layout and scale of development. The incorporation of low front boundary walls and small front yard areas ensured that the dwellings were positioned in a manner consistent with the predominant pattern of surrounding development.
8. The proposed dwellings would be set back from the roadside and pavement to a far greater extent than is typical of properties in the surrounding streets. Rather than low brick walls enclosing small front yards, there would be landscaped borders with proposed shrub planting on either side of a centrally placed vehicle access, behind which would lie an area dedicated almost entirely to the motor vehicle.
9. The central access point into the site would lead on to a generous manoeuvring area between two banks of two car parking spaces. Rather than a domestic car parking arrangement with individual parking spaces in front of each property, the proposed scheme would instead create something more akin to a public car park-style layout. The shrub borders, which in themselves would be somewhat incongruous in the context of the harder forms of front enclosure typical of the area, would do little to disguise the car-dominated environment at the front of the properties, the expanse of hard surfacing or the significant and uncharacteristic extent to which the properties would be set back from the roadside.
10. Whilst I do not wish to diminish the role of landscaping a scheme, that which is proposed along the site frontage in this instance would be insufficient to overcome the shortcomings of the appeal scheme; namely the incongruous siting of the dwellings within the site and the excessive devotion of almost the entire site frontage to the parking of cars. I therefore concur with the Council's

assessment that the appeal scheme, because of the dominance afforded to the parking and manoeuvring of cars, would cause material harm to the character and appearance of the surrounding area.

11. There are elements of the appeal scheme worthy of note, however. The detailing and proportions of the dwellings themselves are well-considered and the amenity space to the rear of each property appears reasonably generous. On another site and in another context they would no doubt positively enhance their surroundings. Nor am I particularly perturbed by the proposal extending built form across almost the whole of the site's width. Indeed, whilst two pairs of semi-detached dwellings, the overall design, scale and proportions of the buildings would combine with this element of the built form to be reflective of the scale and massing of the surrounding terraced properties.
12. I acknowledge too that the appellant has attempted to work through, in a thorough manner, the previous concerns of the local planning authority. I accept too that the appeal site, together with the retained portion of the playground, was already an open area with a significant expanse of hard-standing. However, that is not the same as being dominated by the car in the manner that would arise from the appeal scheme.
13. With regard to the adjacent car park, it is, by design, intended for and inevitably likely to be dominated by cars. That is not to say however that the appeal scheme should adopt that as a particular characteristic of the local area to incorporate into the overall design approach for the site, especially as it is the exception to the prevailing pattern and form of the surrounding residential streets.
14. North Northamptonshire Joint Core Strategy (NNJCS) Policy 8 sets out the approach to the principles of place shaping and states that development should create distinctive local character by responding to a site's immediate and wider context and local character. Both Policy EN11 of the East Northamptonshire Local Plan (ENLP) (2023) and Policy EN1 of the Rushden Neighbourhood Plan (2018) (RNP) set out to ensure new development is of a high quality of design. Collectively, these policies recognise the importance of schemes integrating positively with the surrounding area, noting continuity of street frontage in terms of appearance and layout, and patterns of development.
15. Notwithstanding the open nature of the junction of Moor Road and Station Road, and that of the neighbouring car park, the prevailing character is instead one of terraced residential streets and terraced houses with only very small (or no) front yards enclosed by low brick walls. The dedication of a significant proportion of a much larger site frontage to hardstanding, car parking and vehicles would be conspicuously at odds with the area's prevailing character and would thus be contrary with NNJCS Policy 8, ENLP Policy EN11 and RNP Policy EN1. The positive design aspects of elements of the scheme, as noted elsewhere, do not persuade me that the harm caused to the character and appearance of the surrounding area through the proposal's layout and siting, and particularly the dominant measures to accommodate vehicles, would be justified.

Highway and pedestrian safety

16. As described above, the appeal scheme would provide on-site car parking for four vehicles. The parking would be in the form of four bays accessed via a

single point of entry from Station Road, with two spaces on either side of the entrance / manoeuvring area oriented parallel to the site frontage / building façades. It is proposed that the spaces would be allocated on the basis of one per dwelling.

17. For 3-bedroomed dwellings, the former Northamptonshire Council Council's '*Northamptonshire Parking Standards*' document (NPS) seek the provision of a minimum of two parking spaces per dwelling plus a visitor space⁴ for all residential development, be it in an urban, suburban or rural setting. The appeal scheme's offering of four on-site parking spaces falls short of this, and as such the scheme does not comply with the technical provisions of the NPS.
18. Nevertheless, the appellant commissioned a Parking Survey⁵ (PS) which surveyed the streets close to the appeal site. The PS concludes that these streets have sufficient capacity to be able to accommodate any excess demand for parking spaces generated by the appeal scheme over and above that which can be accommodated within the site. Whilst the Council have questioned these findings, citing a reliance upon the adjacent public car park, the appellant and the PS are both clear that whilst the car park has been included within the PS, the PS's conclusions are not dependent upon the use of the public car park by residents of the proposed development.
19. The Local Highway Authority (LHA) did not formally object to the proposal. Although the LHA did express concern regarding the longer-term availability of the adjacent car park, and thus any reliance upon the car park to cater for car parking arising from the appeal scheme, the LHA also confirmed that the surrounding streets had sufficient capacity for the level of additional car parking demand likely to arise from the proposal.
20. I acknowledge that my visit provided me with only a snapshot in time, but I found the streets to be lightly trafficked with ample opportunities for on-street car parking at the time of my visit. I also saw that there is a proliferation of parking restrictions around the junction of Moor Road and Station Road, including on both sides of the road directly outside the appeal site. I accept that these restrictions may push potential overspill further from the appeal site. However, the PS demonstrates that parking stress is below unacceptable levels whilst the PS's photographic record of on-street parking capacity at other times of the day and night when demand for spaces is likely to be higher and vehicles are more likely to be parked close to their owner's houses than when I visited the site, provides visual confirmation, rather than just numerical representation, of available space.
21. Policy 8 of the NNJCS sets out the approach to place making and securing high quality design across North Northamptonshire. Amongst other things, it states that development should make safe and pleasant streets by resisting developments that would prejudice highway safety and to ensure satisfactory access, parking, servicing and manoeuvring in accordance with adopted standards. The appeal scheme would make adequate provision for cycle storage for each dwelling and would provide one on-site parking space per dwelling. From the evidence provided I am satisfied that a short fall in car parking provision, as sought by the NPS's guidance, could be adequately accommodated within the capacity identified in surrounding streets. Whilst

⁴ Chapter 9 – Class C3: dwelling houses

⁵ '*Land at Jack & Jill Nursery, Moor Road, Rushden NN10 9TP Parking Survey*' - Footmark Surveys, June 2023

others have referred to this capacity being partly within the adjacent public car park, which may inevitably be the case, the evidence confirms that this has not been determinative in establishing the available capacity. There would be no conflict with the provisions of NNJCS Policy 8 as a consequence.

22. The refusal reason also refers to RNP Policy T1. It does not specifically refer to car parking provision in developments but rather states that permission will only be granted where generated traffic impacts would not result in a significant residual impact on any aspect of the transport network. For the reasons set out above, I am satisfied that this would not be the case with regard to the appeal scheme.

Other Matters

23. The appeal site is well-located for access to Rushden town centre and the range of services and facilities that it offers. I note too, that the Council are satisfied with regard to the housing mix offered by the proposal and landscaping and biodiversity net gain. These are matters that I afford weight to in support of the appeal scheme.
24. Nor do the Council raise objection to the living conditions that the appeal scheme would offer to future residents in terms of outlook, privacy and internal accommodation and external amenity space or in its effect on flooding and drainage matters. So too in respect of the outlook and privacy of occupiers of existing neighbouring properties. The absence of harm in these respects weighs neither in support of, nor against, the scheme and they are therefore neutral factors in my consideration of this appeal.
25. The Council are satisfied that the appellant had previously⁶ made an appropriate financial contribution in line with a Mitigation Strategy in respect of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). Policy 4 of the NNJCS seeks to ensure that developments do not cause adverse harm to the SPA. However, whilst I have no further details of those measures or the form in which the financial contribution was secured, as I am dismissing the appeal for other reasons, I do not need to consider this particular matter further as it would not change the outcome of this appeal.

Conclusion

26. There are elements of the appeal scheme to be commended. The proportions, design and detailing of the dwellings themselves would respond positively to the characteristics and features of the surrounding housing stock whilst each property would benefit from generous private outdoor amenity areas. The appeal site's location would afford reasonably convenient access to the services, facilities and public transport links available in the centre of Rushden. The type and size of housing proposed reflects the Council's emphasis on the provision of smaller and medium sized dwellings whilst the positive contribution made towards biodiversity net gain also weighs in support of the scheme. These are factors that attract limited weight in support of the appeal scheme.
27. The appeal scheme, despite a shortfall in on-site parking when considered against the guidance set out in the NPS would, when taken together with parking space availability and parking stress levels on surrounding streets, nevertheless provide an adequate level of on-site parking and would not result

⁶ In relation to refused application LPA Ref No: NE/23/00176/FUL

in significant or harmful residual impacts on the surrounding traffic network. The lack of harm in this respect, and also in respect of living conditions of existing neighbours and future occupiers, are neutral factors and weigh neither in favour of nor against, the appeal scheme.

28. However, these are not sufficient either individually or cumulatively to overcome the harm that I have identified in respect of the appeal scheme's harmful effect on the character and appearance of the surrounding area. Thus, for the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR