

Appeal Decision

Site visit carried out on 4 January 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/L2820/W/16/3160336

Land at 48 Nunnery Avenue, Rothwell, Northants NN14 6JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Lee against the decision of Kettering Borough Council.
 - The application No KET/2016/0367, dated 11 May 2016, was refused by a notice dated 14 July 2016.
 - The development proposed is a detached house.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Procedural Matters

2. The officer's report and subsequent Decision Notice refer to policies in both the North Northamptonshire Core Spatial Strategy (2008) and the emerging North Northamptonshire Joint Core Strategy (2011-2031). Since then, however, the Joint Core Strategy has been adopted (16 July 2016) replacing the earlier Core Spatial Strategy. It is the policies in the latter document, therefore, to which I have had regard.

Main Issues

3. These relate to the effect of the development proposed on the character and appearance of the area; whether, having regard to amenity space provision, acceptable living conditions would be provided for existing and future occupiers; the effect on the living conditions of adjoining occupiers in relation to privacy and outlook; and the effect on highway safety

Reasons

Character and Appearance

4. The appeal property is a two-storey semi-detached dwelling that occupies a triangular plot at the junction of Nunnery Avenue with Greening Road, sharing an angled side boundary with No 25 Greening Road.
 5. I saw that there is a degree of regularity to the pattern and layout of development in the immediate area. The properties along this side of Nunnery Avenue, which are either semi-detached or comprise short terraces of four properties, are sited behind a clear building line. Each semi-detached dwelling and end of terrace dwelling has a single storey flat roofed outbuilding attached to it which, other than on corner properties, is attached to the outbuilding of the adjacent property. Those houses adjacent to the road junctions (Nunnery
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Avenue /Greening Road and one side of the Tennyson Road /Nunnery Avenue junction) have triangular plots with a wide road frontage but small triangular rear garden areas. Although not symmetrical, the open, undeveloped corners at the junction of Nunnery Avenue with Greening Road (undeveloped in that they are free from substantial built development) are an integral part of the established character of this estate, providing a sense of spaciousness.

6. A single garage has been erected to the side of the single storey outbuilding on the triangular appeal site. It is proposed to demolish the garage and to erect a detached two-storey two-bedroom dwelling which would, in effect, halve the site frontage of the host property.
7. Due to the physical constraints of the appeal site, the dwelling would be close to the site boundaries, in very close proximity to neighbouring properties (48 Nunnery Avenue to the east and 25 Greening Road to the north) and set forward of the established building line on Nunnery Avenue, coming to within approximately 3 metres of the back of the footway. I am in no doubt, in this regard, that the dwelling would comprise a visibly cramped form of development, appearing as an unduly prominent and incongruous feature in the street scene that would fail to respond to the established pattern of development in the locality with consequent harm to the character and appearance of the area. There would be conflict, therefore, with policy 8(d)(i) of the Joint Core Strategy, which requires that new development should respond to its immediate and wider context and local character. There would be conflict too, with the National Planning Policy Framework (the Framework) which, among other things, seeks to ensure that developments are visually attractive, add to the overall quality of an area and create attractive places to live.

Living Conditions

Amenity Space

8. The development proposed would more than halve the already restricted amenity space available for occupiers of the host dwelling, who would be left just with a small triangular area at the rear of the property. I consider that the space available would fall below what might reasonably be considered as providing sufficient outdoor private amenity space for occupiers of a property of this size. I recognise, however, that that is the choice of the current occupier in promoting the planning application.
9. However, in relation to the extent of private amenity space for the dwelling proposed, whilst the appellant suggests that future occupants of the dwelling would be a retired couple who would not require a large garden, the submitted plans show a two bedroom property. As such, I see no reason why it could not be occupied as a small family dwelling and thus should be provided with appropriate outdoor amenity space.
10. The available space would be extremely limited, shown as a small patio area to the rear, with the rest comprising an irregularly shaped area sandwiched, in the main, between the forwardmost part of the angled boundary with 25 Greening Road and a proposed parking space. Quite apart from the limited quantum of space that would be available, its contrived shape and the location of much of it adjacent to the public highway, albeit enclosed by close boarded fencing, means that it is unlikely to provide sufficient useable space of suitable

quality. Future occupiers would, therefore, suffer unacceptable living conditions in this regard.

Privacy and Outlook

11. As noted above, the appeal site shares a boundary with No 25 Greening Road. The first floor rear facing bedroom window to the dwelling proposed would, at its nearest, be located approximately 2 metres from the small rear garden to the adjacent property. In such close proximity, there would be direct views into the rear garden, materially reducing the privacy of occupiers of that property. In addition, the siting of a dwelling, so close to the shared boundary, on what are already very constrained plots, would have an overwhelming visual impact when seen from the rear garden of the adjacent property.
12. The harms that I have identified above bring the development into conflict with policy 8(e)(i) of the Joint Core Strategy which, among other things, seeks to ensure that neighbouring and future occupiers are provided with acceptable living conditions, and with one of the core planning principles of the Framework, namely that planning should always seek to secure a good standard of amenity for existing and future occupants.

Highway Safety

13. The submitted plans show a parking space for one vehicle within the site, measuring 2.5 metres wide by 5.5 metres in length to the back of the adjacent footway.¹ In part, the parking space would abut the side wall of the proposed dwelling. I am advised that the Council's guidance on such matters² requires parking spaces adjacent to walls to have a minimum width of 3.3 metres and a depth of 6 metres, to allow for the safe exiting of vehicles clear of the highway. I also understand that the guidance seeks to ensure that new vehicular accesses are no less than 10 metres from the give way line of an adjacent junction. The Council indicates that there is insufficient space to comply with that requirement in relation to the junction of Nunnery Avenue with Greening Road.
14. Given the shortcomings set out above, I am not persuaded, on the basis of the evidence before me, that the access and parking arrangement proposed would be conducive to highway safety. There would be conflict, therefore, with policy 8(b)(ii) of the Joint Core Strategy, which resists development that would prejudice highway safety.
15. The appellant suggests that the proposed parking and access arrangement could be altered, with the whole of the area in front of the proposed dwelling used for parking, or by increasing the width of the proposed parking space. However, I am required to determine the appeal on the basis of the plans as submitted. In any event, the suggested alterations could have adverse implications in terms of character and appearance and would further reduce the amenity space available for future residents.

Other Matters

16. In addition to the street light in front of the appeal site, which is shown on the application plans, there is a street tree within the footway. Had the proposal

¹ Measurements taken from the officer's report.

² Local Highway Authority Standing Advice (June 2016)

been acceptable in all other regards, I would have required further information as to the precise relationship of that tree to the proposed vehicular access.

Conclusion

17. I recognise that the appeal site is located within an established residential area and that there is no 'in principle' objection to the development proposed. However, I have found material harm in terms of character and appearance, living conditions for adjoining and future occupiers, and highway safety. As such, the development would not accord with the development plan. I note that the property has been designed to include a ground floor wet room for disabled person use, with space within the lounge for a lift, if necessary, in the future. However, there is no suggestion of any personal circumstances to be taken into account in this case. In any event, whilst exceptionally, personal circumstances may be material to the consideration of a planning application, they will seldom outweigh more general planning considerations, particularly where proposals are of a permanent nature and will remain long after such personal circumstances have ceased to be material. On balance, I find that the proposal does not amount to sustainable development and therefore does not benefit from the presumption in favour of such as set out in the Framework. Thus, for the reasons set out above, I conclude that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR