



Appeal Decision

Site visit made on 21 September 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9th December 2024

Appeal Ref: APP/W2845/W/24/3340015

Land to the rear of 5 The Warren, Northampton, NN4 6EW

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Lawlor against the decision of West Northamptonshire Council.
 - The application reference is WNN/2023/0684.
 - The development proposed is described as 'Proposed new dwelling and detached garage with home office over on land to rear of No 5 The Warren.'
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the landscape and settlement character, and the character and appearance of the locality; and
 - The effect towards living conditions of surrounding neighbours, with particular considerations around privacy.

Reasons

Suitability of the site for housing

3. The appeal site consists of a parcel of land located to the rear of No5 The Warren. The Warren is a slow residential road of 30mph which leads into the High Street of Hardingstone. Whilst Hardingstone appears to be joined to the greater conurbation of Northampton, at this section of Hardingstone the experience is more transitional with the group of dwellings being the last and first section of the settlement when coming into and out of Hardingstone along the Newport-Pagnell Road. Along this eastern side of The Warren development is very linear in character with single depth detached dwellings fronting the road edge with a consistent front setback and large gardens. There is an emphasis on visual gaps and spaces in and around dwellings, which adds a spacious feeling and quality to the area. Vegetation is also prevalent with boundary hedges and low walls and front garden planting and mature trees, with gaps between dwellings enabling long views to the woodland beyond and the

tops of trees and vegetation in rear gardens. Dwellings appear to have been constructed during the mid-late twentieth century, with dwellings having a mix of styles, with single and double storey construction, with concrete and clay tiled roof forms. These are some of the positive characteristics and qualities of the locality which reinforces its local character and distinctiveness. According to the Council's Statement of Case (SoC), land further to the rear of the Warrant has been allocated for a large urban extension, with the visual gap between the line of dwellings maintained in the form of allotment gardens.

4. In proposing new dwellings, the Northampton Local Plan (LP) Policy Q1 is a placemaking policy that seeks that development promote to good placemaking, such as through the creation of strong, locally distinctive and sense of place, retaining, enhancing and creating important views and vistas out and through the site, amongst others. LP Policy Q2 relates to layout and amenity and seeks that new development is not overbearing upon existing buildings or open spaces. LP Policy Q3 seeks the submission of a sustainability statement and that the development should include sustainable construction methods. The West Northamptonshire Joint Core Strategy (JCS) Policy H1 seeks that new housing make efficient use of land and has regard to a number of considerations such as location, setting, existing character and density and proximity to public transport amongst others. JCS Policy S10 sets a number of sustainable development principles, where development will achieve highest standards of sustainable design, be designed to improve environmental performance, amongst others.
5. The appeal site would be accessed from an existing crossover and access that currently serves 5 The Warren. Unlike dwellings along The Warren, the proposed dwelling would be to the rear so would not have a relationship with The Warren, which in this area is quite linear and single depth. The proposed dwelling would also have an excessively tall garage with office space above which is located to the side of the property which is uncharacteristic of the type of built form of outbuildings surrounding. Much of the proposed site would contain built form and hardstanding and vehicle turning areas dominating the site which would not be in-keeping with the development surrounding where there is an emphasis on vegetation and spaces in and around the dwellings. The proposed garden areas from a design perspective would be quite small compared to the surroundings, and would not reinforce the spacious qualities and visual gaps found in this particular location. The proposed dwelling would have a cramped experience and would not have the presence of a more organic infilling of the site. As a result the development would have an awkward and quite cramped presence which would not reinforce the positive qualities or characteristics of the locality.
6. Additionally LP Policy Q1 and JCS Policy H1 also place an emphasis on the design of the proposed scheme. Whilst I appreciate comments in the Appellant's SoC that the dwelling would not be readily apparent in view as it is located to the rear, LP Policy Q1 and JCS Policy H1 do not restrict the consideration of character and appearance to what is only visible from the public realm.
7. The Appellant has submitted three planning decisions in order to demonstrate that the Council has previously applied separation distances that are less than what is

mentioned in the SPD. The Chaucer Street Decision¹ involved a scheme where the rear of the dwelling looks side-on across the rear garden of a dwelling. In this case the Council acknowledged that there was overlooking, but only to a small percentage of the rear garden where it was deemed that there was sufficient privacy to the remainder of the garden. The Hardlands Rd² decision involved a back land development where the dwelling aligned with a dwelling to the rear which was attached to a cul-de-sac running to the rear. In this particular case the Council found that the proposed dwelling did not harm the character of the area. A third example at Thorpeville also was erected in line with other newer dwellings proposed to the rear. All three examples contain very different circumstances to the appeal site and their considerations are not analogous to the appeal site. As such, these examples do not assist in demonstrating the appropriateness of the appeal proposal.

8. I am also aware of a number of benefits of the proposal which relate to socio-economic factors such as making available a dwelling, economic benefits in terms of short term employment opportunities from the construction of the scheme and expenditure locally from future occupants; increasing the vitality and vibrancy of nearby settlements and the local community. I also note other benefits such as contributing to the supply of housing; the deliverability of small sites; the development of underused or under-utilised plots which improves the mix of housing. There are also environmental benefits such as the proposal involving renewable energy generation, charge points and a willingness to reduce carbon footprint via building materials and distribution. These benefits weigh moderately in favour of the development. I note that the Appellant mentions that the removal of a shipping container would be beneficial, however this is not a benefit directly related to the scheme seeing as this could be removed with or without the development occurring.
9. Despite these benefits, the impacts of the proposed development are significant when taking into account the character of the area. Therefore, taking these findings as a whole, I conclude that the location and design of the proposed development would not be made in accordance with LP Policies Q1 and Q2 and JCS Policy H1 as described previously.
10. I note that the Decision Notice refers to LP Policy Q3 and JCS Policy S10 which predominantly relate to sustainable use of materials and achieving a sense of place. I understand that the Council has concerns regarding the uncertainty of public/private space which in their opinion may lead to an adverse impact on natural surveillance. Given that this is a very small scheme, suitable design of driveways and spaces will be able to overcome any adverse detriment. Further information in the Appellant's SoC has described a number of measures to be employed to address sustainability concerns which are considered appropriate. As such I do not consider that the scheme would be contrary to LP Policy Q3 or JCS Policy S10.

Living conditions

11. The proposed dwelling will be one and a half storeys tall with front and rear facing dormer windows, which are to the habitable bedrooms of the proposed dwelling. These front windows would look directly over the rear garden of 5 The Warren as

¹ Land Rear Of 33-47 Chaucer Street, Northampton Planning Permission N/2019/0715

² 24 Hardlands Road, Northampton – Planning Permission N/2020/0125

well as being approximately 18 metres from the rear of the dwelling itself. I appreciate comments in the appellant's statement that the suggested separation distances of the Residential Alteration and Extensions Supplementary Guidance Document (SPD) appear to relate to extensions, however does provide a useful guide for new residential dwellings which contains very similar circumstances whereby a recommendation for separation distances between dwellings is at 22 metres. Put another way, there is no clear difference in circumstances between the separation distances between a new build dwelling and an extension. As such I am satisfied to utilise such guidance as a material consideration to this scheme.

12. Unlike the examples previously discussed, the proposal would have direct views into the rear garden of 5 The Warren and the dwelling itself. The presence of a dwelling in the rear garden would be alien to the current character and would detrimentally increase the perception of overlooking and loss of privacy from No.5 The Warren. I appreciate correspondence from No.5 The Warren that they welcome the development, however my considerations are not limited to the current occupier who I believe will be detrimentally affected from lack of privacy; but also extends to future occupiers who may have different opinions than the current occupier.
13. I appreciate comments in the Appellant's SoC that the front windows could be obscurely glazed which would restrict overlooking opportunities. However given that these are the main feature windows of the front façade, this would present an awkward appearance to the main façade of the dwelling, which would be inconsistent with the design policies of the LP, such as Policy Q1 which seeks that a building's form, massing and façades create character and visual interest.
14. Taking the above into account, and in conclusion of this matter, based on the information provided the proposed dwelling would present as an unwelcome presence to the rear of No.5 The Warren that would detrimentally increase the perception of overlooking and result in a lack of privacy to current and future occupiers of this neighbouring dwelling. As such, the proposal would be contrary to LP policy Q2 (which seeks that development creates and protects a high standard of amenity for occupiers); JCS Policy H1 (which seeks considerations around the living conditions of neighbouring residents).

Conclusion

15. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR