
Appeal Decision

Site visit made on 9 May 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/L2820/W/16/3163015

Land adjacent 4 Pinewood Close, Kettering NN16 9BQ

- 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 S Mutch against the decision of Kettering Borough Council.
 - The application Ref KET/2016/0555, dated 3 August 2016, was refused by notice dated 29 September 2016.
 - The development proposed is a 1 Bed Detached Bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address used in my decision is based on that given in the application. However, I have included the words 'land adjacent' to more accurately describe the location of the site. This is in accordance with the address given on the appeal form.
3. My site visit was originally to be unaccompanied. However, due to the existence of high fencing around the site, and to enable me to fully assess the effects of the proposal, I arranged to gain access to the site.

Main Issues

4. The main issues are:
 - (a) the effect of the proposed development on the character and appearance of the site and the surrounding area;
 - (b) whether the proposed development would provide satisfactory living conditions for its future occupiers and those of neighbouring dwellings; and
 - (c) the effect of the proposed development on highway safety.

Reasons

Character and appearance

5. The appeal site comprises a small, roughly triangular area of land next to the short cul de sac of Pinewood Close, which forms part of a large, established housing estate. Neighbouring properties include the bungalow of 4 Pinewood Close immediately to the north east, and the 2 storey houses of 117, 119 and 121 Pennine Way to the north west. Although the side garden of 121 Pennine
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Way is enclosed by a hedge which runs alongside the footway on Pinewood Close, the area as a whole has an open and spacious character.

6. The new bungalow would be single storey and have a front elevation which would align with that of the existing bungalow at number 4. It would occupy, according to the appellant, about 23% of its plot and its design, massing and materials would broadly reflect those of number 4 and other bungalows in the area. However, due to its siting in relation to the curvature of Pinewood Close, the front corner of the new bungalow would project very close to the highway. Its garden areas, particularly that to the rear, would all be of limited size. Some of the area between the bungalow and Pinewood Close would need to be enclosed by high fencing or other means of enclosure to enable the provision of sufficient private space for the property.
7. I accept that the existing hedging alongside 121 Pennine Way provides some visual enclosure immediately to the west of the appeal site, and that a garage in that property is also close to Pinewood Close. The openness of the appeal site is also currently affected by fencing which has been erected within it. However, the proposed development would, having regard to my earlier points, appear very cramped within its plot, to an extent which would substantially compromise the openness of the area.
8. Taking account of all these factors, the proposed bungalow would cause material harm to the character and appearance of the site and the surrounding area. Its approval would conflict with the relevant provisions of policy 8(d) of the North Northamptonshire Joint Core Strategy (JCS) 2016 and the National Planning Policy Framework (the 'Framework').

Living conditions

9. The Council's concerns relating to this issue include the effects of the proposal on the living conditions of occupiers of 117-121(odds) Pennine Way and 4 Pinewood Close.
10. The parties have identified that the 2 storey houses at 117-121 (odds) Pennine Way have rear gardens which are about 10-12 metres long. These properties are set at a lower ground level than the appeal site, and are separated from it by fencing. However, first floor rear windows in numbers 117-121, which provide a primary source of outlook, are at a higher level than the fencing and directly overlook the site.
11. Furthermore, the proposed living/dining room of the bungalow would have a large set of glazed doors and side panes facing towards the rear of, and very close to the boundary with, numbers 117-121. Whilst these doors would not provide the only source of outlook from this room, there would be direct views between them and the facing first floor windows in numbers 117-121. The first floor windows at numbers 117-121 would also collectively overlook a substantial part of the garden of the proposed dwelling. Due to the restricted size of the plot there would only be limited scope to provide higher boundary screening without causing an unacceptably oppressive visual effect.
12. I accept that, due to the boundary fencing and the low height of the proposed bungalow, the proposal would not cause overlooking of neighbouring gardens. The proposed bungalow, due to its position and design, would not cause substantial loss of light within number 4 Pinewood Close or its rear garden. I

also note that the proposal would provide about 115 square metres of garden space excluding access paths, the parking area and small landscape areas to the front. However, these points do not outweigh my concerns set out above.

13. I conclude that the proposal would not provide satisfactory living conditions for its future occupiers in respect of privacy, and would cause material harm to the privacy of occupiers of numbers 117-121 (odds) Pennine Way. Its approval would conflict with the provisions of policy 8(e) of the JCS and the Framework related to this issue.

Highway safety

14. The proposed bungalow would be served by a single car space. The Council has accepted, and I agree that this would be sufficient in quantitative terms to meet the needs of the development. I also agree that visibility from the drive would be fairly extensive in both directions and that traffic speeds in Pinewood Close are likely to be low.
15. However, the acute angle at which the drive would run off the highway would mean that drivers would need to undertake more complex reversing movements than would otherwise be the case to enter or leave the drive. This would lead to an enhanced scope for accidents for example when young children are passing. Whilst the Northamptonshire Parking Standards Supplementary Planning Document 2016 does not require driveways to be at or close to right angles to the highway, this does not outweigh my concerns in this regard. Although the appellant has indicated a willingness to re-align the orientation of the proposed access this would require a change to the submitted plan which does not form part of the proposal which is before me.
16. Having regard to the factors set out above, the proposed development would cause harm to highway safety. Whilst this harm would be limited it would cause a degree of conflict with the provisions of policy 8(b) of the JCS related to this matter.

Other Considerations

17. By providing one additional dwelling the proposal would contribute, albeit modestly, to the Government's objective, set out in paragraph 47 of the Framework of boosting significantly the supply of housing. It would also do so in an established residential area in a Growth Town, in which policy 29 of the JCS encourages the provision of new housing. However, there is only limited information before me concerning the supply of and need for land for housing development in the area. The benefits of the proposal in this regard, including its accordance with the locational policies of the JCS, also need to be balanced against the harm that I have identified earlier.
18. I accept that no objections to the appeal proposal have, to my knowledge, been submitted by occupiers of nearby dwellings. However, this does not mean that the proposal would not cause harm.
19. I have noted the appellant's references to various paragraphs of the Framework and have taken these into account in my findings.

Overall planning balance and conclusions

20. I have found that the proposal would cause material harm to the character and appearance of the site and the surrounding area. It would also fail to provide satisfactory living conditions for its future occupiers, and would cause harm to the living conditions of occupiers of nearby dwellings. Finally, it would cause limited harm to highway safety. Given the resultant conflict with development plan policies these findings carry substantial cumulative weight against allowing the appeal.
21. In support of the proposal I have found that it would make a modest contribution to housing land supply in a designated Growth Town. However, the proposal would lead to no other substantive benefits. I conclude that the benefits that would result from allowing the appeal would be significantly and demonstrably outweighed by the harm that would be caused. The proposal would also fail to accord with the development plan as a whole or constitute sustainable development in the terms of the Framework.
22. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR