



Appeal Decision

Site visit made on 3 July 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/L2820/D/19/3228836 76 Warkton Lane, Kettering NN15 5AA

- 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 G Singh against the decision of Kettering Borough Council.
 - The application Ref KET/2018/0855, dated 31 October 2018, was refused by notice dated 27 February 2019.
 - The development proposed is two storey front, side and rear extensions and single storey front extension. Increase in roof height and alterations to include a flat central section and 2 no. rear (east) dormer windows. Insertion of 2 no. roof lights in both the front (west) and side (south) roof planes.
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Decision

1. The appeal is allowed and planning permission is granted for two storey front, side and rear extensions and single storey front extension. Increase in roof height and alterations to include a flat central section and 2 no. rear (east) dormer windows. Insertion of 2 no. roof lights in both the front (west) and side (south) roof planes at 76 Warkton Lane, Kettering NN15 5AA in accordance with the terms of the application, Ref KET/2018/0855, dated 31 October 2018, subject to the following 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 plan: 57-18-02 B.
 - 3) The external walls of the west elevation of the development hereby permitted shall be constructed in materials to match those used on the west elevation of the existing dwelling.
 - 4) The roof tiles used on the development hereby permitted shall match the roof tiles used on the roof of the existing dwelling.
 - 5) The extensions hereby permitted shall not be occupied until the two first floor windows on the north elevation serving the en-suite bathrooms have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows shall be retained as such thereafter.
 - 6) 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 windows or other openings, other than those expressly authorised by this

permission, shall be inserted at first floor level into the north and south elevations of the dwelling or into the north and south roof planes of the dwelling.

Procedural Matters

2. The appeal form submitted gives the address of the property as 70 Warkton Lane. However, from the information before me and the observations I made at my site visit, it is clear that the correct address is 76 Warkton Lane. I therefore proceed with the appeal on that basis.
3. Correspondence has been provided which confirms that agreement was reached between the appellant and the Council during the course of the planning application to change the description of the development to that stated in the banner header above. I have therefore taken this as the description of the development.
4. The appellant's statement includes plan 02 A whereas the Council's decision notice refers to plan 02 B. The difference between these plans is that 02 A shows a rendered west elevation and garage whereas 02B has removed reference to render on these parts of the development. As plan 02 B is the one on which the Council made its decision, I have determined the appeal based upon that plan.

Main Issues

5. The main issues are the effect of the proposed garage on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 74 Warkton Lane, with particular regard to outlook.

Reasons

Character and appearance

6. The surrounding area consists generally of dwellings located in substantially sized plots. As is typical in this area, the dwelling is set back into the plot with a front garden separating it from the public highway. The front boundary of the site is formed by a mature hedge and there are also a number of established trees located along this boundary. These characteristics give the area a pleasant sub-urban feel and contribute positively to its character and appearance.
7. The garage would be attached to the front elevation of the dwelling and would extend forward of it, but it would be subservient in scale to the main dwelling itself. Due to the size of the front garden area it would be positioned away from the front boundary of the site and it would be partially screened by the existing boundary vegetation. As such, in my opinion, it would not form a dominant feature when viewed from Warkton Lane and would not cause harm to the character and appearance of the surrounding area. I conclude therefore that the proposal would not conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2016 (CS) which seeks to protect the character and appearance of the area. Saved Policy K15 of the Local Plan for Kettering Borough 1995 (LP), whilst referring to character, relates to new housing development and not to house extensions.

Living conditions

8. The proposed garage would be located adjacent to the common boundary with 74 Warkton Lane. No 74 has windows in its side and front elevations in the area close to the site of the proposed garage. In my opinion however, the garage would not cause harm to the living conditions of No 74. In reaching this judgement I have taken into account the single storey height of the proposed garage, that it would be constructed with a hipped roof which would slope away from the boundary and that it would not extend a significant distance beyond the frontmost point of No 74. Accordingly, I conclude that the proposed garage would be acceptable with regard to the impact upon the living conditions of the occupiers of No 74 and that there would be no conflict with Policy 8 of the CS, which seeks to protect living conditions. Again, Saved Policy K15 of the LP, whilst referring to living conditions, is not relevant to house extensions.

Other matters

9. Reference has been made by both parties to a subsequent planning application for a similar development that has been approved at the dwelling. However, as I find no harm in the appeal proposal, it is not necessary to consider this matter further.

Conditions

10. The Council has requested conditions relating to the time period for the implementation of the planning permission and with respect to the approved plans. I consider that both of these conditions are required to define the terms of the permission. The plans submitted do not include details of the proposed materials to be used on the west elevation or to be used on the roof of the development, so I consider it to be necessary to include conditions requiring that these match with the materials used on the existing dwelling. The plan does however confirm the materials to be used on the north, east and south elevations and on the garage.
11. I consider that a condition securing the obscured glazing of the two en-suite bathroom windows on the north elevation is required to protect the living conditions of the adjacent occupiers, but I have amended the wording to allow for the provision of opening lights 1.7 metres above the floor levels of the rooms. I also consider that a condition restricting the insertion of additional windows and openings into the first floor and roof planes of the north and south elevations is required, to protect the living conditions of the adjacent occupiers. I do not however consider that such a restriction would be reasonable with regard to the east or west roof planes which face towards the front and rear of the site.

Conclusion

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

Graham Wraight

INSPECTOR