
Appeal Decision

Site visit made on 31 July 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 18th August 2017

Appeal Ref: APP/L2820/D/17/3177171

6 Waverley Road, Kettering, Northants NN15 6NT

- 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 A DiFante against the decision of Kettering Borough Council.
 - The application Ref KET/2017/0145, dated 24 February 2017, was refused by notice dated 24 April 2017.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development a) on the character and appearance of the area and b) on the living conditions of the occupiers of 4 and 8 Waverley Road (No 4 and No 8) with regard to light and outlook.

Reasons

Living Conditions

3. No 4 has several windows in its side elevation facing the appeal dwelling. Of these, the only window currently unaffected to any significant degree by the side elevation of No 6 is that to the kitchen. Although its outlook is partly obscured by No 6's single storey extension, there is still sight of the sky from it and, at the time of my mid-morning site visit, the sun was shining into the window. Similarly, No 4's rear conservatory was receiving a considerable amount of sunlight through its side, glass, elevation.
4. Given its height, extent and proximity to No 4, the appeal proposal could not fail to cut out both daylight and sunlight to No 4's kitchen window or to interfere significantly with its outlook. Indeed, it would be oppressive upon the latter. Similarly, although the outlook from No 4's conservatory, due to its obscure glazing in its side elevation, may not be affected to a large degree by the two storey aspect of the appeal proposal, there would be a considerable, harmful, loss of sunlight and some loss of daylight to it.
5. It may be that No 4 has had a single-storey rear extension approved, which may extend out beyond the appeal proposal. There is not, however, any

- guarantee that this will be built. Even if it were, it would not alter the adverse impacts of the appeal scheme upon the kitchen window at No 4.
6. The windows in the rear elevation of No 8, at first floor level, appeared to be to bedrooms. The outlook from them is unencumbered, across the verdant rear gardens of neighbouring dwellings.
 7. The impact of the appeal proposal would be the introduction of a blank wall, and roofscape above it, extending out well beyond the rear elevation of No 6, in close proximity to these windows. It would be an intrusive feature in the outlook from both first floor rear windows to No 8. This would be significantly so in the case of the nearest window to it, appearing as an oppressive and alien feature. Although sunlight to the windows would be largely unaffected, there would be, inevitably, some loss of daylight to that nearest the proposal.
 8. I conclude that the appeal proposal would have an adverse impact on the living conditions of the occupiers of 4 and 8 Waverley Road, with regard to light and outlook. It would conflict with policy 8 (e) of the North Northamptonshire Joint Core Strategy (the Core Strategy), which seeks to ensure that new development protects the amenity of the occupiers of neighbouring properties.

Character and Appearance

9. Waverley Road in the immediate vicinity of the appeal site is typically characterised by uniformly spaced, symmetrical pairs of hipped roofed, semi-detached houses. Some have small, largely unobtrusive, single-storey rear extensions, which have little bearing on the simple, repeated form of their hosts. This gives the road an appreciable design rhythm, with a strong and coherent character.
10. The appeal scheme would be readily apparent from the public realm, notably from Pipers Hill Road, and from the rear of surrounding dwellings. It would appear as an incongruous and obtrusive feature, very much at odds with the run of simple rear elevations that are a feature of Waverley Road at this point. The use of matching materials, and the attempts to break up the bulk of the scheme, would have little mitigating effect.
11. I conclude that the appeal proposal would have an adverse effect on the character and appearance of the area. It would conflict with policy 8 (d)i) of the Core Strategy, which seeks to ensure that new development responds to the site's immediate and wider context and local character.

Other Matters

12. A number of other rear extensions in the wider area were drawn to my attention. None of those on Waverley Road, however, appeared to be comparable to the proposal before me, being either single storey only, not full width across the rear elevation, not as deep at two-storey level, not as visible from the public realm, not juxtaposed with a dwelling on a staggered building line or a combination of the above. Similarly, that on Pipers Hill Road was far less apparent from the public realm.
13. This being so, I do not consider that any of the examples provided set any kind of precedent for the appeal proposal. The contextual differences are also such that I do not consider there to be any legitimacy to the argument that the Council has erred in law in failing to be consistent in its decision making.

14. I note the lack of objections from the occupiers of Nos 4 and 8. Nonetheless, the appeal scheme would be permanent and I must consider the needs of any future occupiers of these dwellings when reaching my decision.

Conclusion

15. The appeal proposal would conflict with the development plan when taken as a whole. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR