

Appeal Decision

Site visit made on 23 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/L2820/W/16/3157391

11-12 Newland Street, Kettering, Northamptonshire NN16 8JH

- 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 PlayNest Ltd against the decision of Kettering Borough Council.
 - The application Ref KET/2016/0321, dated 25 August 2015, was refused by notice dated 19 August 2016.
 - The development proposed is the demolition of 11-12 Newland Street. New building to consist of 2 retail units and 28 flats. Change of use of part of the land from retail to residential
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by PlayNest Ltd against Kettering Borough Council. This application is the subject of a separate Decision.

Main Issues

3. There are two main issues. These are whether the proposed development would:
 - Provide adequate living conditions for future occupiers with specific regard to outlook, provision of communal outdoor amenity space and bin storage; and
 - Make sufficient provision for off street car parking.

Reasons

Living Conditions - Outlook

4. The flats that would be located in the ground floor rear section of the proposed development, (numbers 2, 3, 4, 5 and 6) would each have two bedrooms. Each bedroom would have only one outlook and this would be onto a blank brick wall. Owing to the close proximity and height of the wall it would, in my judgement, represent an enclosed and oppressive outlook for the future occupiers of the flats, even with the large windows proposed.
 5. I note that the appellant intends to have the brick walls these bedrooms would face covered with trellises for climbing plants and, from the indicative photographs provided, also potentially have them painted. Whilst this may
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represent a visual improvement, it would not alter the fact that the walls would be very close and tall. They would still result in a significantly constrained outlook from the proposed flats and I am not persuaded that the suggested mitigation would be effective in addressing this shortcoming.

6. I accept that the living spaces, and in some cases kitchen areas, of the same flats would have an outlook onto communal outdoor areas. This is where some residents may spend the majority of their social time during the day. However, this does not absolve the need to provide for a reasonable standard of outlook from bedrooms which to my mind are as important a part of the habitable space in a given unit of accommodation as the living space.
7. I also accept that the expectation of outlook is different on town centre sites. Nevertheless, this would not be sufficient to justify the proposed development, particularly in light of my findings above and just how poor the outlook from the bedrooms concerned would be.
8. I note the Council's concerns over the outlook from other flats, which would be across service yards and the rears of abutting commercial premises. Whilst I agree that the views from these windows might be less than desirable, they would remain unencumbered and largely open such that there would not be an adverse effect upon outlook

Living Conditions – Communal Outdoor Amenity Space

9. Communal outdoor amenity space would be provided to the south of the proposed building, between the southern elevation and the existing alleyway linking Newland Street with St Andrews Street. The space would follow the shape of the southern elevation and whilst narrow, would be accessible via three communal stairwells. It would include a number of walkways between planted areas.
10. The space would cover, in my view, a reasonable proportion of the appeal site and it would be provided in one single and highly accessible area. Furthermore, the space would act as a successful form of natural surveillance to what is currently an enclosed and somewhat uninviting narrow alleyway which would be of further benefit to the wider area.
11. In addition, there is nothing before me to indicate what the Development Plan's position on what an acceptable minimum area of outdoor amenity space would be. This is, therefore, a matter of judgement for the decision maker.
12. With these factors in mind, I am satisfied that the provision of outdoor space would be acceptable.

Living Conditions – Communal Bin Storage

13. The area of communal bin storage would be located to the far corner of the proposed building, on the rear elevation and thus closest to St Andrews Street. Whilst I note the Council's concern that it would be shoe horned into the area shown, it would be located where it is for practical reasons concerned with collection.
14. Communal bin storage is not uncommon in accommodation laid out in the form of the proposed development and it is often provided in one single space. The storage area is covered and whilst access to it would involve further distance to

travel for some residents than others, this would be via light and airy stairwells and attractive garden spaces. The siting of the communal bin storage would not therefore be to the detriment of the living conditions of residents.

Living Conditions – Conclusion

15. I have found that the proposed development would provide adequate living conditions for future occupiers in relation to the amount of outdoor space and the use and siting of communal bin storage. It would nevertheless be harmful in respect of the poor standard of outlook, mainly in respect of the bedrooms to the ground floor units that would face north.
16. It is for this reason that the proposed development would fail to comply with Policies 1 and 8 of the Core Strategy¹. These Policies seek to ensure that, amongst other things and along with one of the core principles of the Framework² development should protect the amenities of existing and future occupiers of land and buildings and complies with the Development Plan.

Off Street Parking

17. The proposed development would provide for 28 self-contained flats with three off street parking spaces. The spaces would be provided to the rear of the proposed building, accessible via St Andrews Street. Secure cycle storage would be provided for 30 cycles.
18. Policy 6 of the Area Action Plan³ states that low or zero parking may be acceptable on sites in close proximity to services, amenities and public transport, where it can be demonstrated that, amongst other things, sustainable travel alternatives are accessible. It goes on to state that proposals for 15 or more dwellings will include at least one parking space for a car club or car share vehicle. In addition, all residential developments will provide a minimum of 1 secure cycle storage space per unit.
19. The Development Plan does not specify a further threshold above 15 units for the provision of additional parking spaces. Nor does it imply that the greater the number of units, the more spaces should be provided.
20. It is not in doubt that the proposed development would be centrally located in the town centre. The town centre has a very wide range of services as well as the central bus interchange which would be directly accessible on foot from the proposed development. In addition, secure cycle storage would be an integral part of the proposed building. Both the number of cycle storage spaces and the number of car parking spaces would be, when compared against Policy requirements, over supplied. Although the appellant has indicated that the three spaces would be for dropping off or short term parking, there is no reason why at least one could not be a dedicated space for a car club or share vehicle and secured as such by condition.
21. I have not been provided with any compelling evidence to demonstrate that there are on street parking problems in the vicinity of the proposed development to any notable degree. In any event, on street parking locally, being in the town centre, is controlled via permit and limited waiting

¹ North Northamptonshire Joint Core Strategy 2011-2031, adopted July 2016

² The National Planning Policy Framework 2012

³ Kettering Borough Council Town Centre Area Action Plan 2011

arrangements. I am also mindful that there are no objections to the proposed development from the Highway Authority.

22. It therefore seems clear to me that every reasonable effort would be made to encourage residents to access local services via sustainable means and moreover provide for sufficient off street parking in this context. The proposed development would therefore, with respect to this particular issue, be in accordance with Policy 8 of the Core Strategy and Policy 6 of the Area Action Plan. These Policies seek to ensure that, amongst other things and along with the Framework, new development makes adequate provision for and has good access to sustainable modes of transport and integrates well with the local transport network.

Other Matters

23. My attention has been drawn to another flatted development, Signal House, in Kettering. The appellant suggests that the density of development on the appeal site is comparable to it and, thus, appropriate. However, regard must also be had to the site context rather than solely to the simple application of a density calculation. There is no suggestion that the flats in Signal House have a significantly constrained outlook arising from the density of development on that site and I do not consider that it sets any particular precedent for the proposed development.

Overall Conclusion

24. The proposed development would provide for sufficient communal outdoor amenity space, bin storage and off street car parking. However, these findings are not sufficient to outweigh the harm that I have found in relation to outlook.
25. Having regard to this and all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR