



Appeal Decision

Site visit made on 7 January 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/L2820/W/19/3240756

39 Pytchley Road, Kettering NN15 6ND

- 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 Mrs K Winterflood against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0300, dated 9 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is the erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the name of the appellant from the application form, as only the person who made the planning application can make an appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the site and surrounding area; and
 - the living conditions of the occupiers of Nos 39 and 41 Pytchley Road, with particular reference to noise and disturbance.

Reasons

Character and appearance

4. The appeal site is located in the rear garden of No 39 Pytchley Road, a 2 storey, detached dwelling. The boundaries of the garden are formed by a mixture of hedging and fencing, along with a number of mature trees. The rear garden is considerably longer than nearby properties and it has a verdant and spacious character. The surrounding area is predominantly residential and is characterised by detached dwellings in a variety of styles which are set back from the road. Nearby properties on Pytchley Road follow a linear pattern of development.
5. The proposal is for a single storey two-bed bungalow and in order to access the new dwelling site, the appellant seeks to demolish the existing garage to the side of No 39. The private driveway between No 39 and No 41 Pytchley Road, would allow access for the proposed dwelling.

6. Although the rear garden of No 39 is relatively long, the width of the garden would mean that the proposed bungalow would be in close proximity to each side boundary. Whilst full views of the proposed dwelling would not be possible from the street, there would be some views of the dwelling along the new access. This would disrupt the current views within the street scene where development follows a linear pattern. Furthermore, the siting of the proposed dwelling at this location, would be readily apparent from the neighbouring properties on Pytchley Road and Paradise Avenue. The proposal would be out of character with the established pattern of development in the area and would appear as an incongruous feature in the garden area, which is otherwise verdant and spacious.
7. A Supplementary Design Statement has been submitted with the proposal, which states that recent developments, including backland developments, have resulted in a fragmentation of the building line in the area. The appellant has also stated that there are other examples of single storey dwellings in the area. Reference has been made to planning permissions and appeals for development in rear gardens near the site. However, these sites are not immediately adjacent to the appeal site, where development follows the pattern of the road. There is regularity in the pattern and layout in the immediate area and I do not consider the location and context of these are directly comparable to the proposed development.
8. I note that there was a previous appeal on the site¹, which the appellant states was not dismissed for being inconsistent with the character and appearance of the area. Nevertheless, I do not have the full details of the scheme or appeal before me, therefore, I am unable to determine if the previous proposal is directly comparable. In any case, this decision is a number of years old and was made under a different local and national policy framework and I must assess the proposal before me on its own planning merits.
9. The appellant has stated the proposal cannot be copied elsewhere and that it was originally intended to have the plot of the host property divided in a similar manner to the proposal. However, despite the site not being able to set a precedent and being unique in its length compared to surrounding gardens, this does not necessarily make it acceptable and does not count in favour of the proposal.
10. I acknowledge that the appellant has sought to design the proposed dwelling in a way which would mitigate any impact on adjoining properties and blend into its surroundings. However, despite the design and materials proposed, due to the context of the site and its location, the proposal would fail to respect the surrounding linear pattern of development on Pytchley Road.
11. For the reasons above, the proposed development would harm the character and appearance of the site and surrounding area. Therefore, it would be contrary to Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy (NNJCS) (2016) and paragraph 127 of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that new development responds to the local character and context.

¹ APP/L2820/A/04/1160718

Living conditions

12. In order to access the site, the existing garage to the side of No 39 would be demolished. This would leave a narrow gap between No 39 and the adjacent property No 41. The access is proposed to be constructed with quiet tarmac and have boundary fencing to mitigate against the impact of the proposal.
13. The proposed access would be in close proximity to both No 39 and No 41. The proposal would introduce vehicle movements in an area where these does not currently take place. The proposed driveway would pass close to the buildings of No 39 and No 41, as well as the rear garden areas of these properties. The use of this driveway would be particularly pronounced at night, giving rise to unacceptable noise and disturbance for both No 39 and No 41. I also note that the door of the host dwelling would open directly onto the narrow driveway, which would be detrimental to the living conditions and safety of the occupiers.
14. The appellant has stated that there are existing noises and vibrations associated with the current garage and driveway. Nevertheless, the proposal would increase the number of vehicle movements in a narrow space, and in an area which at the moment is relatively tranquil. The appellant also stated that they could demolish the existing garage and replace it with a gravel drive, which would have a greater impact than the proposed driveway. However, there is no substantive evidence before me to suggest this is likely to occur, therefore, I only give this limited weight.
15. I find that the proposed development would have a materially harmful effect on the living conditions of the occupiers of Nos 39 and 41, with particular reference to noise and disturbance. Therefore, it would be contrary to Policy 8 (e) (i) of the NNJCS and paragraph 127 of the Framework. These policies, amongst other things, seek to ensure that development does not result in an unacceptable impact on the amenities of neighbouring properties.

Other Matters

16. The appellant has stated that the proposal is sustainable development, as it is within the defined settlement boundary for Kettering and would contribute towards the NNJCS housing delivery targets. The development would also meet current energy efficient standards and adopt sustainable building measures. The appellant has also highlighted that No 41, as a result of the removal of the garage, would benefit from a greater amount of light into their rear elevation and conservatory. However, these do not outweigh the harm that I have identified above.
17. I acknowledge there were no letters of objection when the planning application was determined. Nevertheless, this does not necessarily mean that harm would not be caused. I have assessed the appeal on its merits and made my own judgement on the evidence that is before me.
18. I note that there were a number of concerns in respect of living conditions raised by interested parties near to the site during the appeal process. However, as I have already identified harm above, I do not need to consider these further.

Conclusion

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

D Peppitt

INSPECTOR