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## Appeal Decision

Site visit made on 20 September 2016

**by David Troy BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 05 October 2016**

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**Appeal Ref: APP/L2820/W/16/3151973**  
**28 High Street, Burton Latimer, Northants**

- 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 Mrs Amrit Kaur against the decision of Kettering Borough Council.
  - The application Ref KET/2016/0119, dated 9 February 2016, was refused by notice dated 20 May 2016.
  - The development proposed is change of use from staff accommodation and part of restaurant to 4 no. dwellings, single storey rear extension and physical alterations to external elevations.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from staff accommodation and part of restaurant to 4 no. dwellings, single storey rear extension and physical alterations to external elevations at 28 High Street, Burton Latimer, Northants in accordance with the terms of the application, KET/2016/0119, dated 9 February 2016, subject to the conditions in the attached schedule.

### Procedural Matters

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.
3. The Council have confirmed that Policy 13 of the North Northamptonshire Core Spatial Strategy 2008 referred to by the Council in its decision notice has been superseded by Policy 8 in the North Northamptonshire Joint Core Strategy (JCS) which was adopted on 14 July 2016 since the appeal was submitted. The amenity and parking aims of both policies are similar and so neither party has been prejudiced by this change in policy circumstances.

### Main Issues

4. The main issues are whether the proposed development would provide (i) acceptable living conditions for the future occupants of the proposed development and the occupiers of the neighbouring properties with particular regards to private amenity space, overlooking and privacy and (ii) provide satisfactory car parking in the interest of highway safety in the area.
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## **Reasons**

### *Living conditions*

5. The appeal site consists of a traditional two storey building located at the rear of Nos. 26-36 High Street close to the town centre of Burton Latimer. The neighbouring properties which front directly onto High Street generally comprise a dense mix of two-storey residential and commercial terraced properties set in narrow plots, with limited outdoor amenity space and little or no off-street parking. These features give the area a strong unifying character and appearance.
6. The proposal would involve the re-use of the existing building at No. 28 High Street (No. 28) and comprises some external alterations, a single storey extension at the rear of unit 4 and the re-profiling of the small area of land at the rear to form separate garden areas for the four dwellings.
7. The density of the proposed development would be comparable with those of the terraced properties in the surrounding area. The Council has not referred me to any specific requirements for the amount of amenity space, but in my view these areas would provide sufficient space for the type of dwellings proposed in this location. With additional space provided at the side of the building, a separate refuse and cycle storage area is to be provided as part of the development. I consider there is adequate space within the development in order to address the Council's concerns about the refuse arrangements and a condition can be used to ensure that this is provided in accordance with the submitted plans in the interests of highway safety.
8. There are also local objections from some residents on the basis of the effect on their living conditions with regard to overlooking and loss of privacy. However, proposed external alterations on the northern and eastern elevations of the building, high boundary wall along the western boundary of the site and separation distances between proposed dwellings and properties to the west of the site would prevent overlooking and loss of privacy. I also do not consider that the limited use by the future occupants of the access drives from the High Street would cause an unacceptable loss of privacy to the neighbouring properties.
9. Consequently, I conclude that the proposal would not cause significant harm to the living conditions of the future occupiers of the proposed development and the occupiers of the neighbouring properties with particular regards to private amenity space, overlooking and privacy. It would, therefore, accord with Policy 8 of the JCS that seeks to ensure that new development protects the amenities of future occupiers and neighbouring properties and paragraph 17 of the National Planning Policy Framework (the Framework) which seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.

### *Parking arrangements*

10. Policy 8 of the JCS requires development to satisfy a range of place shaping principles, including ensuring satisfactory means of parking, locating development where services and facilities can be easily accessed by public transport, walking and cycling and supporting modal shift and shift away from the use of the private car. This approach is consistent with the Framework

which encourages solutions which reduce congestion and facilitate use of sustainable transport and specifies that local parking standards should take into account the accessibility of a development, type, mix and use of the development, the availability of and opportunities for public transport, local car ownership and an overall need to reduce the use of high-emission vehicles<sup>1</sup>. This is underpinned by the core principle set out in paragraph 17 of the Framework to make the fullest use possible use of public transport, walking and cycling.

11. The Council indicates that no parking is proposed other than the existing garage located between units 3 and 4 in the building. The Local Highway Authority (LHA) have objected to the development stating that the development does not have satisfactory parking provision and that the site would require parking at one space per dwelling. The LHA indicates more detailed information is required as how this can be accommodated locally and a parking beat survey maybe required in the surrounding area. However, I have not been provided with any substantive evidence in this regard nor how the local parking standards seek to be more flexible to development in such an accessible location as advocated in the national guidance in the Framework.
12. I acknowledge the properties along both High Street and the surrounding streets rely on on-street parking and there is likely to be competition for parking spaces at peak periods. However, whilst waiting is restricted on High Street during the day, these restrictions do not apply in the evenings, thereby freeing up space when residents return from work or other daily activities. In any event, the appeal site is located in a sustainable location within easy walking distance of the local services and facilities and public transport services. Consequently, in view of the scale of development and the evidence before me, I consider that the extra demand for on-street parking generated by the development would be relatively small in the context of the overall supply and availability of parking in the area. Therefore, the development would not exacerbate the existing parking difficulties in the area, and hence highway safety, to any significant degree.
13. There are some local objections from Burton Latimer Town Council and some local residents to the access arrangements for traffic and pedestrians entering and leaving the site onto the High Street. The Council's report outlines that two existing vehicular accesses serve the existing building between Nos. 26 and 30 High Street and Nos. 36 and 40. The appellant indicates that the narrow access between Nos. 36 and 40 would form the primary access to the appeal scheme.
14. It was evident from my site visit that the accesses are narrow and restricted. However, I consider that the shared accesses onto this section of High Street are sufficiently safe and suitable to cater for the limited additional traffic movements from the proposal. This section of High Street, with its wide and straight alignment, parking restrictions and speed limit, would allow sufficient visibility for vehicles to enter and leave the site safely and minimise any conflicts between traffic and cyclists or pedestrians. I have no substantive evidence before me that this aspect of the proposal would impact on highway efficiency in this location. Therefore, I consider that the effect is likely to be

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<sup>1</sup> Paragraphs 30 and 39 of the Framework

only marginal and certainly not severe, the test set by the Framework<sup>2</sup> for preventing development on transport grounds.

15. Consequently, I conclude that the development would not conflict with Policy 8 of the JCS and would not have an adverse effect on highway safety in the area. In addition, the development complies with paragraphs 17, 32 and 35 of the Framework that seek to ensure that developments should be located and designed where practical to make the fullest possible use of public transport, walking and cycling and that safe and suitable access to the site can be achieved for all people.

### **Other matters**

16. The appeal sites lies within the Burton Latimer Conservation Area (CA). Special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. The proposal comprises the re-use of the existing building, with external alterations including the removal of the existing conservatory, blocking up some window openings and re-profiling the overgrown parcel of land at the rear to form garden areas. I consider that the appeal scheme, subject to the materials used matching those on the existing building, would make a positive contribution to the appearance of the CA and as such the development would preserve the character and appearance of the CA.
17. A Grade II listed building at No. 32 High Street is located immediately to the east of the site. It is separated from the appeal site by the rear garden and boundary wall of No. 30 and as such there is only limited inter-visibility between the appeal site and the listed building. The proposed external alterations facing the listed building are confined to blocking up some window openings on the eastern elevation of the building. The proposal would have no material impact on the setting of the listed building and as such the setting would therefore be preserved.

### **Conditions**

18. I have had regard to the various planning conditions that have been suggested by the Council in their appeal statement. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty including those details relating to refuse/cycle storage arrangements is appropriate in the interests of highway safety. Those conditions relating to the detailing of the external materials and finishes, window details and the withdrawal of the permitted development rights are appropriate as they would safeguard the amenity of neighbouring properties and the character and appearance of the area. I agree that a condition relating to the submission of a contamination report is appropriate, in the event that unexpected contamination is found at any time, to ensure the issue of contamination is adequately addressed.

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<sup>2</sup> Paragraphs 32 of the Framework

## **Conclusion**

19. For the reasons given above, and having regard to all other matters raised. I conclude that the appeal should be allowed subject to conditions set out in the schedule below.

*David Troy*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan KET/2016/0119/3, Existing Block Plan KET/2016/0119/4, Proposed Block Plan 3112.12.05 A, Existing Elevation and Floor Plans 3112.09.09, Proposed Ground and First Floor Plans 3112.12.10, Proposed Front, Rear and Side Elevation Plans 3112.12.11 A.
- 3) No development shall take place until details of the types and colour of all external facing materials and finishes, roofing and window materials to be used, together with full joinery profiles/sections and samples have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation full window details indicating those windows which are to be obscurely glazed and/or non-opening and the density of obscurity proposed shall be submitted to and approved in writing by the local planning authority. The windows shall be installed as approved and shall thereafter be maintained in that form.
- 5) Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order)(with or without modification), no additional openings or extensions permitted by Classes A, B, C or D of Schedule 2 Part 1 of the Order shall be made in any of the elevations or roof planes of the development hereby approved without the submission of a formal planning application and the granting of planning permission by the local planning authority.
- 6) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the local planning authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination on the site, whether or not it originates on the site. A written report of the findings shall be submitted to and approved in writing by the local planning authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the local planning authority has been given shall development works commence.