

<u>Application Number</u>	WND/2021/0391
Location Description	LAND ADJ 30, WEST END, WEST HADDON, NORTHAMPTONSHIRE
Site Details	CONSTRUCTION OF NEW COTTAGE DWELLING AND A DETACHED GARAGE WITH ASSOCIATED LANDSCAPING (RESUBMISSION OF PREVIOUSLY REFUSED SCHEME UNDER DA/2020/0627).
Applicant	MR & MRS M & V LONGLEY
Agent	CAT ABLITT, ROGER COY PARTNERSHIP
Case Officer	NISAR MOGUL
Ward	LONG BUCKBY WARD
Reason for Referral	(1)On the advice of Counsel (2)The Applicant is a West Northants Councillor.
Committee Date	8 JUNE 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION:

(I) THAT THE COMMITTEE RESOLUTION OF 8th DECEMBER 2021 TO APPROVE THE APPLICATION BE RESCINDED BY REASON OF ERRORS OF LAW AND REVISIONS

TO THE APPLICATION: AND .

(II) THAT THE APPLICATION BE REFUSED FOR THE FOLLOWING REASONS :

It is considered that the proposed two storey thatched dwelling and the detached garage fronting on to the street will have a detrimental impact on the character and appearance of the Conservation Area and in particular of this piece of open space that would fundamentally change its character and appearance of the area due to the loss of the openness of the land and the prominence of the two storey dwelling and the associated double garage. The proposal would therefore conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy, and policies SP1, RA2, ENV7 and ENV10 of the Settlements and Countryside Local Plan as well as

policies within the West Haddon Neighbourhood Development Plan and policy OS10 of the West Haddon Area Appraisal and Management Plan as well as having regard to the Framework.

Background to this report

This application was originally considered at the 8th December 2021 Daventry Area Planning Committee, when members resolved to grant permission. The decision was not issued and the application is being presented back to committee. The reasons for doing this are twofold:

Firstly, following a claim by a local resident that a grant of planning permission pursuant to the resolution made on 8 December 2021 would be unlawful, Counsel's advice was sought. Counsel has advised that the approach of the Planning Committee of seeking to deal with the impact of the proposed development on a group of off-site trees by way of condition was unlawful as there was no evidence before the Committee that a dwelling sited in the position shown on the application plans could be constructed without harming the relevant trees. Secondly, Counsel advised that this was a case which required the Planning Committee to give proper, adequate and intelligible reasons for its decision not to follow the recommendation of its professional officers having regard to the context of the application, particularly the Council's identification of the application site as lying within an important open space in the West Haddon Conservation Area Appraisal and Management Plan and the planning history, which includes the recent refusal by the Council of a similar application for the same site on the grounds of harm to the character and appearance of the area.

Counsel has advised that in relation to these two errors it is likely that if permission were issued based on the previous committee resolution it would almost certainly be quashed as unlawful on a claim for judicial review. The Council is on notice that such a claim would be made if permission were granted on the basis of the previous resolution.

Secondly, and reflective of the first error of law referred to above, it has been established that adequate protection for the off-site trees could be secured only through a revision to the scheme. As a direct result of concerns raised at the previous planning committee by some members about the impact of the development on trees engagement between the applicant's agents and council officers has resulted in revised proposals. This revised scheme differs materially from that previously considered by planning committee.

In consequence, it is necessary for the Planning Committee to reconsider the application afresh. This requires a full consideration of the merits of the application, including consideration of the impact on the character and appearance of the piece of open space and the heritage significance of the

Conservation Area and the contribution of the application site to it, as well as the matter of tree root protection.

The Proposal

This full application seeks permission for the construction of a detached thatched cottage style two storey dwelling including a detached garage, alterations to the access and the land levels including associated works (revised scheme following the refusal of a similar scheme under DA/2020/0627) on part of open space (OS10) adjacent to 30 West End, West Haddon which in February 2020 was designated as part of the West Haddon Conservation Area.

The site was subject to a previous application under DA/2020/0627 which was refused on

12 February 2021 for the following reasons:

It is considered that the proposed two storey thatched dwelling and the detached garage fronting on to the street at an elevated height will have a detrimental impact on the character and appearance of this piece of open space that would fundamentally change its character and appearance due to the loss of the openness of the land and the prominence of the two storey dwelling and the associated double garage. The proposal would therefore conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy, and policies SP1, RA2, ENV1, ENV7 and ENV10 of the Settlements and Countryside Local Plan as well as policies within the West Haddon Neighbourhood Development Plan and policy OS10 of the West Haddon Area Conservation Area Appraisal and Management Plan as well as having regard to the Framework.

The current application addresses the issue of the dwelling being at an elevated height and is now proposed so that it is at street level and also sets the dwelling slightly to the south towards No.30 West End's boundary, with a retaining wall around the patio area that provides a 15 metre separation distance from the adjacent TPO tree. The proposed garage has been re-orientated so that the front elevation faces the street with two parking spaces being provided to the front of the garage. The garage is now sited away from the root protection area of the TPO Trees which extends into the site and is in close proximity to the rear boundary. The side and rear walls of the garage will form part of the retaining walls to protect the tree roots and the surrounding land.

It is accepted that the proposed detached dwelling and the detached garage could be accommodated here without any adverse impact on the amenities of the occupants of the neighbouring properties by reason of there being adequate screening and separation distance between the adjacent property as well as the properties across the road from the site.

However it is considered that this area of open space makes a significant contribution to the peaceful, rural atmosphere of this part of the village and enhances the setting of the historic buildings opposite. It further enables open views along West End in a north-westerly direction towards two groups of important trees that are covered by Tree Preservation Orders. The stone wall along the frontage of the site is also identified as an important boundary feature in the Conservation Area Appraisal and Management Plan (CAAMP).

The site has in the recent past been cleared of vegetation and hedgerow at the frontage and a number of trees have been removed. The effect of all of this has been to open up views across the site and along West End.

The site forms part of a wider area open space and although it sits wholly within the village confines this wider open space is contiguous with adjoining fields forming part of the open countryside abutting immediately to the east of the site.

Whilst the proposed two storey detached dwelling fronting the street will now be at street level, it is considered that it will have a detrimental impact on the character and appearance of this piece of open space and would fundamentally change and harm its character and appearance due to the loss of the openness of this part of the land with the introduction of a prominent detached dwelling and garage .

At the time of the Planning Committee's earlier resolution officers considered that due to the changes in the levels proposed there would be unacceptable harm to the roots of the adjacent TPO Trees within the grounds of No.30 West End. However, following that committee meeting of 8th December officers engaged with applicants agents which resulted in the submission of amended plans with details of root protection and amendments to the siting and orientation of the detached garage. These changes only addressed the concerns of officers in respect of the impact of the development on trees but concerns about impact of the dwelling and detached garage on the Conservation Area and in particular this important open space remain.

Officers consider that the revised proposal would still conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy and policies SP1, RA2, ENV7 and ENV10 of the Settlements and Countryside Local Plan (part 2), as well as policies within the West Haddon Neighbourhood Development Plan. It would also be inconsistent with the West Haddon Conservation Area Appraisal and Management Plan, which describes the site and the existing stone wall as being 'important open space and important stone wall'.

For the reasons set out above it is considered that the proposed development would cause harm to the significance of the West Haddon Conservation Area and that the harm would be 'less than substantial' with regards to the NPPF which requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification i.e. such harm attracts considerable importance and weight. The NPPF further states that any such harm should be weighed against the public benefits of the proposal. It is considered that there is limited public benefit arising from this proposal which would not outweigh the harm identified above.

Consultations

The following consultees have raised **objections** to the application:

WNC Conservation Officer

The following consultees have raised **no objections** to the application:

West Haddon Parish Council

WNC Landscape Officer

WNC Local Highway Authority

WNC Environmental Health Officer

WNC Ecology Officer

WNC Archaeology Officer

2 letters of objection have been received as part of the original plans and 4 letters of objections were received following amended plans relating to details of root protection areas and 0 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Development Plan and other relevant guidance as listed in detail below in the report.

The key issues arising from the application details are impact on:

- Principle of the development
- Impact on the important open space and the Conservation Area
- Impact on neighbour residential amenity
- Impact on highway safety
- Impact on the TPO trees
- Impact on Ecology
- Impact on Archaeology

The report looks into the key planning issues in detail below, and Officers conclude that the proposal is unacceptable and should be refused.

Members are advised that the above is a summary of the proposals and the key issues contained in the main report below provide full details of all consultation responses, planning policies, the Officer's assessment and recommendations. Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

APPLICATION SITE AND LOCALITY

The application site lies on the east side of West End (A428) towards the northern limit of residential development in the village of West Haddon circa 300 metres north of the village centre. It is rectangular in shape being approximately 1000sqm in size. Whilst the site is wholly within the confines of the village, it is also part of the West Haddon Conservation Area. The West Haddon Conservation Area Appraisal and Management Plan (February 2020) identifies the site as 'important' part of the designated open space (OS10) and the boundary wall is also described as being an 'important' non designated heritage asset.

It is believed that historically this parcel of land may have been part of the garden area belonging to no.30 West End and other than a small break to form the existing access into the site, (which has since been widened) it was enclosed by a stone wall with relatively high dense hedgerow adjacent including several trees on the land. The actual land on the site is elevated by circa 1.1 metres above the pavement level.

More recently, the hedgerow along the frontage including several trees have been removed and the existing access widened into the site to the northern part of the site which has opened up the views across the site and to the western boundary where there is group of TPO'd trees.

The site boundary adjacent to no.30 West End consists of a 2 metre high close boarded fence whilst the rear boundary is screened by a belt of trees.

The application site abuts a wider parcel of open land lying outside the defined confines of the village in what would be regarded as open countryside to the north-west and north-east and parts of which are designated as local green space in the West Haddon neighbourhood Plan.

To the south-east of the site lies the adjacent neighbouring property, no.30 West End. This property has two prominent TPO trees in close proximity to the eastern boundary of the application site whilst the nearest elevation of this property is circa 13.2 metres away from the side boundary of the site.

The nearest residential property to the site is on the opposite side of the West End, no.45 West End, which is circa 13 metres from the front boundary of the site.

CONSTRAINTS

The site is situated within the confines of the village of West Haddon and is within the West Haddon designated Conservation Area and in an important open space (OS10).

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal seeks permission for the construction of a two storey detached thatched Roofed 'L' shaped dwelling, a detached double garage, together with the alteration of the existing access into the site. Also proposed are repair works to make good the stone wall to the front boundary of the site and provision of a pedestrian gated entrance adjacent to the front elevation of the proposed dwelling.

The proposed dwelling will include a porch to the front elevation and dormers to the first floor and two chimneys to each end of the main body of the dwelling.

The dwelling will sit circa 1.5 metres at its nearest point from the front boundary of the site and is set in circa 13 metres in from the side boundary of the adjacent property, no.30 West End and the detached garage will be set within close proximity to the north eastern rear boundary of the site and has now been re-orientated to face the street with two off road parking spaces to its front elevation.

The dwelling will be 15.8 metres in length and circa 7 metres in width to the main body of the dwelling with a two storey projection from the rear elevation.

The proposed accommodation will consist of a dining room, kitchen, an office, a utility room and a living room on the ground floor whilst on the first floor there will be four bedrooms all with en-suites.

The external materials proposed in the construction of the dwelling and the detached garage will be a thatched roof and local stone to the external facing walls of the main body of the dwelling with render to the subservient two storey element to the side elevation.

RELEVANT PLANNING HISTORY

DR/72/353 – Residential Development (larger site) – Refused 06/02/1973

DR/73/214 – Houses with garages (larger site) – Refused 16/10/1973

Appeal to DR/73/214 – Dismissed 5/6/1975

DA/82/683 – Two detached dwellings with shared access – Refused
26/01/1983

DA/93/1157 – Outline application for residential development of two dwellings
– 4/2/1994

T/APP/Y2810/A/94/235304/P2 – Appeal for DA/93/1157 – Dismissed
01/7/1994.

DA/2018/0552 – Construction of four apartments, alterations to access,
replacement stone wall to frontage and associated works – Withdrawn
15/10/18.

DA/2019/0383 - construction of four apartments, alterations to access,
replacement stone wall to frontage and associated works (revised scheme) –
Withdrawn 19/12/2019.

DA/2020/0627 - Construction of dwelling with associated landscaping – Refused
12/2/2021.

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Development Plan

The Development Plan comprises: the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029; and the adopted Settlements and Countryside Local Plan (Part 2) (2020). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (2014) (Part 1) (LPP1)

Policy S1 Development will be primarily in and adjoining the principal urban area of Northampton. Development in the rural areas will be limited with the emphasis being on maintaining the distinctive character and vitality of rural communities. Priority will be given to making best use of previously developed land.

Policy S3 Provision to be made for 12,730 additional dwellings in Daventry District 2011 – 2029.

Policy S10 Sustainable Development Principles

Policy BN5 Historic environment and landscape

Policy R1 Spatial Strategy for the rural areas

Daventry District Settlements and Countryside (Part 2) Local Plan (2019)
(LPP2)

Policy SP1 Daventry District Spatial Strategy

Policy RA2 Secondary Service Villages

Policy ENV7 Historic environment

Policy ENV1 Landscaping

Policy ENV10 Design

West Haddon Neighbourhood Development Plan (2016)

WH1 Protecting and enhancing the landscape and local countryside character

WH10 New residential development in West Haddon

WH11 New housing development outside West Haddon Village

WH13 Design

Other relevant Guidance

West Haddon Conservation Area Appraisal and Management Plan (Feb 2020)

OS10 – An area of open ground north of no.30 West End that makes a significant contribution to the Conservation Area.

National Planning Policy Framework (NPPF) (2021)

Presumption in favour of sustainable development

Para 9 Take local circumstances into account

Para 11 Approve proposals that accord with the dev plan without delay. Where plan is absent, silent or out of date, grant permission unless adverse impacts significantly and demonstrably outweigh the benefits

Chapter 5 Delivering a sufficient supply choice of homes

Para 68 Need to maintain a 5 year land supply plus 5%

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

Chapter 16 Conserving and enhancing the historic environment

RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received under the original plans:

West Haddon Parish Council – Whilst the Council acknowledged the slight movement of the property away from a root protection zone, the amended scheme now indicated additional car parking / driveway in the vicinity and within the root protection zone of other trees. Consequently, the Council respectfully asked that the planning authority's arborist would ensure the proposal would not damage the trees on the site. Further, the Council acknowledged the objections and concerns raised by some members of the community with regard the proposed scheme and would ask that the planning authority take all concerns / observations into consideration when determining the application at committee. The Council, however, endorsed the style of the proposed dwelling as attractive.

WNC Local Highways Authority - The Local Highway Authority (LHA) has the following observations, comments and recommendations: -

All matters relating to access were resolved during consultation for DA/2020/0627 to the LHA's satisfaction. As this new application retains the same access arrangements as the previous proposal, the LHA have no objection.

WNC Archaeology - The site lies to the north of the village centre and on the eastern side of West End and is within the area of known historic settlement. A short distance to the south the county Historic Environment Record indicates that a cremation urn thought to be of Romano-British date was found during well-digging; this was first reported in 1712 but no further details are known.

A few Roman coins have also been found at this end of the village and it is possible that there is Romano-British activity in the area. There is the potential for remains of archaeological interest to survive on the application site, albeit truncated by more recent activity.

The NPPF, in paragraphs 189 & 190, stresses the importance of pre application discussions in order to assess the significance of potential heritage assets. Normally the assessment would take the form of an evaluation prior to

determination; however, in this case, a condition for a programme of archaeological works is recommended.

The proposed application will have a detrimental impact upon any archaeological deposits present. This does not however represent an overriding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application.

The suggested standard condition is worded as follows:

Condition: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (i) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (ii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological and historic interest are properly examined and recorded and the results made available, in accordance with NPPF paragraph 199.

WNC Ecology Officer - Having reviewed the ecological survey report supplied I'm satisfied that biodiversity impacts should be minimal provided the precautionary working methods set out in section 6 of the report ('Ecological Survey of Land at West End, West Haddon, Northamptonshire' by Philip Irving and dated October 2020) are followed.

WNC Environmental Health Officer - Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D have been complied with. If unexpected contamination is found after

development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11(or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Construction Management Plan

Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction

REASON: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Informative:

The Statement required to discharge the Construction Management Plan of this consent is expected to cover the following matters:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
- design of construction access
- hours of construction work
- measures to control overspill of light from security lighting

Informative:

Contractors and sub contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

WNC Planning Policy – The new application shows some changes to the positioning of the proposed dwelling within the site. It is also set lower into the site, presumably to reduce visual impact. However, as stated in comments on application DA/2020/0627, this may impact on below ground archaeological interest. The change of positioning has not overcome previous concerns that the site forms part of an open space identified as making a significant contribution to the West Haddon Conservation Area. There is therefore still conflict with the development plan, specifically Local Plan Part 2 policies RA2 Ciii and iv and ENV7 part Civ, plus policy WH13 a) of the West Haddon Neighbourhood Plan.

WNC Conservation Officer – I maintain my objection to the introduction of a new dwelling on this site as it would fundamentally change the character and appearance of an area of open land that is identified within the council's adopted West Haddon Conservation Area Appraisal and Management Plan (CAAMP) as important open space (OS10). This land makes a significant contribution to the Conservation Area. The CAAMP describes it as contributing to the peaceful, rural atmosphere of this area of the village, which has a less densely built character than nearer the centre, and enhances the setting of the historic buildings opposite. It enables open views along West End in a north-westerly direction towards two groups of important trees that are covered by Tree Preservation Orders. The stone wall along the frontage of the site is identified as an important boundary feature in the CAAMP.

It is disappointing that the applicant is yet to acknowledge the site as important open space, despite its status within the adopted CAAMP. The Design & Access Statement is also incorrect to say that the site is within the Conservation Area but there are no designated heritage assets on the site. The Conservation Area is the designated heritage asset.

I note the proposed change in site levels, which has brought the house down nearly to road level. This is more consistent with traditional built form on West End and would, to some extent, reduce the impact of the new build on the surrounding houses and character of the area. Having recently reviewed the amended application drawings again I noted various inconsistencies in the site and building levels as shown on the proposed elevations and sections. I raised these with the architect. On 22 November 2021 amended drawings with some existing & proposed site levels were provided. They do provide some clarification but they also reinforce existing concerns about the extent of ground levels changes that would be required to accommodate the proposed development – especially in those areas within and adjacent to the root protection zones of TPO trees. I really don't think that this impact has been properly considered or demonstrated by the architects.

Based on the information we have to date, I would conclude that the proposal is likely to compromise the wellbeing of the trees. The marked changes in the existing site levels, including the effect of the garage building sitting on elevated land behind the house and the introduction of steps and retaining features across the site, would have a harmful impact upon the local street scene. Widening the existing access by removing more of the stone boundary wall at the frontage to create a 9m+ hard surfaced entrance would also be detrimental to the character and appearance of the Conservation Area.

The application drawings had shown a 1.2m high stone wall along the boundary with 30 West End. This would have been a visual improvement over the existing timber close boarded fence. However, I raised concerns about the impact on tree roots of constructing a new wall in this position directly beneath the beech trees. The plans have been revised and the close boarded fence is now shown to be retained. This is an unattractive suburban detail that detracts from the character and appearance of this piece of open space. Any opportunity to soften this boundary with native hedgerow planting would be welcomed.

I still feel that the proposed design approach would be unsuccessful in this context. It is perhaps trying too hard to achieve a traditional cottage vernacular for what would in reality be a medium sized family home with associated private drive and garaging on a sloping site. If traditional architecture is used in new design it must be authentic (including in size, scale and detailing) otherwise it will look out of place.

The application drawings originally showed the stone wall at the site frontage to be retained and repaired. I questioned whether a structural engineer had

inspected the wall to establish its makeup and that of the retained land behind it. The removal of ground levels from behind the stone wall would leave it as a freestanding structure. It might well require complete rebuilding in order to allow for this. The drawings have been amended to acknowledge this, but no extra information has been provided so we don't know the extent of any loss of historic character and fabric from the wall.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The character of the application site as open space, and the traditional stone boundary wall along the frontage, are key locally distinctive features which make a positive contribution to the West Haddon Conservation Area. For the reasons set out above I consider that the proposed development would cause harm to the significance of the Conservation Area. The harm would be 'less than substantial' in NPPF terms. Paragraph 200 of the NPPF requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that any harm should be weighed against the public benefits of the proposal.

WNC Landscape Officer - The addition of levels has clarified my concerns over the potential impact of the proposed property on not only the adjacent TPO Beech but also the TPO Group on the northern edge of the site. It would appear that the new FFL of the house is at 100.51 while the area below the Beech trees to the immediate south ranges from 102.59 to 103.17 toward the southern boundary the majority of which is within the RPA. There is no indication of how that transition in level change is to be achieved from the southern edge of the property to the grass beyond beneath the Beech trees, There does not appear to be a retaining wall so the assumption is that the aim would be to regrade the soil which would certainly have a significant impact upon the trees roots.

In addition the permeable resin bound aggregate drive access would appear to have been excavated with the new spot height next to the proposed garage at 101.51 while the nearest existing spot height is 102.46 which extends beneath the RPA of the TPO tree group, including two parking spaces which raises specific concerns over the impact on the trees roots. In practical terms there also appears to be an issue in the levels associated with the access into the double garage.

As with the comments made for the previous applications the proposed building will certainly alter the character of the site which since the vegetation along the front of the site was removed some time ago opened up views to the north east from the street scene have been made possible as well as

views of the existing trees within the site and the mature Beech sitting adjacent.

Ultimately there remain a number of practical issues regarding potential impact upon TPO trees on and overhanging the site that are unresolved and cause concern that should not be ignored.

Below is a summary of the consultation responses received following the amended plans in relation to tree root protection details:

West Haddon Parish Council - The Council acknowledged the amended plans which appeared to accommodate the tree protection root zones and, as a result, supported the application.

WNC Landscape Officer - Along the southern end of the site a retaining wall has now been proposed along the edge of the paving outside the identified Root Protection Area and approximately 15m from the trunks of the Beech and Sequoia in the neighbouring property of 30 West End. This amendment allows the ground south of the retaining wall to the boundary with 30 West End to remain unaltered safeguarding the tree roots likely to exist within associated with the Beech and Sequoia. This has further been confirmed with the label on the plan "existing levels unchanged".

With regard the relocated garage the associated drive/turning area is now entirely outside the Root Protection Area for the adjacent group of TPO trees. In addition, the two parking spaces are now located to the front of the garage and not under within the Root Protection Area, which like the area to the south of the proposed property will remain unaltered, again with the label "existing levels unchanged".

In order to avoid impacting the Root Protection Area, the Garage is located beyond it and the walls act to retain the soil in order that the ground immediately around will remain unaltered. The garage retaining walls have been indicated on the plan for further clarity.

I believe where previously concerns had been raised over the potential impact of excavation within the Root Protection Areas, the alterations identified above, keeping the existing ground levels within these areas unaltered, should safeguard the roots of the TPO trees located immediately around the site, in conjunction with the erection of temporary protective fencing.

WNC Conservation Officer – I acknowledge the further changes that have been made to the proposed scheme, and the additional information that has been provided in respect of root protection areas and methods of construction, in response to officer concerns about the impact of development upon important trees on and adjacent to the site. However, the fundamental concerns relating to the principle of residential development on this piece of

open space, and the design of the new dwelling, which would adversely affect the character and appearance of the site and harm the contribution that it makes to the significance of the village Conservation Area, have not been overcome. I maintain my objection to the proposal.

WNC Highways – No further comments on the amended plans.

RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received on the original plans:

There have been 2 objections raising the following comments:

- The proposed development would conflict with the Conservation Area Management Plan and would cause harm to this part of the Conservation Area; great weight must be given as a matter of law, and national and local policy, to this harm;
- The moving of the proposed buildings northwards will now require excavation within the root protection area (RPA) of a TPO tree to the left of the access
- The identical design to that previously put forward remains out-of-keeping with the CA for the reasons stated previously by the Conservation Officer, notwithstanding a proposed lowering of land levels at the front of the site.
- This is the fourth application, and the fifth formal or informal proposal, made by these applicants or their associated family-owned company, since July 2017.
- The highway access has been widened without permission
- No change to the size of the house or garage or their design is proposed.
- The proposal to reduce the existing ground level will result in significant excavation well within the root protection area of the TPO tree to the left of the access. This reduction within the root protection area may well lead therefore to the loss of the TPO tree.
- Conservation Officer's concerns about design have not been fully addressed.
- The site has been identified as an important open space which makes a significant contribution to the Conservation Area (OS10 in the adopted West Haddon CAAMP). Any development upon this land would fundamentally change its character and appearance as an area of open land, which contributes to the peaceful, rural atmosphere of this part of the village and enhances the setting of the historic buildings opposite.

- The fact that the site lies within the “village confines” does not mean that development must be granted.
- The proposed building of any dwelling in this location would directly overlook our property, particularly to the bedrooms at the front of our property on both the ground floor and first floor, which would be a total loss of privacy together with light pollution.
- There has been no reduction in the size of the house and garage from the application decision refused full in February 2021, the bulk and massing of the proposed dwelling and garage will have a significant impact on the character and appearance of the locality by detracting from the visual amenity of the street scene.
- The footprint of the house and garage have been moved slightly northwards which now has an impact on the TPO tree in close proximity to the garage; this tree must be protected by avoiding any excavation near to it.

Below is a summary of the third party and neighbour responses received on the amended plans:

There have been 5 objections raising the following comments:

- No written explanation for the amendment had been provided by the applicants.
- Inadequacy of the distance between the veteran TPO trees to the south and the proposed house and of the distance between the TPO trees to the north and the proposed garage.
- Insufficient information is provided, whether on the plans or otherwise, (in particular topographical information) to enable a view to be expressed regarding the impact on the TPO trees to the north.
- The consequence of moving the house northwards is firstly that the development now extends yet further along the front of the land notated as OS10 in the West Haddon Conservation Area Management Plan, because of the consequential inclusion of a vehicular turning area extending to the north of the access road.
- The vast majority of the entire frontage of OS10 will therefore now be developed.
- The turning area adds yet further to the urbanisation introduced to the site by the proposed medium sized family house (not a cottage) and separate large double garage and garden store, the designated parking places, the proposed width of the (to-be-made) access road, the noticeable curving wall proposed on the southern side of the access and the proposed three flights of steps. It is quite likely too that the area

shown as turning area will come to be used for the parking of vehicles too.

- As the Secretary of State's decision letter stated in 1994: "the site forms part of an important break in the ribbon of development along the main road ... this green gap makes a significant contribution to the rustic nature of this part of the village".
- The Conservation Area, adopted unanimously by the Full Council of Daventry District Council (of which the applicant was a member) in February 2020, also and consistently concluded that the site makes "a significant contribution to the Conservation Area"; "contributes to the peaceful, rural atmosphere of this area of the village"; "It enables open views along West End in a north-westerly direction towards two groups of important trees that are covered by Tree Preservation Orders".
- The Conservation Area officer's objection, recorded in the report to committee, that "the effect of the garage building sitting on elevated land behind the house and the introduction of steps and retaining features across the site, would have a harmful impact upon the local street scene. Widening the existing access by removing more of the stone boundary wall at the frontage to create a 9m+ hard surfaced entrance would also be detrimental to the character and appearance of the Conservation Area."
- It seems also inevitable that the front wall, which has all the appearance of a retaining wall, will have to be demolished and rebuilt rather than be repaired.
- There is no housing or other need at all for development on this site – and no public benefits to weigh against the harm/loss/diminution of the positive contribution the site makes to the Conservation Area.
- The concern about the impact on the trees has not been satisfactorily addressed; at the same time, more harm to the Conservation Area is caused by the proposed amendments.
- The distance between these trees and the proposed build still remains of insufficient distance, being less than the minimum requirement of 15 metres. Any siting/excavation within the minimum root protection distance will cause potential harm to these trees, being over 150 years old and deemed irreplaceable.
- The garage and two car parking spaces appear to have been set at a higher level of 1.74m above the road level.
- The proposed building located upon the frontage of this elevated site would overlook directly into the residential properties opposite, resulting in a total loss of privacy and loss of their current settings enhancement.

- The owners have a responsibility to maintain and repair the site, including the stone wall frontage along the roadside pedestrian walkway, and maintenance and repair issues should have no bearing on the decision on this planning application.
- There is no need in housing land supply terms for the addition of a new dwelling in this location given that the 5 year housing supply in the rural areas has been significantly exceeded.
- This application will harm the character of this village, and is at odds with the spirit of the CAAMP.

APPRAISAL

Principle of Development

Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Daventry District consists of the policies within the WNJCS and Daventry District Council Settlement and Countryside (Part 2) Local Plan as well as the West Haddon Neighbourhood Plan and West Haddon Conservation Area Appraisal and Management Plan.

Annex 1 of the National Planning Policy Framework (NPPF) makes reference to due weight being given to relevant policies in existing plans according to their degree of consistency with the Framework and that the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given. The development plan policies relevant to the determination of this application are considered to be consistent with the NPPF and should be given full weight.

In respect of applications relating to residential development, footnote 3 to paragraph 2 of the NPPF sets out that relevant policies for the supply of housing should be considered out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As at 1st April 2020 the Daventry Area of WNC (formerly Daventry District Council Area) has a 6.9 year supply. As a consequence, Para 11 (part d) is not considered to be engaged in respect of housing land supply.

Policy S1 sets out how development will be distributed, focusing on concentrating development in and adjoining the main urban areas of Northampton and Daventry. In the rural areas new development should be limited, with an emphasis on four criteria under part D, firstly enhancing and maintaining the distinctive character and vitality of rural communities, secondly, shortening journeys and facilitating access to jobs and services, thirdly, strengthening rural enterprise and linkages between settlements and their hinterlands and finally respecting the quality of tranquillity. Officers consider

that the proposed detached dwelling and detached garage due to size, scale, appearance and massing will harm the distinctive character and tranquillity of the area and open rural character of this part of the village.

Policy S1 also gives priority to making the best use of previously developed land in sustainable locations. The application site is located within the confines of the village of West Haddon in what was historically the garden area of No.30 West End. Since the 1970s' it appears to have been open space within the confines and hence is not considered to be previously developed land (PDL), whilst the area to the rear boundary is clearly within the open countryside. The site does not therefore benefit from the priority accorded by policy S1 and it is considered that the proposal would conflict with part D (1) and (4) as the openness of the land and the distinctive and tranquil character of this part of the village would be harmed. The proposal will conflict with policy S1.

Policy R1 relates to the spatial strategy for rural areas, therefore criteria i - v of this policy are engaged. Policy R1 'Spatial Strategy for Rural Area' identifies a need for 2,360 new dwellings within Daventry District. The policy sets out the requirements for residential development within the rural area (criteria A – G). The policy also sets out the additional criteria (i – v) to be applied when the housing requirement for the rural area has been met. The 2019 HLA report shows that as at 1st April 2020 there has been significant housing delivery in the rural areas and the requirement of 2,360 dwellings been exceeded by 630 dwellings.

With regards to this application, it is considered that proposal would conflict with criteria B and C of policy R1 as the proposal does affect open land which is of particular significance to the form and character of the village as highlighted in the recently adopted West Haddon Conservation Area Appraisal and Management Plan (2020), Policy OS10, which is afforded significant weight as it is adopted.

Policy R1 requires that proposals should demonstrate that either criterion i) or ii) are met before demonstrating compliance with criteria iii) to v). Starting with criterion i), the site since the 1970s' has been part of the open land within this part of the village although it was predominantly enclosed with a wall to its frontage with tall dense hedging immediately behind the wall with numerous trees in it. However, more recently the hedging and many of the trees have been removed and the access way into the site has been altered opening up the views into and across the site which further enhances the importance of the openness of the site. It is considered that introducing a dwelling onto this open site would not lead to any environmental improvements on the site but would cause considerable visual harm and as such the proposal conflicts with criterion (i).

In terms of criterion ii) there is no evidence that any relevant local service or facility is under threat so as to require residential development within the village. The applicant has not submitted any evidence of local services or

facilities being under threat and in any case, the proposal is so small scale that any contribution to existing services and facilities is likely to be negligible.

The applicants in the submitted Planning Statement details various engagement activities undertaken by them and states that these and comments from statutory consultees on the previous withdrawn application have informed the current scheme.

The proposal would however fail against criteria iv) and v) because it is neither a rural exceptions site nor has it been agreed through the neighbourhood plan. Overall, therefore based on the above it is considered that the proposal will conflict with policy R1.

Policy SP1 of the LPP2 identifies several criteria (A-H) that need to be satisfied to ensure a sustainable pattern of development within the District.

As there is no identified housing need within this village, the proposal could be considered not to accord with criterion E.

Whilst the site itself is considered to be within the confines of the village it is considered to be harmful to the Conservation Area as it forms part of an area of open space that makes a significant contribution hence will not accord with criterion G.

Overall therefore the proposal is considered to conflict with policy SP1 of the SCLP.

West Haddon is identified in Policy RA2 as a Secondary Service Village. Criterion A is satisfied as the proposal is considered to be within the village confines. There is a conflict with Criteria C iii and iv as the proposal does not protect the form, character and setting of this part of the village but harms an area of open space that makes an important contribution to the form, character and setting of the village as recognised by West Haddon CAAMP. Overall, for the above reasons the proposal will conflict with policy RA2 of the SCLP.

Policy ENV7 aims to conserve and enhance the District's historic environment. The concerns regarding the impact of the proposal on the historic environment and in particular the impact on the character of this part of the open land within West Haddon which are set out in detail under policy S1 of the Core strategy above apply equally to consideration against policy ENV7 and for these reasons the proposal is considered to be contrary to policy ENV7.

Policy ENV10 requires the design to be of a high quality and the criteria set out how this can be achieved which include promoting or reinforcing local distinctiveness, taking account of local building traditions and materials and local context in terms of scale/height/density etc. The proposal appears to be a traditional style dwelling which takes its inspiration from nearby buildings, however, whilst the design of the house incorporates many features of

vernacular architecture, it is considered that it is not appropriate for this particular context.

The design is based on historic examples of cottages in the village which are usually of modest size and sitting at the pavement edge, often with other houses adjoining or arranged very closely to them. The proposed dwelling would sit in relative isolation, would be set slightly back from the street and whilst this amended proposal would sit at the street level in order to reduce its visual impact it is considered due to its size, scale, height and massing it would not be consistent with the historic buildings immediately opposite which generally are more modest in size and scale and hence for these reasons the proposal is considered to conflict with policy ENV10 of SCLP.

West Haddon Neighbourhood Development Plan (NDP) (2016)

The West Haddon NDP (2016) forms part of the development plan. Four policies are considered to be relevant to this proposal:

Policy WH1 supports development proposals subject to a series of landscape design principles, of which a), b) and f) are relevant. In terms of criteria a) and b), the proposal is small scale compared to the size of the settlement. Although it is within the confines, the site is a green open space and the proposal would change the character of the village along the north side of West End. With regards to criterion f), the proposal would be two storeys in height but due to its massing, scale and bulk it would be considered to be out of keeping with the character and appearance of dwellings within the immediate vicinity of the streetscene. Overall, therefore the proposal conflicts with policy WH1.

Policy WH10 supports small scale infill housing development within the confines that would not lead to loss of open green space or an existing community facility. The site is within the confines and whilst it is a relatively small site, it is not strictly speaking an infill site and would lead to loss of green open space.

Policy WH13 is a design policy, of which criteria a) and b) are most relevant to this application. Criterion a) is concerned with the built, historic and natural environment. Concerns regarding the impact of the proposal on the historic environment are set out under consideration of WNJCS policy S1 above. In terms of criterion b), the design and appearance due to its massing, scale and height will have a detrimental impact on the character and distinctiveness of the site within this part of West Haddon and therefore does not accord with policy WH13.

Impact upon the character and appearance of the Conservation Area

A Conservation Area is defined as an "...*area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance*". Section 69 Planning (Listed Buildings and Conservation Areas) Act

1990.

A review of West Haddon's potential for Conservation Area status was undertaken in 2019 as part of the Council's ongoing review of existing Conservation Areas within the Daventry area, and designation of new Conservation Areas where appropriate. The Conservation Area was formally designated in February 2020. The West Haddon Conservation Area Appraisal and Management Plan (CAAMP) was adopted at the same time. This document, which is based upon extensive documentary research and on-site assessment, outlines the special architectural and historic interest of the Conservation Area, including the assessment of the historic development of West Haddon, the analysis of its current spatial form, architectural form, building styles and materials, and examination of the contribution of important open spaces, areas of archaeological potential and views, was informed by several rounds of public consultation. The document was formerly adopted having been approved by the Council's Strategy Committee. It represents the Council's views on what makes West Haddon Conservation Area special.

It should be used to inform the planning process with a view to preserving and enhancing those features and characteristics which contribute to the character and appearance of the Conservation Area.

"Preservation" in the planning context does not mean preventing change and stopping all development. Rather it is about managing change in a way which protects rather than erodes the qualities which make an area special.

The West Haddon CAAMP identifies a number of areas of open space as making a positive contribution to the character and appearance of the Conservation Area. A methodology that was formulated by Historic England has been employed by the council to assess the contribution of open spaces to the West Haddon Conservation Area.

The following factors were taken into account in assessing each area:

1. the historical relationship and function of open space
2. its contribution to the form and structure of the settlement
3. how the open space is experienced and viewed from within the boundary of the Conservation Area
4. what contribution open space makes to understanding the pattern of historic settlements and their relationship to the wider landscape.

Three categories were used to assess the contribution of open space to the West Haddon Conservation Area:

- Open space that makes a significant contribution to the character and appearance of the Conservation Area
- Open space that makes a moderate contribution to the character and appearance of the conservation are
- Open space that makes no or negligible contribution to the character

and appearance of the Conservation Area.

The CAAMP identifies the application site as part of a large area of open ground north of no.30 West End (OS10), which makes a significant contribution to the Conservation Area. It is described as:-

- This land contributes to the peaceful, rural atmosphere of this area of the village and enhances the setting of the historic buildings opposite.
- It enables open views along West End in a north-westerly direction towards two groups of important trees that are covered by Tree Preservation Orders.

The West Haddon CAAMP Management Plan warns that inappropriate development has the potential to erode historic character and harm the character and appearance of the Conservation Area. It is noted that, particularly towards the north end of West End the settlement pattern is less dense and buildings are separated by green open spaces or agricultural fields. These spaces make an important contribution to the character of this part of the Conservation Area and, where possible, should be retained.

The Conservation Area designation is very recent. The character and appearance of the open space OS10, including the application site, has not materially changed since the formal designation and the adoption of the CAAMP in 2020. The application site, which is that part which fronts onto West End, comprises a relatively small section of OS10. A few years prior to the designation of the Conservation Area (c.2017) this site was the subject of extensive clearance works involving removal of a hedgerow that ran along the entire West End frontage on top of the stone wall, and removal of dense ivy growth, which covered the face of the wall. Within the site dense scrubby vegetation and several trees were removed, creating a significantly more open character and appearance, and enhancing views of and across the wider area of what is now OS10 from West End. It is these newly created/revealed features, including two specimen trees and two groups of trees (all now protected by tree preservations orders) and the historic stone boundary wall, that are recognised by the open space designation in the CAAMP. It is therefore reasonable to say that the character and appearance of the application site is consistent with the key characteristics and qualities of open space OS10 and makes a significant contribution to the architectural and historic interest of the Conservation Area.

It is considered any built form on this parcel of land would conflict with the reasons for designating OS10 as significant open space. It would fundamentally change the character and appearance of the site, which would have a detrimental adverse impact on this part of the Conservation Area and would harm the peaceful, tranquil and rural atmosphere of this area of the village of West Haddon. The proposal will therefore be contrary to Policy OS10 West Haddon CAAMP.

Impact on the Character and Appearance of the Locality:

The proposal is for a two storey thatched roofed dwelling with a detached garage that has been designed to be similar to historic dwellings found within the vicinity in terms of the design, appearance and the use of external facing materials being a mixture of stone and render to the walls and the roof being thatched. However, due to the size, bulk, massing and height of the proposed dwelling and garage it is considered that it will detract from the visual amenity of the street scene. Furthermore, the site is considered to be an important piece of open space within this part of the village which affords views of the open countryside beyond the site and it is considered that the open land forms part of an important break in the street scene between 30 West End and Rush House to north of the village. This green open land makes a significant contribution to the rustic nature of this part of the village.

Additionally, due to the siting of the proposal within this important piece of open space the proposed dwelling and garage would be highly visible and considered to be a prominent and incongruous feature within the street scene that will have an adverse effect on the character and appearance of the immediate surrounding and the wider setting of the village of West Haddon. Overall, it is considered that the proposal will conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy, and policies SP1, RA2, ENV7 and ENV10 of the Settlements and Countryside Local Plan, as well as policies within the West Haddon Neighbourhood development Plan and the West Haddon Area Appraisal and Management Plan as well as having regard to the Framework.

Impact on residential amenity:

The proposed dwelling does include first floor side facing windows to a bedroom area and a wc area that will face the neighbouring property, no. 30 West End. However, it is considered that due to the two mature TPO trees that exist in the garden area of this property, the proposed will have little impact with regards to overlooking or loss of privacy and in terms of loss of sun/daylight that would warrant the application to be refused on these grounds.

Furthermore, with regards to the properties to the opposite side of the site, and in particular No.s 45 and 47 West End, it is considered that, whilst these properties have windows to its ground floor and first floor front elevation facing the site and equally the proposed dwelling also incorporates windows to its front elevation to bedroom areas, the relationship is a typical one which provides for an acceptable level of amenity and would not warrant a refusal on overlooking or loss of privacy grounds when assessed against these properties.

Landscaping:

The WNC Landscaping Officer initially raised concerns regarding the new levels being proposed for the dwelling as well as for the proposed detached garage and the two off road parking spaces and the potential impact on the TPO trees and on the tree roots and felt that these issues had not been

sufficiently addressed and the initial plans would conflict with policy ENV1 of SCLP. However, with the submission of the amended plans the Landscape Officer now feels that the TPO Tree roots are now adequately protected and has therefore removed his concerns subject to submission of fencing details around the tree root areas should the application be approved. The proposal therefore complies with policy ENV1 of the SCLP in this respect.

Highway safety and parking:

The proposal utilises the existing access that has been recently created by the applicants' and the proposed development incorporates a double garage within the site with sufficient space for parking a couple of cars and hence it is considered that the number of off-road parking spaces provided are sufficient for the proposed development and furthermore the WNC Highways Authority commented on the proposal and have raised no objections to the original or amended proposal on highway safety grounds.

Environmental Health

WNC Environmental Health Officer commented on this application, however, raised no objections subject to the inclusion of informatives relating to restriction on hours of work during construction amongst other informatives to be included should the application be approved.

Archaeology

WNC Archaeology Department were consulted on the application and have raised no objections subject to a condition relating to the submission of an archaeological programme of works being included in any approval of the application.

Biodiversity

The WNC Ecologist was consulted on the proposal in relation to any adverse impact on the biodiversity on the site and raised no objection.

Financial Considerations

If approved, this property will be liable to pay the Community Infrastructure Levy (CIL) unless the applicant is able to demonstrate a self-build exemption. Provision of a new dwelling at this location would also contribute towards the New Homes Bonus for the Council.

Planning Balance and Conclusion

There have been several applications for residential development on this site and the wider site as listed above that have been refused by the Local Planning Authority or on appeal, by the Secretary of State. The application refused under DA/93/1157 for outline planning permission for the construction of two dwellings was subject to an appeal that was dismissed by a Planning Inspector on the grounds of visual impact on the character and appearance of this part of the village of West Haddon. The previous application for the construction of

a dwelling under DA/2020/0627 that was essentially a similar proposal to the current application albeit at an elevated level that was refused in February 2021 and has not been appealed.

The development as proposed for the detached dwelling and the detached garage on this open space would harm the character and appearance of the area including the West Haddon Conservation Area to which it would result in "less than substantial harm" for the purposes of the NPPF. The site makes a significant contribution to the rustic nature of this part of the village of West Haddon and hence it is considered the proposed development fails to accord with the relevant policies of the development plan as listed and discussed above and as informed by the West Haddon Conservation Area Appraisal and Management Plan.

It is considered that the benefits of the proposal in terms of providing a market house as well as the potential benefits that would be accrued from CIL and the limited social, economic and environmental benefits with regards to the provisions within the NPPF are very limited. It is not considered that those limited benefits would clearly and convincingly outweigh the less than substantial harm to the significance of the Conservation Area which has been identified. The development does not accord with the development plan and it is not considered that there are any material considerations which would indicate a decision contrary to the development plan. It is recommended that the application should be refused.

RECOMMENDATION:

That the application be refused for the following reasons:

It is considered that the proposed two storey thatched dwelling and the detached garage fronting on to the street will have a detrimental impact on the character and appearance of the Conservation Area and in particular of this piece of open space that would fundamentally change its character and appearance of the area due to the loss of the openness of the land and the prominence of the two storey dwelling and the associated double garage. The proposal would therefore conflict with policies S1 and R1 of the West Northamptonshire Joint Strategy, and policies SP1, RA2, ENV7 and ENV10 of the Settlements and Countryside Local Plan as well as policies within the West Haddon Neighbourhood Development Plan and policy OS10 of the West Haddon Area Appraisal and Management Plan as well as having regard to the Framework.

NOTES

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application.

- 2. At all times through the application process the Council has worked positively and proactively with the applicant in seeking a solution as required by paragraphs 186 and 187 of the National Planning Policy Framework. However, the adverse impact of the development would outweigh the benefits of the proposal**

