



Appeal Decision

Site visit made on 10 December 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2024

Appeal Ref: APP/W2845/W/24/3349233

19 Gillsway, Northampton, West Northamptonshire, NN2 8HT

- 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 Ms Dominique Parker of Dommys Daycare against the decision of West Northamptonshire Council.
 - The application Ref is 2024/2277/FULL.
 - The development is change of use from residential dwellinghouse (Use Class C3) to mixed use residential dwellinghouse and childcare facility (Use Classes C3 and E(f)) (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from residential dwellinghouse (Use Class C3) to mixed use residential dwellinghouse and childcare facility (Use Classes C3 and E(f)) (retrospective) at 19 Gillsway, Northampton, West Northamptonshire, NN2 8HT in accordance with the terms of the application, Ref 2024/2277/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with following approved plans: Site Location Plan 1:1250, Proposed Site Plan no. 1369.02.01, Proposed Floorplans and Elevations no. 1369.02.02.
 - 2) The development hereby permitted as a childcare facility shall be occupied by a maximum of six children at any one time.
 - 3) The development hereby permitted as a childcare facility shall be occupied by a maximum of two staff at any one time.
 - 4) The childcare facility hereby permitted shall only be open between 08.00 hours and 17.30 hours on Mondays – Fridays and not at any times on Saturdays, Sundays or on Bank or Public holidays.
 - 5) The area of the development hereby permitted for the childcare facility shall be restricted to the outbuilding at the rear and the rear garden itself shown on the Proposed Site Plan no. 1369.02.01, except for use of the kitchen, for food preparation/cooking, and the bathroom facilities in the main dwellinghouse.

Preliminary Matters

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided and my site visit that the change of use from residential dwellinghouse (Use Class C3) to mixed use dwellinghouse and childcare facility (Use Classes C3 and E(f)) had already taken place and was in operation. I shall determine the appeal on this basis accordingly.

3. Since the determination of the application an updated and revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The relevant design, amenity and highway safety policies in the revised Framework are similar to those in the previous Framework and as such I consider there would be no prejudice to any party by considering the development against the relevant policies in the revised Framework.

Main Issues

4. The main issues are the effect of the development on (i) the living conditions of the occupiers of the neighbouring properties with particular regard to noise, disturbance and parking and (ii) highway safety in the area.

Reasons

Living conditions of the occupiers of the neighbouring properties

5. The appeal property consists of a two storey semi-detached property located in a mature well-established residential area, characterised by detached and semi-detached properties set back from the road behind front gardens/driveways. The childcare facility operates within a detached outbuilding set back at the end of the rear garden with access to an incidental play area within the enclosed rear garden.
6. The childcare facility is located adjacent to the two storey properties at Nos 17 and 21 Gillsway (Nos 17 and 21). It is set back from the nearest windows to the habitable rooms and garden at the rear of the Nos 17 and 21 and is separated by a boundary fence and mature vegetation running between the properties. The childcare facility is separated from the neighbouring single storey dwellings along North Western Avenue immediately to the rear of the site by the rear gardens together with the fencing and mature vegetation running along the common shared rear boundary between the properties.
7. I observed during my site visit that the area experienced some noise and disturbance associated with traffic and pedestrian movements and the surrounding residential uses in the area as the occupants carried out household and leisure activities in their homes and gardens nearby.
8. Whilst there is likely to be some additional level of noise and disturbance from the use of the appeal property as a childcare facility and from traffic and pedestrian movements from the coming and going of children, customers and staff particularly during the drop off/pick up times and when the children are using the incidental play area in the rear garden, I am mindful that the Council's Environmental officer has raised no objections to the proposal, subject to appropriate planning conditions restricting the opening hours of the business and limiting the number of children on the site at any one time to a maximum of 6.
9. Therefore, whilst I accept that there is some impact from the development, given the overall modest scale, layout and design of the development together with the separation distance between the properties and boundary treatment, I consider the development does not give rise to a significant adverse impact and unacceptable level of noise and disturbance to the occupants of the neighbouring properties. The Council have not provided any substantive evidence to demonstrate the development generates a more harmful level of noise or disturbance compared to those already in place in this location.

10. In addition to the above, the Council's reason for refusal refers to the effect of the surrounding residential amenity as result of inconsiderate parking during drop off/pick up times. The Council have provided little substantive evidence to support these claims and whilst parking outside the nearby properties may occur from the time to time, off-street parking is provided at the front of the appeal site and planning conditions restricting the opening hours, the number of children and staff on the site, provide appropriate mitigation measures that should limit the scale and associated parking required with the development. This, in my view, will further protect and limit any significant harm on the occupiers of the neighbouring properties and the amenity of the area.
11. Consequently, I conclude that the development does not result in significant harm to the living conditions of the occupiers of the neighbouring properties with particular regard to noise and disturbance and parking. The development accords with Policies S10(k) and BN9(e) of the West Northamptonshire Joint Core Strategy (JCS) and Policies Q1A(ix) and EC3(i) of the Northampton Local Plan Part 2 (LP). These policies, amongst other things, support employment and mixed-use developments that take into account the impact on the residential amenities of the occupiers in the neighbouring properties, including minimising the adverse impacts of noise. The development also accords with the Framework that developments should seek to create places that function well and promote health and well-being, with a high standard of amenity for the existing and future users (paragraph 135).

Highway Safety

12. The development provides a hardstanding parking area with three parking spaces across the frontage of the site and vehicular access onto Gillsway. The residential road in the vicinity of the access has a straight and relatively narrow alignment with footpath provision and street lighting.
13. In terms of parking provision, the Northamptonshire Parking Standards Supplementary Planning Document (SPD) requires 2 parking spaces plus 1 visitor space for a three bedroom dwelling and 1 space per full time staff and drop off/pick up facilities at 1 space per 4 children for a childcare facility. The childcare facility employs 2 full-time staff, including the appellant who lives at the appeal property.
14. I acknowledge that the parking area at the front of the appeal property for staff and drop off/pick ups is restricted in nature and some properties in both Gillsway and the surrounding streets rely on on-street parking and there is likely to be competition for parking spaces at peak periods. However, there are no parking restrictions outside the appeal site and at the time of my site visit, there were parking spaces available at the front of the appeal property, and the nearby streets, although this was obviously only a snapshot in time.
15. I am mindful that the Local Highway Authority has no objections to the development on highway safety grounds and the Council has provided little substantive evidence to demonstrate how the traffic movements would be any more harmful on highway safety compared to those in already in place in this location and that there is no residual parking capacity in the surrounding area.
16. From the evidence provided and from my observations on site, I consider that this section of Gillsway is sufficiently safe and suitable to cater for the limited traffic movements from the development. Due to the current configuration of

the site and the access arrangements, vehicles moving into and out of the site and dropping off/picking up at the front of the appeal property would be travelling and manoeuvring at low speeds. The current road conditions on the relatively narrow and straight section of this residential road allow sufficient visibility for vehicles to enter and leave the site safely and minimise any conflicts between traffic and cyclists or pedestrians.

17. In view of the modest scale of development and the evidence before me, I consider that the increased traffic movements, particularly during drop off/pick up times and extra demand for on-street parking generated by the development is relatively small in the context of the overall supply and availability of parking in the area. Therefore, I consider that the effect is likely to be only marginal and following mitigation, certainly not severe, the test set by the Framework for preventing development on highway grounds¹.
18. Consequently, I conclude that the development provides appropriate parking provision and does not have unacceptable impacts on highway safety in the area. The development is therefore consistent with the aims of Policy S10(a) of the JCS, Policies M02 and M04 of the LP and the SPD. These policies and guidance require development proposals, amongst other things, to be of the highest standard of sustainable design that allow safe and suitable means of access and site operation, provide appropriate parking provision and do not have unacceptable impacts on highway safety. It also accords with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 115), highway safety (paragraph 116) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 117).

Other Matters

19. I have taken into the account the representations and comments of support as well as the objections raised by third parties to the development. These objections include the impact on the residential amenity, local character and environment, health, traffic, pedestrian and highway safety, parking and access arrangements, the childcare facility not being suitable in a residential area, sufficient childcare nursery provision already in the area, lack of mitigation, monitoring of planning conditions and property devaluation. However, I have addressed the matters relating to the residential amenity, highway safety and parking in the issues above and the other matters raised did not form part of the Council's reasons for refusal. Property devaluation is not a material planning consideration and as such is a matter to which I can attach only limited weight in making my decision.
20. I am satisfied that these matters do not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

¹ Paragraph 116 of the Framework

Conditions

21. Having regard to the Framework (Paragraph 57), I have considered the conditions based on those suggested by the Council and the appellant. I have specified the approved plans as this provides certainty. The conditions relating to the maximum number of children and staff at the property, opening hours and restricting the area of the development to be used for the childcare facility are necessary in the interests of amenity and highway safety in the area.

Conclusion

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

David Troy

INSPECTOR