



Appeal Decision

Site Visit made on 6 July 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/V2825/W/21/3272339

**Car Park Premises Millfield Enterprises, Hazelwood Road,
Northampton NN1 1LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Burt against the decision of Northampton Borough Council.
- The application Ref N/2020/1075, dated 1 September 2020, was refused by notice dated 15 December 2020.
- The development proposed is change of use of site from car park to 12 new build 1 bedroom flats.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property address above is taken from the appeal form and Council decision notice. It is slightly different to that on the application form but it more accurately describes the location of the site. The description of development is from the application form. Part E of the appeal form states that the description has not changed but a different wording has been entered. Neither of the main parties have confirmed that a revised description is agreed and so I have used the one on the original application.
3. As part of the appeal, the appellant has submitted a site specific flood risk assessment and sustainable drainage strategy, which provides details on the surface water drainage options to serve the proposal. This document was not with the Council at the time it determined the planning application but its contents do not fundamentally alter the development. As such, I am satisfied no injustice would be caused by taking it into account in my assessment.
4. Also, the appellant has submitted drawings that were not with the Council when it made its decision on the planning application. These show revisions to the roof of the proposed building, as well as differences to the positioning and size of cycle and bin stores compared to the original drawings. The Council has had the opportunity to comment on these plans as part of the appeal process but they have not been the subject of any public consultation. The revised scheme would be a marked change to the original proposal and so to avoid possible injustice I have not considered the amended plans.

Main Issues

5. In light of the appeal submissions, the Council advises the scheme is acceptable in respect of surface water drainage and flood risk and so it has

withdrawn its refusal reason number 4. There are no grounds for me to arrive at a different view on the matter.

6. Consequently, the main issues are (i) whether the proposal would enhance or preserve the character and appearance of the Derngate Conservation Area (CA), (ii) whether it would provide satisfactory living conditions for occupants having regard to outlook, light, privacy and bin storage, (iii) the effect on the living conditions of occupiers of 21 to 29 Hazelwood Road (Nos 21 to 29) in respect of light and outlook, and (iv) whether the proposed parking would allow safe and suitable access and its effect on highway safety.

Reasons

Character and appearance of the CA

7. The Council's 2006 Assessment of the CA states that it forms part of the historic core of Northampton. While there are some more modern examples, most of the CA's buildings date from the 19th century. Hazelwood Road itself is characterised by Victorian terraced properties, many of which retain their original external features. The significance of the CA lies with the retention of many buildings of age and the attractive and interesting street scenes that reflect the town's history.
8. The site is a public car park with access between Maple House and 13-15 Hazelwood Road. There are no features of interest on the site and given its concealed position behind buildings it has a low-key, neutral effect on the character and appearance of the CA.
9. The proposed building would be 3 storeys high and stretch in a north south direction across a large proportion of the site. It would be hidden from most of the nearby streets by the surrounding development. However, by virtue of its height and positioning, part of the building would be visible from Hazelwood Road through the access gap. Also, the proposal would be seen from the rear of adjoining properties. As such, the scheme would have a visual effect on the area, despite not being in a prominent location.
10. By being behind buildings, the proposal would be at odds with the prevalent local pattern of development that faces onto streets. Moreover, while small extensions and buildings to the rear of adjoining properties can be seen from the site, the appeal scheme would be wide and 3 storeys high and so it would be a sizeable development. As a result, the proposal would appear unusually large in its context of a back-land site surrounded by buildings and without a significance street presence.
11. Also, the development would include a hipped roof, cottage style windows, ground floor bay windows and Juliet balconies. Such features are uncommon in the CA and would be at odds with the simpler roof forms and tall sash windows with ornate stone surrounds seen on nearby older buildings. The proposal would be near to more modern properties such as Maple House and Nos 21 to 29 and I note the referred to examples of others in the area. However, the development would introduce an extra building which would not follow the prevailing traditional townhouse style of local properties. As such, it would dilute the historic nature of the area.
12. The proposal would be of a similar height to the surrounding buildings and would include features such as stone heads and cills to windows and brick and

render walls which would to a degree reflect the area. Also, there would be scope to include planting on the site where none currently exists. However, I find that overall, the scheme would not meaningfully respect the form, design and pattern of local development. Therefore, while it would replace a car park that makes no positive contribution, the proposal would harm the qualities of the area.

13. Therefore, I conclude the development would not enhance or preserve the character and appearance of the CA. In these regards, it would not accord with policies S10, H1 and BN5 of the West Northamptonshire Joint Core Strategy 2014 (JCS) and policy 1 of the Northampton Central Area Action Plan 2013. Amongst other things, these policies seek high quality design that has regard to the local character and which conserves or enhances heritage assets.

Heritage balance

14. The proposal would affect only part of the CA and so it would cause less than substantial harm to its significance. In light of the provisions of the National Planning Policy Framework (the Framework), it follows to consider any public benefits of the development against the adverse effects on the CA.
15. The scheme would make effective use of land in an urban location where residents would have good accessibility to services and facilities. Also, it would help address a shortfall in housing land provision, which lies at 3.27 years of supply against the minimum requirement of 5 years. One of the ground floor units would be specifically designed to accommodate residents with mobility difficulties. Moreover, the scheme would bring economic benefits in terms of creating construction employment and future occupiers supporting local businesses. Such benefits attract significant positive weight. However, the Framework dictates that great weight should be attached to a heritage asset's conservation. As such, I find the public benefits of the development would not outweigh the adverse effects on the CA's significance.

Living conditions of future occupants

16. The proposed flats would each have a bedroom, kitchen, lounge/dining room and bathroom. The ground floor flats would have windows in the east facing elevation which would serve the kitchen and lounge/dining rooms. The view from these windows in the northernmost ground floor flats would be directly towards the tall blank side wall of Nos 21 to 29 and a substation building which is set above the level of the site. By virtue of their close proximity and the heights of the walls they would face, these windows would provide only a highly restricted outlook and would receive limited daylight and sunlight.
17. Moreover, the western elevation of the building would face towards car parking spaces outside but adjacent to the appeal site boundary. Access to this parking relies upon travel across the appeal site and so no boundary features are proposed which would obstruct sight of the building from the parking spaces. As such, there would be clear views for users of the adjacent parking towards and into the bedroom windows of the ground floor flats on the rear of the building. These views would be from nearby and so I am unconvinced that the small area of landscaping in front of the windows would provide sufficient separation to safeguard privacy. There would be no harmful overlooking from Nos 21 to 29 onto the proposal but acceptability in this regard fails to address the identified lack of privacy to bedroom windows.

18. The proposal would be in an urban area where properties tend to be close to each other and I note that some of the windows to flats at Nos 21 to 29 are near to other buildings. Also, the frontages of nearby development tend to be close to roads and parking areas such that views into ground floor windows are not uncommon. However, no example has been brought to my attention of any existing ground floor flats where all of the living and sleeping rooms have poor light and outlook or are subject to intrusive overlooking. In any event, the presence of other nearby residences with poor living environments would not justify allowing a proposal with similar shortcomings.
19. The submitted plans indicate a bin store to serve the proposal which would be small and not conveniently located to the building's accesses. There appears to be scope to provide a larger store building than that shown in a convenient and appropriate position on the site. Therefore, a planning condition could reasonably be imposed to ensure the incorporation of suitable bin storage. The scheme would be acceptable in this respect.
20. However, for the reasons above, I conclude the proposal would not provide satisfactory living conditions for occupants in terms of outlook, light and privacy. In these regards, it would not accord with JCS policy H1 which, amongst other things, expects development to have regard to the living conditions provided for future residents.

Living conditions of occupiers of Nos 21 to 29

21. Nos 21 to 29 is a residential building with no ground, first or second floor windows which would directly face the proposal. However, the development would project a significant distance beyond the plane of the south facing windows in the rear extension of Nos 21 to 29. By virtue of its height, length of projection, close proximity and position to the west, it is likely that the proposed building would cause a loss of direct evening sunlight to these south facing windows at times of the year. There is no evidence before me, such as a sunlight impact analysis, that clearly demonstrates the building would be far enough away to avoid any overshadowing.
22. The main outlook from the south facing windows is towards the car park to the rear of Maple House. The proposal would be seen at an angle but views directly out of the windows to the area in front would be unaffected. The remaining outlook from the windows would be sufficient to avoid an marked sense of enclosure. As such, I find the development would not lead to an unacceptable impact in these regards.
23. Nevertheless, for the reasons set out above, I conclude the proposal would harm the living conditions of occupiers of Nos 21 to 29 through the loss of light. In these regards, it would not accord with JCS policy H1. This policy seeks to ensure development has regard to its impact on the amenities of occupiers of neighbouring properties.

Parking and access

24. The layout of the car park as it stands allows vehicles to easily circulate and so leave the site in a forward gear. The proposed building would prevent circulation and there are no tracking details which show how cars parked on or adjacent to the site would be able to easily turn around. As a consequence, the layout of the proposed parking would increase the likelihood of vehicles

reversing a significant distance and having to leave the site backwards onto the road. Such manoeuvres would be hazardous, particularly as the parking along the access drive would force vehicles and pedestrians to use the same space. Moreover, reversing onto the highway would be dangerous to pedestrians on the pavement as the buildings either side of the access limit forward visibility.

25. The proposal would reduce the number of parking spaces on the site from 40 to 5 or 6. As such, the development would lead to a significant reduction in the amount of traffic entering and exiting the site. Also, I note no objections are raised by the local highway authority. Nonetheless, these factors fail to fully justify a parking layout which would lead to dangerous reversing and would put pedestrians at unnecessary risk.
26. For these reasons, I conclude the proposed parking would not allow safe and suitable access and would prejudice highway safety. In these respects, the development would not accord with JCS policies S10 and C2. These policies look to ensure development is designed to incorporate the highest standards of safety and to mitigate effects on the highway network.

Other Matters

27. As the Council is unable to demonstrate an adequate supply of housing land, paragraph 11 d and footnote 7 of the Framework dictate that relevant development plan policies should be considered as out-of-date. However, having regard to footnote 6 of the Framework, the harm that would be caused to the character and appearance of the CA as a heritage asset provides clear reason in itself for refusing planning permission. Therefore, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.

Conclusion

28. For the reasons set out above, the proposal would conflict with the development plan policies when read as a whole. The benefits of the scheme and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR