
Appeal Decision

Site visit made on 14 February 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 14th Mar 2017

Appeal Ref: APP/L2820/W/16/3162461
8 Bridle Road, Burton Latimer NN15 5QP

- 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 D Smith against the decision of Kettering Borough Council.
 - The application Ref KET/2016/0557, dated 1 August 2016, was refused by notice dated 22 September 2016.
 - The development proposed is 4No Residential Dwellings (2No Single Storey & 2No One-and-a-half Storey) including access, parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for 4No Residential Dwellings (2No Single Storey & 2No One-and-a-half Storey) including access, parking and amenity space at 8 Bridle Road, Burton Latimer NN15 5QP in accordance with the terms of the application, Ref KET/2016/0557, dated 1 August 2016, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect on the character and appearance of the area.

Procedural Matters

3. Outline planning permission has been granted on appeal¹ for the development of 4 dwellings at 8 Bridle Road, which includes the current appeal site. This previous appeal proposal included the demolition and replacement of the bungalow at the entrance to the site.
4. The Council has also drawn my attention to a recent planning approval² for 3 bungalows on the site. I have been provided with a drawing³ which includes a 'Proposed Site Plan and Access Detail' showing 3 bungalows, 2 of which appear to include dormers on their roofs.
5. In comparison to these previous decisions, the current proposal would result in the provision of a total of 4 dwellings on the appeal site as well as the retention of the bungalow at the site entrance. I note from the submitted drawings that

¹ Appeal decision Ref APP/L2820/A/14/2217863, dated 18 August 2014

² Ref. KET/2016/0714

³ Drawing No: 16-016-20 Rev B

it is proposed to undertake works to the existing bungalow and garage under a separate planning permission⁴.

Reasons

6. The site consists of an extensive and elongated garden area to the rear of 4-8 Bridle Road. At the time of my visit, the site had been largely cleared of vegetation and internal boundary features. The properties to either side of the appeal site also consist of extensive gardens to the rear of dwellings.
7. The Council state that the recent planning approval for 3 dwellings on the site would result in an acceptably spacious form of development on this backland site. They state that, in comparison, the current appeal proposal for 4 dwellings would lead to notably more harm to the visual amenity of the area than that already approved.
8. I saw that the appeal site is located in a residential area which contains a mixture of dwelling types and layouts. I have had regard to the 'Areas and Density Comparisons' plan provided by the appellant which shows that the proposal would have a lower plot density than other identified housing areas in the immediate vicinity.
9. In response, the Council contend that the identified housing areas are part of linear street frontages where higher densities may be part of an acceptable residential development pattern. They go on to state that the current proposal is on a backland site which, together with adjacent gardens, contributes to the open and verdant character of the area.
10. However, whilst the proposal would result in an increase in site density above that already permitted, the limited bulk and massing of the individual dwellings as well as the provision of suitable landscaping and amenity areas around them would ameliorate any impact arising from the proposed increase in density. Furthermore, the proposal would be of a lower density than other areas of housing in the locality as demonstrated by the comparison exercise undertaken by the appellant. Within the context of the varied character of this residential area and in comparison to the fallback position of the 3 dwellings with extant permission, I do not consider that the proposal would appear to be inappropriately constrained or overdeveloped. On this basis, I consider that the proposal would be compatible with its backland location and the prevailing character of this residential area.
11. I therefore conclude that the development would not harm the character and appearance of the area and therefore complies with Policies 8 and 11 of the North Northamptonshire Joint Core Strategy (2016). The proposal would also comply with the provisions of the National Planning Policy Framework in respect of requiring good design.

Other Matters

12. I acknowledge that higher site densities on enclosed backland sites can have a resultant impact on the amenity of residents of dwellings within the site in terms of separation distances and amenity areas. However, the dwellings have been designed and arranged to minimise overlooking between windows and provide a suitable outlook to main habitable rooms. Furthermore, whilst there

⁴ Reference KET/2016/0256

would be some blank gables or elevations with limited visual interest, particularly on plots 1 and 4, I consider that these would not lead to a sterile or oppressive environment due to the limited height of the dwellings, the varied arrangement and the landscaped amenity areas.

13. I have had regard to the objections raised in relation to the proposal. In relation to highways issues I consider that, compared to the extant planning permission, an increase of one dwelling would not result in severe adverse harm to highway safety. Similarly, the proposal would not significantly increase impacts on wildlife, noise and light pollution in comparison to the extant permission. The issue of the previous removal of trees from the site is not a matter for this appeal, however a condition in relation to landscaping would address new tree planting.
14. In relation to privacy and overlooking, I note that the Council state that there would be approximately a 25m separation distance between the dwellings on Plots 2 and 3 and the rear of Sandpiper Close, and I consider that this would ensure that there would not be an undue effect on the living conditions of residents.

Conditions

15. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. As a result, I have amended some of them for clarity.
16. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. Conditions in relation to the submission of details of materials, architectural detailing, boundary treatment and landscaping prior to the commencement of development are required in the interests of character and appearance.
17. I have attached a condition requiring a land contamination assessment and mitigation if deemed necessary in order to afford protection to human health and the environment. A condition in relation to archaeological investigation and work is required in the interests of conserving the historic environment.
18. A condition requiring the submission of a scheme of surface and waste water drainage prior to the commencement of development is appropriate in the interests of proper site drainage. A condition requiring details of floor levels is required in the interests of living conditions of neighbouring residents and the character and appearance of the area.
19. Conditions relating to the provision of car parking, the junction with the highway and the protection of sight lines are required in the interests of highway safety. A Construction Method Statement addressing (amongst other things) the control hours of construction and wheel washing facilities is required prior to the commencement of development to protect the living conditions of nearby residents during the site construction period.
20. It is appropriate to remove permitted development rights in exceptional circumstances and in this case, due to the constraints of the site and proximity of Plots 1 and 4 to surrounding properties, further buildings, structures etc. could compromise the privacy and living conditions of occupiers.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cross

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: Drawing Nos 16-016-15, 16-016-16, 16-016-17, 16-016-18.
- 3) No development shall take place until details of all external facing and roofing materials; windows and doors (and their surrounds); verges; eaves and rainwater goods have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the boundary walls/fences have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 6) No development shall take place until a programme of archaeological work consisting of a Written Scheme of Investigation and a timetable for that work (including the submission of an archaeological report) shall have been submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

- 7) None of the dwellings hereby permitted shall be occupied until works for the disposal of surface water and waste water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 8) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 9) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) species, planting sizes, spacing and numbers of trees;
 - ii) vehicle and pedestrian access and circulation areas;
 - iii) hard surfacing materials;
 - iv) an implementation programme;
 - v) a scheme for management and/or maintenance, including timescales.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with the approved scheme of management and/or maintenance.

- 10) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 16-016-15 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 11) Development shall not take place until details of the junction (including access gradients and sight lines) between the proposed "new access" road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 12) No shrubs, trees or other vegetation shall be allowed to grow above 0.6 metres in height within the sight lines referred to in condition 11.
- 13) No structure or erection exceeding 0.6 metres in height shall be placed within the sight lines referred to in condition 11.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) wheel washing facilities or other measures to prevent spoil or mud being deposited on the public highway from vehicles leaving the site;

ii) hours of construction and other works, including deliveries and work undertaken by contractors or sub-contractors.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building, structure or other alteration permitted by Class B of Part 1 of Schedule 2 of the Order shall be erected on Plots 1 and 4 other than those expressly authorised by this permission.