



Appeal Decision

Site visit made on 14 November 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2024

Appeal Ref: APP/M2840/W/24/3342200

45 St Botolphs Road, Barton Seagrave, Northamptonshire NN15 6SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Lowden against North Northamptonshire Council.
 - The application Ref is NK/2023/0664.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed and planning permission for a two storey rear extension is refused.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated 12 December 2024, during the consideration of this appeal. Insofar as matters directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Background and Main Issue

3. The Council had not determined the planning application prior to the submission of the appeal. However, the Council has subsequently set out in its statement of case that the development is contrary to the development plan, as it has not been demonstrated through a proportionate site specific flood risk assessment how the groundwater flood risk identified may impact on the development proposal. On this basis, the Council sets out it would have refused the application.
4. In view of the above and the evidence before me, the main issue in this appeal is whether the proposal would comply with development plan and national planning policy with regard to flood risk management and the effect of flooding on the proposed development.

Reasons

5. The appeal site is less than 1 hectare and within Flood Zone 1, as identified by the Environment Agency's fluvial flood risk maps. However, from the evidence provided, the appeal site may be at very high risk of flooding from ground water flood risk in respect of bedrock aquifer source.
6. Policy 5 of the North Northamptonshire Joint Core Strategy (July 2016) (NNJCS) sets out that, amongst other things, development should, wherever possible, be avoided in high and medium flood risk areas through the application of a sequential

approach considering all forms of flooding for the identification of sites and also the layout of development within site boundaries. This policy also sets out that, development should be designed from the outset to incorporate Sustainable Drainage Systems wherever practicable, to reduce flood risk, and where appropriate development should, subject to viability and feasibility, contribute to flood risk management in North Northamptonshire. This reflects the guidance in the Framework, which sets out at paragraph 170 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

7. Policy NEH1 of the Kettering Site Specific Part 2 Local Plan (December 2021) (KSSLP) sets out that development should contribute towards reducing the risk of flooding where appropriate, including that it should have regard to the Flood Toolkit and Local Standards and Guidance for Surface Water Drainage in Northamptonshire and demonstrate how the proposals has had regard to such. Therefore, notwithstanding that the appeal proposal is for an extension to an existing dwelling on land that is existing hardstanding with no drainage channels or system in place, and that the appeal site is less than 1 hectare within Flood Zone 1, a site-specific flood risk assessment is still necessary to satisfy the requirements of Policy NEH1 of the KSSLP with regard to the Flood Toolkit and Local Standards and Guidance for Surface Water Drainage.
8. As highlighted by the appellant, in reference to the Flood Toolkit, the complexity of the site-specific flood risk assessment will depend on the development proposals and the assessment should be proportional and must be cost effective. However, this does not negate the requirement for a site-specific groundwater flood risk assessment. Also, even if some information was not publicly available, based on the evidence before me, guidance was provided by the Council during the course of the consideration of the planning application on how to access the information needed to seek to address the flood risk concerns raised.
9. While the appellant sets out that no concerns were raised by the Local Lead Flood Authority and that there would be unviable cost implications of preparing a site-specific flood risk assessment, such matters do not overcome the development plan policy requirement and so, do not weigh positively in favour of the proposal. Additionally, while the appellant asserts there has been no evidence of incidences of flooding and that other development has taken place nearby, including a secondary school built on a local natural spring and development at the post office. Without a site-specific flood risk assessment, it is unknown whether or not the proposal is or could be designed and provided with suitable drainage so as to prevent flooding. Therefore, a condition would not be appropriate nor reasonable to require a drainage scheme to be submitted and agreed at a later date.
10. Having regard to the above, the proposal would not comply with development plan and national planning policy, with regard to flood risk management and therefore, it has not been demonstrated that the proposed development would not be harmfully affected by flooding. For such reasons, the proposal would conflict with Policy NEH1 of the KSSLP and Policy 5 of the NNJCS. Also, in such regard, the proposal would be contrary to the Framework, which sets out at paragraph 181 that, where appropriate, applications should be supported by a site-specific flood-risk assessment and that, in reference to footnote 63 of the Framework, the proposal would be on land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

Other Matters

11. The appeal site lies within the Barton Seagrave Conservation Area (CA) and, the appeal property is identified as an 'other significant building,' which makes a significant contribution to the character and appearance of the CA and so, is a non-designated heritage asset. Also, there are grade II listed buildings near to the appeal site, including at 32 and 36 St Botolphs Road (Nos 32 and 36) diagonally opposite the appeal property, on the other side of the main road and, to the rear of the appeal site including Rectory Cottage, Wardens Cottage, and Church House. Bearing in mind this context, I have had regard to my statutory duties, under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
12. The significance of the CA, as a whole, is derived from its historic, village centre, set around a village green and focal church, and the wealth of traditional buildings typically constructed of limestone and ironstone and series of open spaces and mature trees. The appeal property is a good example of a traditional cottage, with a pitched tiled roof, part stone walls and traditionally set doors and window openings. It is an end terrace property, which together with its attached terraced row, is a strong corner building at the edge of the village green along St Botolphs Road.
13. The proposed extension by virtue of its position, set within the corner of the junction between the main dwelling and projecting rear wing, and due to its proposed scale and design, would appear subservient to the host dwelling. The design of the proposed extension would appropriately reflect the simple, cottage style of the host property. Despite the two-storey height of the proposed extension, due to its shallow pitched roof design and that its ridgeline and eaves level would be below that of the main dwelling, it would not appear as a dominant addition to the host building, nor be visually prominent within the CA. In view of such, subject to the use of appropriate matching external materials, the proposed extension would not harm the setting of the host building and it would preserve the character and appearance of the CA. Therefore, it would have a neutral effect on the significance of the CA.
14. The significance of listed Nos 32 and 36 includes their traditional stone, thatched roof cottage design together with the open land setting behind the properties. The significance of the Rectory Cottage, Wardens Cottage, and Church House includes their mutual relationship with each other, set around the Village Green and St Botolphs Church, in addition to their traditional design and external detailing and stone materials. The proposed development would be relatively small, set at a lower ground level compared to land at the rear and would be tucked at the rear of the appeal property. As a result, there would be no inter-visibility between the proposed extension and the nearby listed buildings. Additionally, there are intervening features, including buildings, landscape features and roads between the appeal proposal and the nearby listed buildings. In view of such, the proposal would not affect the setting nor significance of any of the nearby listed buildings.
15. While there are no other concerns raised about the proposal, including that, but not limited to, the fact that a house extension is acceptable in principle within the Growth Town of Kettering, such matters are not sufficient enough to outweigh the conflict I have found in relation to the development plan in respect of flood risk management.

Conclusion

16. In view of my finding on the main issue, the proposed development would not accord with the development plan and there are no other material considerations that outweigh this finding.
17. Accordingly, the appeal should be dismissed.

C Billings

INSPECTOR