



Appeal Decision

Site visit made on 26 June 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 25 July 2017

Appeal Ref: APP/L2820/W/17/3171304
163 Beatrice Road, Kettering NN16 9QR

- 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 R.S. Assets Ltd and S. Wilkinson against the decision of Kettering Borough Council.
 - The application Ref KET/2016/0740, dated 17 October 2016, was refused by notice dated 5 January 2017.
 - The development proposed is the demolition of the existing bungalow and double garage. Construction of 7 one bedroom flats and 1 two bedroom flat with parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural matter

2. In a letter dated 17 February 2017 the appellants refer at paragraph 10 to Local Plan for Kettering Borough Policy 118, and in the conclusion, to Policies 13 (h), 13(l) and 13(d). However, I have not been provided with those policies, and in an email dated 6 July 2017 the Council states that they are not saved Local Plan policies, nor do they form part of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) ('JCS'). I have therefore had no further regard to them, although I have considered the issue of character and appearance which the appellants state is amongst the matters they address.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of nearby residential occupiers, and whether the occupants of the proposed flats would experience satisfactory living conditions.

Reasons

Character and appearance

4. Beatrice Road is a predominantly residential street, interspersed with some other uses. The dwellings are overwhelmingly either detached, or arranged in semi-detached pairs. The buildings display considerable variety in terms of

their height and style, with some bungalows sited between the mainly two storey dwellings. The varied height of the buildings, and the gaps between them, which are sometimes above ground floor level, assists in breaking up the road's built form. Those characteristics, together with the dwellings' set back behind the wide highway, give a sense of spaciousness in the streetscene. As many of the dwellings close to the appeal site have large, mainly undeveloped rear gardens, that spaciousness continues in more private views to the rear.

5. The bungalow and attached double garage at No. 163 sit between two storey dwellings, on a comparatively wide plot, with trees and landscaping to the rear. Viewed from Beatrice Road, the proposed building would respect the height of its immediate neighbours, particularly No. 159, whose ridgeline it would match. It would also incorporate appropriate local design features such as double height bay windows, and a low front boundary wall.
6. However, the building would virtually abut No. 159, and its two storey form would extend across most of the plot's width. Although it would have a slightly recessed and set down central section, and a hipped roof adjacent to No. 169, that would result in a long, virtually unbroken run of two storey development. In my view, that would jar conspicuously with the established grain and pattern of more intermittent and spacious development in the road.
7. Where they have off-road parking, I observed that the dwellings on Beatrice Road typically have integral garages, or short driveways to the side, sometimes leading to a garage offset to one side at the rear. That leaves their largely undeveloped rear gardens generally landscaped and tranquil. Although there is an access to the east of No. 175 which leads to a row of garages, that site is adjacent to a commercial property on the junction with Hallwood Road, and the arrangement is not typical of Beatrice Road.
8. This scheme would have a 'drive-under' leading to a rear parking area, with a small structure housing cycle and bin storage facilities. Given the varied style of nearby buildings, that drive-under would not harm the streetscene. However, the driveway, parking area, and storage facilities would take up much of the rear of the site, leaving limited space for landscaping. That layout would be out of keeping with the area. A condition requiring details of surfacing materials to be agreed would not address that harm.
9. Although the appellants have referred me to other flatted development in Kettering, some with a drive-under or rear courtyard, many of those examples are some distance from this site. With regards Knoll Court, the mix and pattern of development on Reservoir Road is significantly different from Beatrice Road. Consequently those examples do not alter my conclusions regarding the harm that would be caused here.
10. For the above reasons, the scheme would significantly harm the streetscene, and the local area's character and appearance. Consequently, although it would contribute towards a street 'continuously enclosed by buildings', as promoted by JCS Policy 8 part b), it would conflict with part d) of that policy which requires development to create a distinctive local character by responding to a site's immediate and wider context. It would also conflict with the National Planning Policy Framework ('Framework') requirement to promote or reinforce local distinctiveness, and, at paragraph 17, to take account of the character of different areas.

Living conditions

11. The proposed building would extend beyond the rear of No. 169. Although it would have a greater height and scale than the bungalow it would replace, its roof on that side would be hipped, and the rearmost section of it would have a low eaves height. The nearest rear-facing habitable room windows at No. 169 are set in from the boundary, and have an outlook down that property's long garden. Consequently, the scheme would not have a harmful overbearing impact on those occupants.
12. The appeal statement and a letter dated 6 March 2017 from Sharon Wilkinson reference historic, existing or proposed non-residential uses in Beatrice Road and elsewhere in Kettering. However, I agree with the broad description of Beatrice Road in the Design and Access Statement as a quiet, residential area.
13. As a result of the proposed access and parking area there would be vehicular movements, closing of car doors, people accessing the building, and the collection and depositing of refuse, to the rear of the site and close to its boundaries. Those, and other associated activities, would introduce significant noise and disturbance, which could be into the evening, into areas adjacent to the rear gardens of neighbouring properties, particularly No. 169, where the occupants could reasonably expect a significant degree of peace and quiet.
14. The appellants state that the existing four bedroom bungalow could have up to 8 occupants. Together with a lapsed consent for a dwelling on this site, they maintain that up to 14 people could be living here, which could be comparable to the number of occupants in this scheme, and result in similar comings and goings.
15. However, even if a new planning permission were to be granted for an additional dwelling on the site, in my judgement and based on the available evidence, the noise and disturbance associated with two households would not be comparable to that generated by eight independently occupied flats with a rear access and car park.
16. The appellants also refer to old maps showing an access leading to six garages and hardstanding to the rear of the site. However, some of that has been removed, and there is currently no rear vehicular access. That historic use and layout, which is evidenced by photographs, has little bearing on this scheme's impact on the living conditions currently experienced by local residents.
17. As the scheme would be set back from the road, and would face No. 98 across the wide highway, its relationship with that dwelling would be broadly consistent with other opposing properties in Beatrice Road. It would not therefore cause a harmful degree of overlooking of those occupants; and with due regard to the sun's trajectory, it would not have an overshadowing effect.
18. The Council calculates that the rear parking area would be approximately 7.5m from the proposed building. However, there would be an area of landscaping in between, and flat 3, which would be closest to the vehicular access at ground floor, would have its bedroom to the front. Given that flats often have some shared space, the occupants could not reasonably expect the same degree of privacy and quiet as the occupants of dwellings. Consequently, I am satisfied that the future occupants of the proposed flats would not experience such significant noise and disturbance as to result in unsatisfactory living conditions.

19. However, for the above reasons, the scheme would have a significant harmful effect on the living conditions at No. 169 Beatrice Road, and, to a lesser extent, the living conditions of other occupants whose properties abut the site. As a result, it would conflict with that part of JCS Policy 8 part e) which states that development should not have an unacceptable impact on neighbouring occupiers' amenities by reason of matters including noise. It would also conflict the Framework's requirement to provide a good standard of amenity.

Other matters

20. The appellants refer at paragraph 2.6 of their statement to an allowed appeal at No. 159 which included a semi-detached extension for use as an HMO. However, from the evidence before me, including drawing no. 2016/44/132 Rev B, the design and other impacts of that scheme, which I understand had no on-site parking, would be materially different from this proposal.
21. In its favour, the scheme would provide additional housing, as promoted by the Housing Strategy 2015-2020, in a sustainable location, making use of previously developed land. It would be relatively affordable one and two bedroom units, for which the Strategic Housing Market Assessment 2015 identifies a particular need. I have no reason to doubt that the scheme would be well-insulated and energy efficient, or that it would adhere to the principles of Secured by Design. There would be economic benefits during construction and from the inhabitants' use of local facilities. In those regards it would accord with development plan and Framework policies, including the promotion of mixed communities and varied neighbourhoods which meet local needs in JCS Policy 8 part c). Those are benefits which weigh in the scheme's favour.
22. The appellants refer to the absence of objections from immediate neighbours, and to the relatively few objections the scheme attracted. Whilst the proposal was recommended for approval, planning authorities are not bound to accept the recommendations of their Officers, and although the appellants express their dissatisfaction with the Council's handling of the application, I have dealt with the scheme before me on its merits.

Conclusions

23. The scheme would significantly harm the character and appearance of the area, and the living conditions of neighbouring occupiers, particularly at No. 169 Beatrice Road. Although it would deliver various benefits, they do not outweigh those harms, and it would conflict with the development plan when considered as a whole.
24. Applying Framework paragraph 7, although the scheme would contribute to the economic and social dimensions of sustainable development, given the environmental harm it would cause to the local area's character and appearance, and to living conditions, it would not fully satisfy all three dimensions, and it would not benefit from the Framework's presumption in favour of sustainable development. For those reasons, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR