



Appeal Decision

Site visit made on 7 January 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/L2820/W/19/3240666

Four Winds, 25 Pytchley Road, Kettering NN15 6NE

- 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 Glenn Daly against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0451, dated 19 June 2019, was refused by notice dated 30 August 2019.
 - The development proposed is a new dormer bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 4 Spinney Drive, with particular regard to outlook.

Reasons

3. The appeal site is located on the rear garden of 25 Pytchley Road. The site includes a strip of land to the southern side of the host property, which would provide access to Pytchley Road. The site is bordered with trees, shrubs and fencing. The site adjoins a number of residential properties, including No 4 Spinney Drive. Overall the garden area is open, verdant and spacious.
4. The proposal would be located in close proximity to the boundary of the neighbouring property at No 4. The part of the proposed dwelling nearest the boundary would be of a hipped roof and this part of the property would have no windows. Due to its location and scale, the proposal would have a dominant and overbearing effect on No 4, bringing built development within close proximity to a large part of its rear garden and its rear facing windows. This would be in stark contrast to the existing open and verdant outlook currently experienced by the occupiers of No 4.
5. There is some screening between the properties, however, this is predominately deciduous. Therefore, the screening does not provide year-round coverage. The appellant has suggested that the proposal would include additional planting on the borders and that this could be secured by condition. However, landscaping cannot be considered a permanent feature.

6. I note that there was a previous appeal¹ on the site for a similar proposal and that the appellant has amended the design of the proposal in light of that appeal. Whilst I acknowledge that adjustments have made to the design of the proposal, I have considered the proposal before me on its own merits and consider it would have a detrimental effect on the living conditions of No 4 in terms of the proposal being dominant and overbearing.
7. The appellant has highlighted the nearby properties at Nos 21 and 23 Pytchley Road, where a garden has been subdivided to build these properties, and suggests that the proposal has less impact than these. However, their presence does not necessarily mean this proposal is acceptable and I have not been provided with the full details of the planning permission or the reasons that made them acceptable. In any case, I have determined the proposal on its own planning merits and context.
8. I find that the proposal would have a detrimental effect on the living conditions of the occupiers of No 4 Spinney Drive, with particular regard to outlook. Therefore, it would be contrary to Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy (2016) and paragraph 127 (f) of the National Planning Policy Framework. These policies, amongst other things, seek new development to not result in an unacceptable impact on the amenity of neighbouring properties.

Other Matters

9. I note there were a number of other issues and concerns raised by interested parties. However, as I have already identified harm above, there is no need to consider these further.
10. I acknowledge that the proposed dwelling has been designed to be fully accessible, however, this does not outweigh the harm that I have identified above.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR

¹ APP/L2820/W/18/3219073