



Appeal Decision

Site visit made on 7 January 2025

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2025

Appeal Ref: APP/M2840/W/24/3352152

32 Church Street, Weldon, Corby, NN17 3JY

- 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 Darren Moffatt against North Northamptonshire Council.
 - The application Ref is NC/24/00114/DPA.
 - The development proposed is erection of 1 no. new dwelling with new access from Church Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been lodged in response to the Council's failure to issue its decision within the prescribed period. The Council's appeal submission outlines that had it been in a position to determine the application, it would have refused planning permission on the basis of the proposal's impact on the character and appearance of the Weldon Conservation Area and the loss of a number of the mature trees on the site, subject to a Tree Preservation Order.
3. The appellant's appeal submission includes amended plans showing a revised site layout plan (ref. 280 001 Rev C) and revised refuse plan (ref. 280 026) as part of the appeal scheme. Having regard to the 'Wheatcroft' principles, as all parties have been consulted and provided with an opportunity to comments on these changes, I consider that there would be no prejudice to any party by considering the amended plans. I have determined the appeal on this basis accordingly.
4. Since the determination of the application an updated and revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been consulted and provided with an opportunity to provide comments on it in relation to this appeal. I have therefore considered the development against the relevant policies in the revised Framework.

Main Issues

5. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the area having particular regard to the site's location within the Weldon Conservation Area; and
 - (ii) the existing mature trees on the site, subject to a Tree Preservation Order.

Reasons

Character and appearance

6. The appeal site forms part of the garden area at the rear of No. 32 Church Street, a large detached two storey property set within a large spacious landscaped corner plot at the junction of Church Street and Oundle Road. The site is located in the Weldon Conservation Area (CA) and there is some variation in the styles, designs and ages of the dwellings in the surrounding CA and village. The proposal would entail the construction of a detached contemporary style two storey dwelling with ancillary works and formation of new vehicular access off Church Street.
7. The topography of the appeal site slopes upwards from Church Street and is elevated above and set back from Oundle Road behind a grass verge, low fence, mature established trees and some mature planting running along the north-east boundary of the site. A large detached property within a large spacious landscaped plot is located immediately to the south-west, a substantial area of woodland to the south-east, an area of open space and watercourse to the north-west and open fields with some mature boundary trees/vegetation to the west and east of the site. This provides an open and sylvan character and appearance to the street scene, which is further enhanced by presence of the established trees and mature landscaping along the roadside boundaries and within the surrounding area adjacent to the site. The significance of these features to the CA can be readily appreciated within the immediate vicinity of the site.
8. The existing character of the site would change significantly as a result of the development on this open verdant undeveloped area of land and a change in the nature of the site would be an inevitable consequence of this. Variety does not necessarily lead to harm. Whilst the contemporary style and design of the proposed dwelling would have some merits, the scale and two storey form of the proposed dwelling would nevertheless still be a significant addition in this particular location. Such positioning, on this elevated plot, would compromise the sense of space and the green and verdant feel and would fail to promote or reinforce the distinctive characteristic of the area.
9. These shortcomings would be exacerbated by the proposal's prominent elevated position, which would be visible from a number of public vantage points along Oundle Road. Whilst I recognise that the boundary treatment and vegetation would provide some visual containment, the degree of visibility will vary according to the seasons. The adverse effects of the proposal would not be adequately addressed by orientating the narrow gable elevation of the proposed dwelling onto Oundle Road and would be exacerbated by the proposed removal of a number of the established trees within and along the boundaries of the site, giving it greater prominence in relation to its surroundings. As such, I consider that the proposed development, by virtue of its scale, siting and design, would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
10. I have considered the appellant's arguments that the design and layout of the proposed development has been carefully considered in response to the Council's pre-application advice and redesigned during the planning application process in order to minimise the impacts on the area and the trees on the site. Whilst the

revised layout, use of materials, increased site area and external amenity space, landscaping and boundary treatment would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.

11. Given the location of the appeal site within the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. I consider that the appeal scheme, by virtue of its scale, siting and design, would erode the existing character of this part of the CA and have a negative material impact on the verdant and undeveloped nature of the appeal site. The proposal would fail to preserve or enhance the CA.
12. Given the scale of the development, the harm would be less than substantial but in accordance with paragraph 215 of the Framework, that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide a single dwelling to contribute towards meeting the local housing need in the area and secure the optimum viable use of the under-utilised site. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.
13. Consequently, I conclude that the proposed development would adversely harm the character and appearance of the area and would fail to preserve or enhance the Weldon Conservation Area. It is contrary to the overall design and conservation aims of Policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2016 (JCS), which I consider are relevant in this case. These policies, amongst other things, seek to ensure that development proposals complement and respond to the local character and characteristics of the site's immediate and wider context and protect, preserve and, where appropriate, enhance the distinctive historic environment where it impacts on the significance of a heritage asset and its settings. The proposal would also not accord with the Framework that seeks to sustain and enhance the significance of heritage assets and ensure new development make a positive contribution to the local character and distinctiveness (paragraph 203).

Trees

14. The revised site layout plan (ref. 280 001 Rev C) and appellant's appeal submissions indicate that the proposed dwelling and accessway would involve the removal of 8 no. mature sycamore trees within the site¹, which are protected by a Tree Preservation Order (TPO ref no. 1975 No. 2). British Standard *Trees in Relation to Design, Demolition and Construction – Recommendations* (BS5837:2012) requires an assessment of the likely long term implications of the scheme for the trees. The Standard is a significant material consideration.
15. The appellant's appeal submissions and submitted Arboricultural Impact Assessment (AIA) show that 3 no. sycamore trees (nos. 752, 755, 763) identified as being removed are of a moderate quality and value, where retention is mainly due to their arboricultural/landscape qualities (Category B1/B2)². From my observation during my site visit, these established trees individually and as part of the adjoining group of trees, make a significant contribution to the visual amenity and the character and appearance of the area. The remaining 5no. sycamore trees shown as being removed in the appellant's appeal submissions are identified in the

¹ Appellant's Further Final Comments (submitted 23.12.24) on paragraph 4.1.2 of Council's appeal statement

² AIA Prepared by Andrew Belson Arboricultural Consultant 15 February 2024 Sections 5 and 6, Appendix B and C

appellant's AIA as of low quality and value, where retention is mainly due to their arboricultural/landscape qualities (Category C1/C2)³.

16. Although the proposed development would retain a number of the established trees and landscaping features within and along the boundaries of the site, the removal of the established trees within the site, in particular the Category B1/B2 sycamores (nos. 752, 755, 763) with identified arboricultural and landscape qualities, would significantly compromise the key landscape features and the green and verdant character of the site. These shortcomings would be exacerbated by the prominent position of the protected sycamore tree (no. 752) on the north-eastern boundary of the site, which would be visible from a number of public vantage points along Oundle Road. As such, I consider the proposed development would adversely harm rather than positively contribute to the visual amenity and the character and appearance of the area.
17. I have considered the appellant's arguments that the design and layout of the development has been carefully considered and redesigned in order to minimise the impacts on the trees within the site. Whilst the revised site layout, reduction in the number of trees to be removed, tree protection measures and replacement tree works would reduce the impact of the proposal to some degree these aspects do not overcome the adverse effects outlined above.
18. Consequently, I conclude that the proposed development would have a harmful effect on the existing trees, in particular the protected sycamore trees (nos. 752, 755, 763) that contribute to the visual amenity and the character and appearance of the area. It would be contrary to Policies 4 and 8 of the JCS that, amongst other things, seek to ensure that development proposals complement and respond to the local character and characteristics of the site's immediate and wider context, including the landscape setting; protect and enhance the existing biodiversity assets and incorporate ecologically sensitive design and features for biodiversity.

Other Matters

19. Given the location of the appeal site adjacent to the Grade II* listed Manor House situated to the north-east of the site, special attention must be paid to considering the impact of the development on the significance of the designated heritage assets. However, due to the separation distance, topography and the intervening mature vegetation between the appeal site and the listed building, there would only be limited inter-visibility. The development would have a neutral material impact on the setting of the listed building. The setting is therefore preserved.
20. I have noted the other developments in the area drawn to my attention by the appellant. However, the existing dwelling allowed on appeal at No. 32 Church Street⁴ and the residential developments permitted for 26⁵ and 22⁶ dwellings have different development characteristics and the larger housing schemes relate to a different scale and form of development to the appeal scheme. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases.

³ AIA Prepared by Andrew Belson Arboricultural Consultant 15 February 2024 Sections 5 and 6, Appendix B and C

⁴ APP/U2805/A/09/2114603

⁵ 20/00538/DPA – Appellant's final comments 17.12.24

⁶ NC/22/00464/DPA – Appellant's final comments 17.12.24

21. I note the appellant's comments regarding the changes to the methodology for calculating housing needs in the Framework, resulting in the Council having to deliver significantly more housing. However, this does not justify such inappropriate residential development in this particular case, and as such is a matter to which I can attach only limited weight in making this decision.
22. I have noted the issues raised by the appellant regarding the communications by the Council and the way in which the application was processed by the Council. However, these are not a material consideration to which I can attach only limited weight in making this decision.
23. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, sustainable construction measures, biodiversity gain, the effective use of land on a small site within an accessible location and through contributing to the housing need and 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

24. For the reasons given above and having considered all other matters raised, I conclude that the development would not be in accordance with the development plan when read as a whole and that the appeal should be dismissed.

David Troy

INSPECTOR