



Appeal Decision

Site visit made on 28 May 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/M2840/W/25/3361388

192 Wellingborough Road, Rushden, North Northamptonshire, NN10 9SX

- 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 Lewis Jamshab against the decision of North Northamptonshire Council.
 - The application Ref is NE/24/00907/FUL.
 - The development proposed is the extension to an existing annexe and change of use from a detached ancillary annexe to a self-contained 1-bedroom detached dwelling (C3) with associated landscaping, cycle parking and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development upon the character and appearance of the surrounding area;
 - whether the proposed development would provide acceptable living conditions for future occupants with particular regard to privacy, outlook, light and noise;
 - the effect of the proposed development on the living conditions of the occupants of 192 Wellingborough Road, with particular regard to privacy, outlook and light; and
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

3. The appeal site relates to 192 Wellingborough Road (No 192) which is a two-storey mid-terrace dwelling. The property is set within a predominately residential area characterised by two-storey terraced dwellings that are generally arranged in a linear manner fronting the highway, set behind small front gardens. To the north-east of the appeal site, properties on Pemberton Street are set perpendicular to those fronting Wellingborough Road and this results in the dwellings immediately to the east of No 192 having small gardens. In contrast, the appeal site and properties to the north-west have long rear gardens, some of which contain off-street parking spaces, accessed via Oak Mews to the rear. Oak Mews also provides access to five dwellings constructed to the rear of properties on Pemberton Street, which are exceptions to what is otherwise an area with a strong linear pattern of development.

4. Some properties in the vicinity, including No 192, have constructed single storey outbuildings within their rear gardens that are generally small scale. However, the rear garden of No 192 contains a large single storey outbuilding which has a close relationship with the host dwelling and was granted planning permission to be used as an annexe. The building is not prominent in the public realm due to its position within the rear garden. Nevertheless, it is visible when travelling along Oak Mews and views are likely to be achievable from first floor windows of surrounding properties.
5. The appeal scheme proposes an extension to the end of the outbuilding closest to No 192 and its conversion to an independent one-bedroom dwelling. A small external amenity area would be provided between the extension and the retained garden for No 192. Within the existing off-street parking area, one parking space would be provided for the new dwelling and two spaces would be retained for No 192. A shared pedestrian access path would facilitate access between the parking area and No 192, down the side of the new dwelling.
6. Despite its large footprint, the existing building appears as an ancillary and subservient domestic outbuilding with a functional association with the main dwelling. The building has an established position in the existing pattern of development. However, the change of use of the building to an independent dwelling and subdivision of the site to form two separate garden spaces would fundamentally alter the character of the site and building itself, which would no longer have an ancillary function. Instead, the change of use would result in a contrived subdivision of the plot, with convoluted access to No 192 and its parking area, which would be divorced from the dwelling, and an increased level of activity through occupation of the building as a separate dwelling. This would have a distinctly different character and appearance to an annexe that forms the same planning unit as the host dwelling, and result in an independent dwelling, in a back land position beyond the linear pattern of development in the immediate vicinity, resulting in harm to the character and appearance of the area.
7. The proposed extension would be small scale, and conditions could be imposed to ensure that materials would match the outbuilding, resulting in a development that would not be unduly harmful in design terms in isolation. However, it would reduce the distance between the dwelling and No 192 resulting in a cramped, over intensive form of development and a very small plot size behind the exiting row of houses, which would be completely out of keeping with the local development pattern. Given the building is not prominent in the street scene the harm that would arise from the development would be localised. However, it would nevertheless result in harm to the character and appearance of the area which would be perceptible from Oak Mews and properties in the vicinity. Moreover, whilst there may be policies in the development plan that support the flexible use and design of buildings, such support is not unequivocal where developments would not respect local character.
8. The appellant has cited several planning application reference numbers for cases that they consider to be similar to the appeal scheme. However, I have not been supplied with any precise details of these cases including details of the approved plans or decision notices. Thus, it is not possible for me to draw any meaningful comparisons or determine whether there are any similarities with this appeal scheme, which in any case must be considered on its individual merits. The appellant has also referred to the proposal as an appropriate form of infill development. However, the development would not fill a gap in an otherwise continuous frontage and therefore would not, to my mind, represent an infill development.

9. For the above reasons, I find the appeal scheme would result in harm to the character and appearance of the area. Consequently, it would conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (the JCS), Policies EN2 and EN11 of the East Northamptonshire Local Plan Part 2 (2023) (the LPP2) and Policy EN1 which together and amongst other things, seek to secure high-quality design and development that responds to a site's context, the surrounding pattern of development and overall character of the area. I also find conflict with Policy H2 of the RNP, as cited within the Officer Report, which seeks to ensure appropriate integration with the site and surrounding development context.

Living conditions for future occupants

10. With the proposed extension, the new dwelling would be sited approximately 7.5m away from the rear elevation of No 192, between which would be the garden areas for both the new and retained dwellings, separated by a boundary fence. A glazed double door opening is proposed in the elevation facing No 192 and apart from two rooflights, this is the only opening that would serve the open plan kitchen/living/dining area.
11. Whilst ground floor overlooking could be mitigated by appropriate boundary screening, the very close relationship between the two properties would result in direct overlooking from the first-floor windows of No 192 into the new dwellings only amenity space and main habitable room. The close proximity of No 192 would also have a dominating, oppressive and overbearing effect on the dwelling and its garden area given the opening in the rear elevation of the new dwelling would be the only source of outlook for the main living space, and the land outside of this would be the only external amenity space for sitting out. This would fail to provide future occupiers with adequate internal or external privacy levels and outlook. That future occupiers would be aware of this arrangement prior to occupying the dwelling does not make this relationship acceptable.
12. Furthermore, in addition to the close separation distance, No 192 and the existing dwellings along Wellingborough Road are located to the south-west of the new dwelling. Whilst there is no technical evidence before me, given the proximity and orientation, they would likely overshadow the new dwelling and its garden area for a large part of the day. Given there would be two rooflights serving the main living area to the dwelling, levels of daylight are unlikely to be affected to such a degree that would amount to an unacceptable effect. However, the overshadowing effects would compromise the amount of sunlight to the main habitable room and garden area which would result in a poor internal and external living environment.
13. The subdivision of the plot and parking area would result in two dedicated parking spaces for No 192 directly outside and parallel to the only window serving the bedroom in the new dwelling. Access to No 192 from these parking spaces would be down the side of the new dwelling via the rear garden and this is likely to be the main access for No 192 given the location of its parking spaces. Due to the very close relationship, this would result in overlooking into the bedroom and the potential for noise and disturbance from vehicles, such as engines and doors shutting and pedestrians using the shared access.
14. Whilst I note that the building is already permitted to be occupied as an annexe with a similar arrangement. Given the annexe forms part of the same planning unit as No 192 where occupiers have a functional dependence on its occupants, this is not directly comparable to the subdivision of the site and the independent occupation of

the building where future occupiers would expect to be provided with appropriate levels of privacy, outlook, light and overall living conditions.

15. Therefore, for the above reasons, I find that the development would fail to provide acceptable living conditions for future occupants with particular regard to privacy, outlook, sunlight and noise. Consequently, the proposal is contrary to Policy 8 of the JCS, Policy EN11 of the LPP2 and Policy EN1 of the RNP, which together and amongst other things, support high-quality developments that protect the amenity of future occupiers and provide well-designed amenity spaces.
16. Whilst the Council's decision notice refers to Policy EN2 of the LPP2, I find no particular conflict with this policy in respect of this issue given it does not refer to living conditions.

Living conditions for existing occupants of 192 Wellingborough Road

17. The proposed extension would bring built development closer to the common boundary. A large, glazed opening is proposed in the end of the new dwelling facing No 192. However, with appropriate boundary screening, which could be secured by condition, there would be no overlooking effects on No 192 or its garden space. Moreover, given the building is sited to the north-east of No 192, is single storey, set on slightly lower ground and would be positioned away from the common boundary, there would not be any significant overshadowing effects either.
18. From my observations, the outlook from the rear windows of No 192 and its garden area are already restricted to some degree by the existing annexe building. The extension would reduce the separation distance between the building and No 192 and the intervening garden space would be subdivided by an approximately 1.8m high fence. The Council contends that the new dwelling would have an oppressive and overbearing impact on No 192. However, due to the width of the annexe building, the pitch of the roof is relatively low which would reduce the amount of the building that would be visible above the boundary fencing. Given the single storey nature of the building, its current relationship with No 192 and the fact it would be largely screened by the intervening boundary treatment I do not consider the proposal would have an unduly oppressive or overbearing effect on No 192 or its garden area.
19. I therefore find the proposal would not harm the living conditions of the occupants of 192 Wellingborough Road, with particular regard to privacy, outlook or light. In this respect, the proposal would accord with Policy 8 of the JCS, Policy EN11 of the LPP2 and Policy EN1 of the RNP, which together and amongst other things, support high-quality developments that preserve the amenity of existing occupiers and provide appropriate amenity spaces.
20. Whilst the Council's decision notice refers to Policy EN2 of the LPP2, I find no particular conflict with this policy in respect of this issue given it does not refer to living conditions.

Highway safety

21. The new dwelling would be accessed to the rear via Oak Mews, which provides access to the off-street parking areas of properties on Wellingborough Road as well the five dwellings on Oak Mews. One parking space would be provided for the new dwelling and two spaces would be retained for No 192.

Access

22. The Local Highway Authority (LHA) contend that the development would result in the intensification of a substandard access and shared private drive serving more than five dwellings. They state that the maximum number of dwellings permitted to be served off a private drive is five and there is insufficient information to determine whether suitable access width and visibility splays can be achieved.
23. I have not been supplied with a copy of the policy referred to by the Council as 'NNC Adopted Policy (DM15)'. However, from my observations, Oak Mews is an existing access that already serves more than five dwellings and currently provides vehicular access for the parking spaces to the rear of No 192 and its annexe. There, insufficient evidence for me to be able to determine the width and visibility splays at the access. However, as an existing access serving more than five dwellings, the crux of the issue is whether the proposed development would intensify the use of the access to such a degree that would materially affect highway safety.
24. Occupiers of the annexe would have a functional dependence on the main dwelling; however, they could still have access to a vehicle and utilise the existing access and parking provision on the site, in addition to the occupants of the main dwelling. Whilst the subdivision of the site could result in more visitors to the separate planning units, this would be infrequent and therefore the change of use to an independent dwelling is unlikely to have a materially greater effect on the volume of traffic using the access off Oak Mews over the existing situation to result in an effect on highway safety.
25. Moreover, I observed that Oak Mews access joins Pemberton Street which is a one-way street in a south-westerly direction. On-street parking is largely restricted along Pemberton Street with double yellow lines preventing parking to the north-east of the junction with Oak Mews. This means that any vehicles existing the site would have greater opportunity to see on-coming traffic. Therefore, even if I were to find that the appeal scheme would result in the intensification of use of the site, given the surrounding highway context, the addition of one dwelling using this access would not amount to a highway safety concern.

Parking

26. The plans show the dwelling would be provided with one off-street parking space and two spaces would be retained for No 192. The Northamptonshire Parking Standards (2016) document requires one-bedroom dwellings to be provided with one parking space per dwelling, plus one visitor space measuring 3m wide x 5.5m long for driveways and 11m long for tandem spaces. The plans do not provide any dimensions of the parking spaces, and the Council contends that with a full site width of approximately 5.85m the width of the spaces would be short of the required width.
27. In the absence of any evidence to dispute the Council's concerns relating to the size of the parking spaces, I share their concerns that the site appears to be of insufficient width to accommodate two vehicles side by side with adequate space to open car doors and manoeuvre around the vehicles. In the event that one car was parked closer to the mid-point between the two spaces then there would be a very limited amount of space for the other car to park and open its doors. The proposed arrangement would also restrict pedestrian access around the vehicles. Therefore, in the absence of any substantive evidence to the contrary, I find that both the new dwelling and No 192 would not be provided with adequate on-site parking provision.
28. Whilst no changes are proposed to the off-street parking area, this currently provides parking for occupiers of No 192 and its annexe as one planning unit where existing

occupiers have an interdependency. The subdivision of the site would result in two separate planning units and occupants with separate parking demands where there would be an expectation that occupiers of the new dwelling could park within their dedicated space without obstruction or the need to shuffle vehicles, as may currently be the case. Therefore, the existing and proposed parking needs are not directly comparable.

29. The lack of adequate on-site parking provision would place additional pressure for parking on the street where I observed that parking is already heavily restricted. Whilst my site visit only represents a brief snapshot in time, it was clear from my observations that there is existing parking pressure in the local area and, where on-street parking is unrestricted, spaces are in high demand. A lack of available on-street parking and inadequate space on site may therefore lead to pressure for parking on Oak Mews, due to its relative convenience, which could obstruct access to surrounding properties and restrict space for manoeuvring, giving rise to highways safety issues.
30. Despite the appeal site's location with access to services and facilities, I have not been provided with substantive evidence to demonstrate that the surrounding area could accommodate any overspill parking from the proposed development without adversely affecting highway safety. This leads me to conclude that the proposal would provide inadequate car parking.
31. In addition to the examples to which I have already referred to in the first main issue, the appellant has cited an example¹ where the LHA did not object to the change of use of an existing commercial building to three dwellings with no on-site parking provision. However, I have not been supplied with any details of this case and therefore cannot determine whether the characteristics of the surrounding highway are comparable or what demand the previous use placed on the highway network. Therefore, based on the evidence before me, this does not alter my conclusions on this appeal, which in any case must be considered on its individual merits.
32. For the above reasons, I therefore find that the appeal scheme would have an unacceptable adverse effect on highway safety due to inadequate on-site parking provision. It would therefore conflict with Policy 8 of the of the JCS which, amongst other things, seeks to secure safe and pleasant streets, including through the satisfactory provision for parking.

Other Matters

33. The appeal site lies within 2km of the Nene Valley Gravel Pits Special Protection Area, which is a European site as defined by The Conservation of Habitats and Species Regulations 2017 (as amended). However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider whether there would be a Likely Significant Effect on the integrity of the European Site or undertake an appropriate assessment.
34. Reference has been made to the dwelling being affordable. However, the appeal is for a market dwelling and there is no mechanism before me that would secure the dwelling as an affordable unit.

¹ LPA Ref. NE/23/01040/PDU

Planning Balance and Conclusion

35. The proposal would deliver the benefit of one dwelling within a defined settlement, broadening the supply of housing in an accessible location close to services and facilities. The development would therefore make a small but beneficial contribution to the choice of homes in the area and could help to meet an identified local need; as well as providing social and economic benefits during construction of the extension and after occupation. The dwelling would be provided with an EV charging point which would support the reduction of carbon emissions. However, given the scale of the development, the benefits associated with the delivery of one dwelling would be limited and would not outweigh the harm I have identified.
36. Therefore, for the reasons given above, the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude the appeal should be dismissed.

H Whitfield

INSPECTOR