



Appeal Decision

Site visit made on 23 May 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/M2840/W/25/3358611

1 Clifton Square, Corby, Northants NN17 2DB

- 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 Ian Marshall against the decision of North Northamptonshire Council.
 - The application Ref is NC/24/00238/DPA.
 - The development is proposed new 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not include the postcode for the site, therefore I have taken this from the Decision Notice and added it for completeness.

Main Issues

3. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the area with particular regard to the Lloyds Conservation Area
 - The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to loss of privacy and loss of natural light
 - Whether the proposed development would make adequate provision for Biodiversity Net Gain

Reasons

Character and appearance

4. The appeal site is located on a side garden adjacent to number 1 Clifton Square (No.1). The site is located on a corner plot and faces the green which is surrounded by properties on Clifton Square. The access road to Clifton Square runs alongside the appeal site. The long side of the appeal site faces the corner of number 2 Clifton Square which is open in character. The site is located within the Lloyds Conservation Area (CA).
5. The significance of the CA is described in the Lloyds Conservation Area Appraisal (CAA) as being that of a Garden City Suburb with wide principal boulevards and grassed areas separating the road from the footpath, dominated by semi-detached and terraces of workers' housing. The grid-iron plan has principal roads, with

Clifton Square being one of the cul-de-sacs off Rowlett Road. Clifton Square is described as the largest of the 'frying pan handled' cul-de-sacs with a grassed area in the CA and is the nearest to a village green in the whole Lloyds development. The arrangement of housing blocks is uniform featuring two designs, either T-shaped with a central gabled wing for 3 houses, or a U-shaped 4 house terrace with end wings with hipped roofs. No. 1 forms part of the latter.

6. The dwellings are positioned in a very uniformed way across the whole of the CA. In particular, Clifton Square and the entrance to it where the appeal site is situated is very symmetrical in its form, notwithstanding individual garden designs.
7. The proposed development would provide a single three-bedroom dwellinghouse located on an area of garden land next to No.1. Vehicular access to the site would be from the access road to Clifton Square.
8. In reaching my decision I have had regard to the statutory duty set out in 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
9. Numbers 1 and 2 Clifton Square, form the main corner plots either side of the entrance to the green area. Both have hedgerows around them, which is a typical boundary treatment in the area. However, notwithstanding the hedgerows, the presence of the gardens and absence of built development give these corner plots an open feel. In my view, the symmetry, particularly when viewed from the other side of the green area and the entrance to Clifton Square is apparent, and reinforces the street pattern that contributes to the significance of the CA.
10. The proposed development would see a dwelling located on the corner plot, which in my view would adversely affect the openness of the corner, particularly due to its height, and would significantly disrupt the symmetry which contributes so strongly to the overall pattern of development and indeed that of the CA.
11. Having regard to the design of the individual dwelling, I note the comments from the Conservation Officer on behalf of the Council who is satisfied that the design of the dwelling and materials would be acceptable and would be in keeping with the character of other dwellings nearby. In isolation, I consider the design of the dwelling and proposed material palette to be acceptable. However, in the context of the appeal site, particularly given that the existing dwellings surrounding the green are terraces of 3 or 4 dwellings, the proposed single dwelling would appear at odds with the prevailing pattern of development. Therefore, it would detract from the character and appearance of the area and in my view would not preserve or enhance the character and appearance of the CA when considered as a whole.
12. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to an asset's conservation. In this case I find that the proposal would lead to a less than substantial harm to the significance of a designated heritage asset. I consider that the level of harm would be at the lower end within the less than substantial harm category.
13. Therefore, for the reasons given above, I consider that the proposed development cause harm to the character and appearance of the area and would not preserve

or enhance the character of the CA, when considered as a whole. The proposal would therefore fail to accord with Policies 16 of the Part 2 Local Plan for Corby (LP) and Policies 2 and 8 of the North Northamptonshire Joint Core Strategy (JCS) insofar as they relate to character and appearance. Which in combination seek to ensure that form, height and layout of new dwellings in residential gardens are appropriate to the surrounding pattern of development and the character of the area, that proposals conserve and where possible enhance the heritage significance of an asset in a manner commensurate to its significance, and respond to the site's immediate and wider context and local character.

14. In accordance with paragraph 215 of the Framework this harm should be weighed against the public benefits of the proposal, which I will consider later in the overall planning and heritage balance.

Living Conditions

15. The appeal site is relatively flat, and the proposed dwelling would be positioned on the plot with the rear building line set forward of that of No. 1. Therefore, notwithstanding the height of the proposed dwelling, I am satisfied that the proposal would not cause a significant loss of light to the neighbouring occupier's garden by way of loss daylight or sunlight through overshadowing.
16. However, the front door of No.1 and entrance hall windows are located on the side elevation which would have a flank wall directly facing it. Whilst I note that the proposed development and No.1 would be separated, the distance would be minimal and due to the orientation of the proposed and existing dwellings. Therefore, the proposed dwelling would have both an overbearing effect on the entrance to No.1 and would, in my view, cause a loss of natural light to the entrance area to the property which has glazed elements and would have a detrimental effect on the living conditions of the occupiers of No.1.
17. Having regard to privacy, the proposed garden would have standard boundary treatments, separating the dwellings, which provide privacy for garden users at ground floor level. The proposed dwelling would have oblique views into the neighbouring garden of No.1 from first floor windows. However, this arrangement is typical of this location where dwellings have rear elevations with views into neighbouring gardens. Therefore, whilst views could be achieved from first floor windows, in my view, due to adequate separation distances, the proposal would not result in harmful levels of overlooking and therefore would not be detrimental to the living conditions, by way of a loss of privacy, to neighbouring occupiers. The proposed dwelling would not have windows directly facing No. 2 therefore, in my view would not overlook this property.
18. To conclude, for the above reasons, the proposed development would cause harm to the living conditions of neighbouring occupiers by way of loss of natural light and overbearing effect on the neighbouring property, No.1 Clifton Square. The proposal would therefore fail to accord with Policy 8 of the JCS insofar as it relates to living conditions which requires developments to ensure quality of life by protecting amenity and not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by loss of light or overlooking. The proposal would also fail to accord with paragraph 135 of the Framework in this regard.

Biodiversity Net Gain

19. Policies 4 and 8 of the JCS state that a net gain in biodiversity will be sought and that development should incorporate ecologically sensitive design and features for biodiversity to deliver 'Biodiversity by Design'.
20. The design and access statement demonstrates that the proposal would retain the existing hedgerow and would incorporate front, side and rear gardens into the design. Furthermore, the appellant's statement of case states that the appellant is committed to ensuring that the development is aligned with sustainability principles and provides net positive benefits to local wildlife.
21. Nevertheless, I do not have baseline information to indicate the existing habitat on site and therefore cannot be certain that a net gain in biodiversity would be achieved, given that a large proportion of the site would be taken up by a dwelling. I therefore do not have sufficient information to demonstrate that the aims of the development plan policies relating to achieving a net gain in biodiversity would be met.
22. In addition, there is a requirement under Section 7A of the Town and Country Planning Act 1990, introduced through the Environment Act 2021 to provide a mandatory Biodiversity Net Gain of 10% for small sites which was introduced in April 2024.
23. As a result, there is a minimum information requirement as set out under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015, which requires applications for planning permission to provide certain details if the applicant does not believe the scheme is exempt from BNG, and if they consider it to require BNG a biodiversity metric calculation showing the biodiversity value of the onsite habitat is required.
24. The appellant has not, based on the information before me, claimed an exemption from BNG. The evidence has provided some information in relation to landscaping, including hedge boundaries and the provision of appropriate planting. The statement of case has suggested that concerns in relation to biodiversity could be addressed through reasonable and appropriate planning conditions. However, this information does not sufficiently demonstrate the biodiversity value of the site and therefore I cannot be certain that the proposal would meet the statutory requirements for BNG.
25. To conclude, for the above reasons the proposal would fail to make adequate provision for BNG and therefore would fail to accord with Policies 4 and 8 of the JCS which require developments to provide a net gain in biodiversity, and that development should incorporate ecologically sensitive design and features for biodiversity to deliver 'Biodiversity by Design'. Furthermore, the proposal would not meet the statutory requirements for BNG.

Planning and heritage balance

26. A public benefit of the proposal would be the provision of an additional dwelling. The proposal would contribute to the Council's housing land supply. Whilst this would be a public benefit, due to the small scale of the proposal by contributing one net dwelling, it should only attract limited weight.

27. The design and access statement refers to Policy 1 of the JCS presumption in favour of sustainable development, however the policy states that development that conflicts with the policies of the Plan will be refused unless material considerations indicate otherwise. Nevertheless, the proposal would be within walking distance of amenities and services, such as schools and shops as demonstrated in the appellant's evidence, however due to the small scale of the development this would attract only limited weight in the overall planning balance.
28. My attention has been drawn in the design and access statement to several planning permissions for dwellings and extensions to properties in the local area, one of which was an appeal decision for a two-storey side extension. However, I do not have the full circumstances of the cases and therefore cannot be certain that they are wholly comparable to the appeal before me, and therefore, in this case, the presence of the planning permissions and appeal scheme does not lead me to a different conclusion.
29. My attention has been drawn to Policy 9 of the JCS which states that development should incorporate measures to ensure high standards of resource and energy efficiency. Based on the information provided, I am satisfied that the proposed building would provide measures to assist with thermal performance and water and energy saving solutions, such as the provision of water butts. However, due to the small scale of the scheme for one dwelling, I attach this public benefit limited weight.
30. The proposal would include appropriate fire/heat and carbon monoxide detectors, and the property will be within fire tender reach of 40m from the adopted road surface, and the property would be designed to prevent crime these are public benefits of the scheme, however due to the scale of the development attract limited weight.
31. The proposal would include landscaping which would have a public benefit through the creation of some habitat, however, due to the small scale of the development this would attract only limited weight.
32. The design and access statement has stated that a benefit of the proposal would be to improve the area through the pruning of the hedge to a reasonable height, whilst this would be beneficial through improving the local environment, due to the modest scale of the development and the nature of maintaining landscaping which may be infrequent, it would be a neutral factor in the planning balance.
33. Based on the information provided, I am satisfied that the proposal would be acceptable with regard to highways due to the provision of off-street parking and highway design, including the incorporation of drainage measures, and therefore this matter would be a neutral factor within the planning balance.
34. Taken together the public benefits would be limited and would not outweigh the harm identified to the lower end of less than substantial harm to the CA, which should be attributed great weight. The proposed development would fail to preserve the special historic interest of the CA, when considered as a whole, by causing less than substantial harm to its significance and the public benefits would not outweigh this harm, this is a matter to which I attach considerable weight and importance in the overall planning balance.

- 35. Furthermore, the proposal would have a detrimental effect on the living conditions of neighbouring occupiers which weighs significantly against the development.
- 36. In addition, the proposal would not make adequate provision for BNG. This harm may be able to be overcome through sufficient surveys and measures to secure BNG, however in the absence of sufficient evidence this weighs significantly against the development.
- 37. The proposal does not accord with Policies 16 of the LP or Policies 2, 4 and 8 of the JCS. There would be harm to the character and appearance of the area with specific regard to the CA, harm to the living conditions of neighbouring occupiers, and the proposal would not make adequate provision for BNG. Therefore, the benefits of granting planning permission would not outweigh the harm identified.

Conclusion

- 38. 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.

N Duff

INSPECTOR