



Appeal Decision

Site visit made on 17 September 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/M2840/W/25/3368942

Land At Rear Of Newton Road, Rushden

- 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 Shantilal Mistry against North Northamptonshire Council.
 - The application Ref is NE/25/00513/FUL.
 - The development proposed is the erection of 3 dwellings.
-

Decision

1. The appeal is dismissed and planning permission for the erection of 3 dwellings is refused.

Main Issues

2. The appeal is against a failure to determine the planning application. However, the Council has indicated that had they determined the application it would have been refused on the basis of the impact of the proposed development upon character and appearance, living conditions and highway safety. The main issues in the appeal are therefore:
 - (i) The effect of the scale and massing of the proposed development on the character and appearance of the surrounding area:
 - (ii) Whether acceptable living conditions would be provided for future occupiers with particular reference to outlook and the provision of outdoor amenity space; and
 - (iii) The effect of the proposed access arrangement on highway safety.

Reasons

Character and appearance

3. The appeal site is positioned prominently within the Rectory Road street scene, towards which the proposed dwellings would face. It currently forms a somewhat unsightly gap between two buildings, enclosed as it is by a bare metal palisade fence on the back edge of the pavement. As such the appeal site contributes negatively to the character and appearance of the surrounding area and it follows that an appropriate development upon it would have the potential to deliver a betterment in visual terms. I am also conscious that the site is located within the Rushden Conservation Area (CA), and that there would be the potential to enhance the appearance of this designated area too via a suitable redevelopment.

4. However, what is proposed would be substantially out of scale to the two buildings that sit immediately either side of it, being very considerably higher and much more bulky. The *as proposed* street view provided demonstrates the incongruity of the differences in height that would result and the visual harm this would cause. This harm would be compounded by the overall massing of the building proposed, in particular its front elevation but also its two side elevations, which would be for the most part prominent due to the lower height of the two adjacent buildings. By way of its scale and massing, the proposed development would cause significant harm to the character and appearance of the surrounding area. The current appearance of the site does not justify this harm.
5. My attention has been drawn to a modern building located nearby on the corner of Rectory Road and Coffee Tavern Lane. That building appears in the same street scene as the appeal site. However, it is located on the corner of two roads where buildings of a more landmark scale can often be better accommodated. Furthermore, unlike the appeal proposal, it is designed in a way which reduces its bulk, certainly in terms of its Rectory Road frontage. It is also physically well separated from its nearest buildings along Rectory Road, which serves to reduce the impact of its height and massing relative to its adjacent built development. Its impact is not therefore comparable to the impact that the appeal proposal would have. Other development in the area, including the supermarket opposite, does not justify the harm that I have identified.
6. For these reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the surrounding area because of its scale and massing. Consequently, it would fail to accord with Policy EN11 of the East Northamptonshire Local Plan Part 2 2023 (LP), where it requires development to integrate positively with the surrounding area and to create a continuity of street frontage in terms of massing and scale.

Living conditions

7. Policy EN11 criterion e) of the LP requires the incorporation of accessible and well designed amenity space proportionate to the scale of the unit proposed. There is no such space included in the appeal development. Whilst it would appear that there would be scope to provide amenity space within the land included in the red line, this might come at the expense of the parking spaces proposed to serve this development. The Council does not set out its position on whether those spaces would be a necessity, given the location of the appeal site in a town centre. It also does not provide comment on whether Hall Park, which the appellant refers to as being close to the appeal site, would provide an acceptable alternative to on-site outdoor amenity space provision in this instance. It would seem to me that a degree of balancing of these considerations is required.
8. The Council appears to link the fact that the floor space of the proposal is on the threshold of the national prescribed space standards with the matter of outlook from the rear of the proposed dwellings, which would overlook a car parking area. However, the size of the building internally is not to my mind important as to whether the outlook from its rear elevation would be acceptable or not. It is not ideal that the outlook from the rear would be over a parking area, and this could be addressed if gardens were provided. However, given that the appeal site is located in a relatively densely developed part of the town centre, any harm resulting from the outlook over a car park would not be of a magnitude that would mean that the

proposal, as a whole, would fail to provide acceptable living conditions for the future occupiers of the proposed dwellings.

9. In conclusion on this main issue, I am satisfied either car parking could be provided or garden areas could be provided, but it is not certain that both could. I do not rank either as being more important than the other given that the appeal site is situated in a town centre where other transport options are readily available and that there is what appears to be a large public park near to the site. Each factor would reasonably compensate for the absence of either on-site parking or amenity space to the degree that this is not a matter that would be determinative on the acceptability of the appeal proposal. The outlook from the rear elevation would be acceptable in either instance.

Highway safety

10. The access to the parking area that would serve the proposed dwellings is shared with both residential properties and with commercial properties. Notwithstanding that the existing access is already shared between the two uses, the Highway Authority (HA) advises that their adopted highway policy does not permit private residential dwellings sharing an access with commercial interests. They further consider that what is being proposed is an intensification of the use of the access. There is no substantive evidence before me to demonstrate that the existing arrangement has proved to be unsafe in its operation. In that context it is necessary to consider if what is proposed would materially change the current situation for the worse and lead to harm to highway safety.
11. The Transport Statement (TS) advises that the previously approved scheme which permitted the conversion of the upper floors of the adjacent buildings to nine dwellings provided a total of 29 parking spaces. Of those it is stated that 13 are allocated for commercial use, whilst 16 are allocated for residential use. The TS states that the current proposal would reduce this to 4 spaces for commercial use and increase it to 17 for residential use, including 6 to serve the proposed development. The HA does not appear to object to the reduction in the number of spaces, which is consistent with the appeal site being located in a town centre where there is good access to other modes of transport.
12. There would, therefore, be a reduction in the number of commercial spaces provided. With there being commercial movements associated with only 4 spaces as opposed to 13 spaces, it is highly unlikely that any conflict between the two uses would be worsened, or that the use of the access would be intensified, even accounting for the one additional residential space. The HA also make reference to the need for a right-hand turning lane to be provided on the highway. However, the existing access operates without such a facility and there is no evidence that this has impacted upon highway safety. Again, it is highly unlikely that a reduction in the number of parking spaces, and in particular those serving commercial uses, would worsen or intensify the current situation.
13. In conclusion, I find that there would not be an unacceptable impact on highway safety as a result of the proposed development. The proposal would therefore accord with Policy 8 section b) of the North Northamptonshire Core Strategy 2016, where it seeks to make safe streets and places.

Other Considerations

14. The proposed development would serve to make efficient use of land in a town centre location. Future occupiers of the proposed dwellings would have excellent access to services and facilities and to different forms of transport. The proposal would also contribute to the aim of the National Planning Policy Framework to significantly boost the supply of homes. Given the quantum of development that is proposed, these are matters to which I collectively attribute moderate weight to in its favour.

Planning Balance & Conclusion

15. I have not found harm to highway safety resulting from the appeal proposal and I am satisfied that the outlook that would be provided would be acceptable in the context of where the proposed dwellings would be located, whether this be over a car parking area or gardens. The proposal in its submitted form would not provide the amenity space as envisaged by the development plan but given the proximity of Hall Park I would not have found this to be determinative in this instance, if a scheme was before me that was acceptable in all other respects.
16. However, for the reasons I have set out, the proposal would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with the development plan, taken as a whole. The benefits associated with the provision of three new dwellings offer moderate weight in favour of the proposal, but they do not outweigh the conflict with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR