



Appeal Decision

Site visit made on 3 June 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/L2820/W/19/3242851

44 Park Road, Kettering, Northamptonshire NN16 9LL

- 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 Ken Neale against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0331, dated 1 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is the extension and conversion of existing garage to create a dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - The effect of the proposal on the character and appearance of the site and the surrounding area,
 - Whether, or not, the proposal would provide adequate living conditions for future occupants of the development, with particular regard to overlooking,
 - The effect of the proposal on highway safety, with particular reference to the access to the parking spaces, and: -
 - Whether, or not, the proposal makes adequate provision for car parking.

Reasons

Character and appearance

3. The appeal site lies within an area of mostly late Victorian/early Edwardian red brick terraced properties. 44 Park Road is a two storey detached dwelling of later construction and lies on a corner plot of the junction of Park Road and Morley Street.
4. The rear garden to No 44 Park Road is side on to Morley Street and its boundary to the street is formed by a brick wall along the back edge of the footway, approximately 2 metres high. There is a footway crossing off Morley Street accessing a large detached garage located to the bottom end of the rear garden.
5. The area is characterised by terraces of two storey Victorian/Edwardian houses, set at back of footway within long, narrow plots. No 44 is atypical, however, in

that it is a detached dwelling with modest gardens to the front and side.

Generally, corner plots present a brick wall to the street frontage, producing a strong sense of rhythm of dwelling frontages and hard linear features. Whilst of a different design style to the majority of nearby dwellings, No 44 is of a scale and massing not out of keeping with its neighbours.

6. The proposal would extend the garage and convert it for residential use, subdividing the plot of No 44. The proposed dwelling would be single storey in height with a pitched roof, set back to the rear of the plot away from the street frontage. The existing side wall of No 44 would be broken by a gap to allow access to on-site car parking for two cars.
7. The single storey dwelling would be out of keeping with the scale and massing of neighbouring structures, whilst the plot width, position of the opening for access to parking and position of the building would interrupt the rhythm of the frontages and side walls of the terraces in the area. This incongruity in the street scene would introduce an inconsistent element to the street scene and this incongruity would be conspicuous to persons travelling on the street.
8. The subdivision of the plot would result in two plots of an incongruous size and layout when compared to those of the surrounding dwellings and the existing pattern of buildings and open spaces. This incongruity would be apparent from the upper windows of nearby dwellings.
9. Taken together, the proposed development is at such odds with the existing street scene and building pattern as to constitute significant harm
10. It is noted that, in 2009, a dwelling was approved in this location. However this permission has expired and there have been changes to local and national planning policies. I therefore give this matter very limited weight.
11. It has been suggested that the proposed dwelling would have a better visual impact than the existing garage, and this may be true of that particular element of design. However, in reaching my conclusions I have considered the overall impact of the proposal on the character and appearance of the area.
12. I conclude that the proposal would result in unacceptable harm to the character and appearance of the site and the surrounding area, and would be contrary to Policy 8 of the North Northamptonshire Joint Core Strategy 2011 - 2031 (2016) (the Joint Strategy) in as much as the proposal fails to respond to the site's immediate and wider context and local character. Similarly the proposal would be contrary to those parts of the National Planning Policy Framework (2019) (the Framework) which seek to ensure that developments are sympathetic to local character, including the surrounding built environment, and maintain a strong sense of place.

Living conditions

13. The rear elevations of 44 and 48 Park Road have windows in their upper floors facing towards the development site and across the garden to the rear of No 44.
14. The main amenity area for the proposed dwelling would be to the side facing No 44 and the upper windows of Nos 44 and 48 would overlook this area. Further, the proposal includes windows in the western façade, facing the rear of No 44. These would serve a bedroom and shower room. Persons standing at,

or near the upper windows of Nos 44 and 48 that face towards the development site would see down into these windows. Anyone standing at these windows would experience a sense of surveillance from the windows in Nos 44 and 48.

15. I consider that such overlooking of the bungalow's main amenity area and a bedroom would significantly affect the occupiers' enjoyment of the outdoor space and the bedroom by the lack of privacy. In this context, that lack of privacy would constitute unacceptable harm.
16. Obscure glazing of the shower room window could preclude such intrusive overlooking, and this could be secured by a suitable planning condition. However, obscure glazing in the window required to address overlooking of the bedroom would mean that there would be restricted views of natural light from this room. Such obscure glazing would create a sense of internal enclosure and oppression for residents of the new dwelling and so would be inappropriate.
17. The proposal plans show the planting of ornamental cherry trees on the boundary between No 44 and the proposed dwelling. However, I am not satisfied that such measures would, of themselves, be adequate to mitigate the harm identified, as new planting would take time to establish itself and there is no substantive evidence before me that sufficient screening would be achieved to address the matter successfully.
18. I therefore conclude that the layout of the development would result in unacceptable harm to living conditions of future occupants of the development with particular regard to overlooking. The proposal would therefore be contrary to the aims of Policy 8 of the Joint Strategy which, amongst other things, seeks to protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers by reason of overlooking.

Highway safety and parking provision

19. At the time of my site visit, albeit that this only provides a snapshot in time, there was high demand for on-street parking in the vicinity of the site. However, on-street space was available nearby and the area is not currently subject to on-street parking restrictions. I observed that vehicle speeds in the area were generally low, possibly with driver behaviour being affected by the level of on-street parking, road layout and the active frontages of properties. The site currently makes provision for parking for No 44.
20. The proposal would provide a single parking space for the new dwelling, retaining access via the existing vehicular footway crossing. Two parking spaces would be provided for No 44, demolishing part of the existing side boundary wall and creating a new vehicular footway crossing to facilitate access to these.
21. There is dispute over the size of the proposed parking spaces for No 44. Taking the more generous dimensions considered by the Council, they would measure 2.6 metres in width by 5.0 metres deep. However they are bounded by a brick wall. This wall would obstruct the opening of doors on the side of the vehicle parked adjacent to it. This would encourage vehicles to stop within the street to allow passengers to get out, reducing the effectiveness of the off-street provision, discouraging its use and further obstructing traffic flows.

22. Notwithstanding the effect of the opening of the wall on the character and appearance of the area identified above, visibility of pedestrians passing along the footway for drivers egressing the proposed parking spaces for No 44 would be obstructed by the wall on either side of the entrance. Furthermore, given the difficulty that drivers would have getting out of the vehicle due to the restricted width of the spaces, it is likely that one of the vehicles would be leaving in reverse gear.
23. Similarly egressing drivers would have restricted views of approaching vehicles and it is likely that vehicles would need to edge out of the parking spaces and encroach into the carriageway to afford the driver visibility. Given the road layout it is likely that cyclists approaching the access from Park Road would be close into the kerb and a collision, with risk of injury, may occur.
24. Whilst the lack of provision for visitor parking for the proposed dwelling and the identified problems in using the car parking spaces may result in the occupiers of No 44 parking on street, no parking survey data has been submitted by either party. However, on my site visit I observed the availability of on-street car parking space in the surrounding area. The streets are relatively straight, lit and subject to a 30 MPH speed limit, although the speeds that I observed were, generally, below this.
25. Additional parking on street would be likely to further restrict carriageway flow. There would be additional risk to users of the highway from conflict between opposing flows, albeit that the increase in risk arising from the development would be small. In a similar way, vehicles parking closer to the junction of Morley Street with Park Road and on the footways resulting from increased demand from the development could incrementally increase the risk to highway users.
26. The appellant has proposed that the size of the car parking could be increased if necessary. There is no evidence before me to demonstrate how this would be achieved and it would be a substantive change to the scheme that the Council consulted on. I have therefore determined the appeal on the basis of the proposal as it stood when it was determined by the Council.
27. My attention has been drawn to plans by the Highway Authority to introduce double yellow lines on Morley Street. However, these would extend only a limited way along Morley Street from its junction with Park Road and have little effect on the proposed access or overall level of on-street parking provision in the area.
28. I conclude that the development would, taken as a whole, have an unacceptable impact upon highway safety, with particular reference to the access to the parking spaces and that the proposal would not make adequate provision for car parking on site. It would therefore be contrary to Policy 8 of the Joint Strategy which requires, amongst other things, that development should ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Conclusion

29. Taking all matters into consideration, I conclude that the appeal should be dismissed.

I Dyer

INSPECTOR