



Appeal Decision

Site visit made on 5 November 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2019

Appeal Ref: APP/L2820/D/19/3236170 34 Paradise Lane, Kettering NN15 6LX

- 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 and Mrs John and Jill Kellett against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0325, dated 11 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is extension to roof to form second floor to match the proposed to No.32 (other half of Semi-Detached property) and replacement of existing garage with Studio
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Decision

1. The appeal is allowed and planning permission is granted for roof extension to create a second floor at 34 Paradise Lane, Kettering NN15 6LX in accordance with the terms of the application, Ref KET/2019/0325, dated 11 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 1606A.001A, 1606A.010, 1606A.011, 1606A.012, 1606A.013, 1606A.020, 1606A.101, 1606A.102, 1606A.110, 1606A.111, 1606A.112A, 1606A.120C and 1606A.121A.
 - 3) 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/dormer windows, other than those expressly authorised by this permission, shall be constructed on the rear and side elevations of the house.
 - 4) The extension hereby permitted shall be fitted with obscured glazing to the bathroom on the rear elevation and the obscured glazing shall be retained thereafter.
 - 5) 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/dormer windows, other than those expressly authorised by this permission, shall be constructed on the proposed studio.

Procedural Matters

2. The neighbouring property has submitted an appeal for a similar proposal¹. However, the appeals are not linked and I have not been presented with a s106 obligation that would bind both owners to carry out the scheme, I have therefore considered them on their own merits.
3. I note that the appellant name is different on the application form and the appeal form. The appellant has confirmed that both names should be included as part of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located on Paradise Lane, a private drive accessed from Pytchley Road. The area is predominately residential in character and the dwellings are mostly two and three storeys. The properties in the area have a varying design and palette of materials, as such despite the similarities in height, there is no overriding pattern to the form or style.
6. The host property is one half of a two-storey semi-detached dwellings and is built in an Art Deco style. The site is set back from the road with a wide grass verge to the front of property and is bordered by a high established hedge. Despite the large hedge and set back, the property is readily visible from the road and Paradise Avenue, the adjacent road. There are a few other examples of this style of architecture in the area. They are characterised by being two-storey properties with curved lines and sun-trap curved windows, smooth painted render covered walls, and flat roofs concealed behind a parapet. However, these properties are predominately separated by more modern dwellings. Whilst they help form part of the character of the area, they are not a defining feature or a prevalent part of the pattern of development.
7. I note that the host property and the adjoining neighbour are mentioned in passing in the book, Pevsner Architectural Guides: The Buildings of England², due to it being one of the properties on Paradise Lane. However, from the evidence before me, they are not designated nationally or identified as a non-designated heritage asset, and are not being considered for any formal designation. In any case, such designations do not mean that buildings cannot be altered, and I have assessed the proposal on its merits and its effect on the character and appearance of the area.
8. There has been critique of the design of the proposal by the Council and some neighbouring residents. Whilst the extension does not seek to replicate or match the existing materials of the host property, this does not necessarily mean there would be harm to the building or the character and appearance of the area. The design of the proposal is set back from the front façade which helps to retain, and not prevail over the original features of the dwelling. I consider the design of the proposal to be innovative and respectful to the host property.

¹ APP/L2820/D/19/3236168

² Northamptonshire (Pevsner Architectural Guides: The Buildings of England) (2013)

9. The proposal in terms of its size, scale and layout would be generally consistent with other properties on the street scene. It would add to the variety that currently exists in the area. The height of the building frontage would integrate well into the street scene. Therefore, it would not appear as an intrusive feature. Overall, the form of the scheme would not harm the character and appearance of the surrounding area.
10. Consequently, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policy 8 of the North Northamptonshire Joint Core Strategy. This policy seeks development to be of high quality and respect the local context.

Conditions

11. The Council has suggested a number of conditions which I have considered against advice in the Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity.
12. In addition to the standard time limit condition, a condition specifying the approved plans is necessary in the interests of certainty. I have not imposed a condition specifying materials as these are clearly specified on the plans.
13. A condition suggested by the Council to require no additional openings to the northwest elevation is necessary to protect the privacy of the neighbouring property. I also find it necessary to condition this for the side elevation, for clarity I have used the terms rear and side in my conditions.
14. With respect to the proposed WC window to the rear of the proposal, the plans do not show that this is proposed to be obscure glazed, as such a condition is necessary. It has also been suggested that this window should be non-opening, however, I do not consider this is necessary to prevent harm to the living conditions of neighbouring occupants.
15. In terms of the proposed outbuilding, the Council has suggested that the openings could be secured by condition as well as the prevention of any further openings in any elevation. The windows, including the obscure glazed to the rear are clearly shown on the plans, therefore, I do not consider another condition repeating this is needed. However, I consider it necessary to restrict further windows to protect the privacy of neighbouring occupants.

Conclusion

16. For the reasons set out above, I conclude the appeal is allowed.

D Peppitt

INSPECTOR