



Appeal Decision

Site visit made on 26 November 2024

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/W2845/W/24/3344356

38-40 Gold Street, Northampton, West Northamptonshire NN1 1RS

- 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 Ashif Latif of Fame Fashions against the decision of West Northamptonshire Council.
 - The application Ref is WNN/2023/0668.
 - The development proposed is described as 'erection of extensions to provide 6 apartments on the roof of 38-40 Gold Street'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area and including its effect on the significance of All Saints Conservation Area (the CA) through development within its setting;
 - the effect of the proposal on the living conditions of the future occupants of 34 and 34A Gold Street with regard to outlook, daylight and sunlight;
 - whether the proposal would provide acceptable living conditions for future occupants with regard to outlook, external amenity space, refuse storage space and noise and disturbance.

Reasons

Character and appearance

4. Numbers 38-40 Gold Street (nos 38-40) are located in the centre of Northampton and therefore the area is characterised by predominantly commercial uses. There are large scale office buildings neighbouring nos 38 and 40 one of which has been

granted planning permission to be converted into apartments¹. There is also a public amenity space located opposite the appeal site. The rear of the appeal site is accessed via St Katherines Street which is currently a service road.

5. The streetscape of St Katherines Street has a mix of multistorey and single storey buildings. They are predominantly red brick but consist of a mix of flat and pitched roof designs. The building line is not uniform and therefore some properties are set back considerably from the pavement and public highway.
6. The proposed development would introduce two extensions on the existing roof of nos 38-40. These additions would be located to the rear of the appeal property and would be clearly visible from St Katherines Street as well as the public open space. The box design of the proposal would result in a bulky development which would be further exacerbated by the proposed flat roofs. Moreover, the relationship of the two extensions given their orientation and proximity to each other would result in a disjointed and incoherent design.
7. Moreover, the buildings on St Katherines Street are predominantly from the 1970's and consequently are bulky in design. Notably, there is a large office development neighbouring the appeal site which is of a brutalist design. Whilst it is not unusual for service roads to have simple and utilitarian designed development, some of the frontages on Gold Street remain visible from St Katherines Street given the single storey nature of nos 38-40. Therefore, the addition of the appeal scheme would result in the loss of the views of the frontages on Gold Street from the public open space and create a block of bulky design along St Katherines Street. This would detract not only from the aforementioned open space but also the red brick properties at the end of the street. The existence of simple development on St Katherines Street does not provide justification for a development that I consider to result in harm to the character and appearance of the surrounding area.
8. The CA is located in the centre of Northampton and its significance derives in part from both its historical role as the commercial heart of the City and the examples of traditional shop fronts dating from the 19th Century. Gold Street has a number of frontages that are listed and the frontage of nos 38-40 is locally listed in the All Saints Conservation Area Conservation Area Appraisal & Management Plan.
9. The Council has indicated that whilst the frontage of the appeal building is sited in the CA, the proposed development is to the rear of the building and consequently is not part of the CA. However, the proposed extensions upon the roof of nos 38-40 would further exacerbate the bulky and overbearing development that has taken place in the immediate surroundings of the CA. I have identified above the views of the CA from the public open space and therefore the proposed extensions would obscure any views from St Katherines Street. Moreover, whilst the proposed development would be set back from Gold Street it would still be possible to glimpse the appeal scheme from the CA. The modern and box like development would detract from the traditional shop fronts and frontages. Consequently, the appeal scheme would result in harm to the significance of the CA through development within its setting.
10. In conclusion, the proposal would result in unacceptable harm to the character and appearance of the surrounding area, including the significance of the setting of the CA. It therefore conflicts with Policy S10 of the West Northamptonshire Joint Core

¹ Planning Application Reference: WNN/2022/0152

Strategy 2014 and Policies Q1 and SD1 of the Northampton Local Plan Part 2 2023. These policies seek to ensure, amongst other things, that development is of a high-quality design and responds positively to historic environment characteristics.

Living conditions of the future occupants of 34-34A Gold Street

11. An extant planning permission for 34-34A Gold Street (nos 34-34A) has been referred to in the decision notice and the Council's statement of case.² The permission is for the conversion of the first and second floors of the existing commercial building to 31 apartments. Part of the permission includes the additions of windows on the side elevation facing nos 38-40.
12. The proposed extensions would be adjacent to the windows of the approved development at nos 34-34A. Given the appeal site is located in the city centre, the relationship between the developments would be close in nature. There would be approximately 8m between the developments and consequently, any habitable windows of the extant permission at nos 34-34A would be significantly affected by the proposal with regard to outlook and daylight/sunlight.
13. Even if some of the windows on nos 34-34A would be higher than the proposed development at nos 38-40, the appellant has not adequately demonstrated that the proposal would not result in harm to the living conditions of the future occupants of nos 34-34A with regard to daylight/sunlight and outlook.
14. In conclusion, given the proximity of the proposed development to the extant permission at nos 34-34A, the proposal would result in unacceptable harm to the living conditions of future occupants at nos 34-34A. It would therefore conflict with Policies Q2 of the Northampton Local Plan Part 2 2023 and Policy H1 of the West Northamptonshire Joint Core Strategy 2014 insofar as they seek to ensure adequate levels of outlook and amenity for occupants of neighbouring properties.

Living conditions of the future occupants of 38-40 Gold Street

15. The living rooms of the proposed four flats in one of the extensions would be close to the built form of the other extension. Whilst the appellant has endeavoured to provide the best outlook for these windows, the submitted plans demonstrate that two of these living room windows would be partially obscured by the other proposed extension. Consequently, these windows would directly face a significant wall of brick. Furthermore, the other two flats would still be affected by their proximity to the built form of the other extension in terms of outlook. Therefore, due to the proximity of the extensions and the habitable rooms of these flats, future occupants would not have an adequate level of outlook.
16. There is no private external amenity space proposed as part of the development. The siting of the proposed development upon the roof of an existing building results in a natural constraint upon the proposal. However, the appellant has not adequately demonstrated that private amenity space could not be provided. Whilst there is a public open space opposite the appeal site this does not negate the need for private amenity space for the proposed flats.
17. Consequently, the lack of outlook and private amenity space would represent an oppressively confined form of residential accommodation.

² Planning Application Reference: WNN/2022/0152

18. The proposal provides a designated space for refuse storage which would provide adequate refuse facilities. Consequently, this could be secured by a condition. However, this does not outweigh the harm I have identified above.
19. In conclusion, the proposed development would not provide adequate living conditions for any future occupants of nos 38-40 with reference to outlook and private external amenity space. It therefore conflicts with Policies Q2 of the Northampton Local Plan Part 2 2023 and Policy H1 of the West Northamptonshire Joint Core Strategy 2014 insofar as they seek to ensure new development provides adequate outlook and external private or communal garden space resulting in appropriate living conditions for future occupants.

Noise and Disturbance

20. I witnessed on my visit the busy nature of the surrounding area. Due to it being a service road in nature St Katherines Street is used frequently for deliveries as well as general traffic.
21. The noise report provided by the appellant was undertaken over two 24-hour periods on separate weekdays and the Council have identified various shortcomings regarding the information provided. Notably, the appellant relies upon any future windows being closed to provide adequate noise mitigation. Also, there is limited information regarding the baseline noise assessment and if there were any significant plant noise sources considering the number of external mechanical plants in proximity to the site. Moreover, the appellant has failed to provide evidence of noise levels at a weekend in which it is likely that noise activity from the nighttime economy will be of a higher level when compared to a weekday. Consequently, the appellant has not adequately demonstrated that the proposed mitigation measures would provide acceptable living conditions for future occupants.
22. In conclusion, the appellant has not adequately demonstrated that the proposed development would provide adequate living conditions for future occupants with regard to noise and disturbance. Consequently, it would conflict with Policies BN9 and S10 of the West Northamptonshire Joint Core Strategy 2014. These policies seek, amongst other things, to reduce the adverse impact of noise and achieve a high standard of living conditions for occupiers.

Planning Balance

23. The appeal scheme would provide residential accommodation in the centre of Northampton. Consequently, given its location, it would not be likely that future occupants would be reliant upon a private motor vehicle. Additionally, it would provide modest economic benefits associated with the construction phase and likely increase the footfall within the centre of Northampton. However, these benefits do not outweigh the harm I have identified above. There are no material considerations of such weight or significance to justify a decision otherwise than in accordance with the development plan.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR