



Appeal Decision

Site visit made on 26 May 2020 by G Sibley MPLAN MRTPI

Decision by Richard Clegg BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/L2820/D/19/3243580

Stonecrop, Middle Lane, Stoke Albany, LE16 8QA

- 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 C Gold against the decision of Kettering Borough Council.
 - The application Ref: KET/2019/0608, dated 30 August 2019, was refused by notice dated 31 October 2019.
 - The development proposed is a new detached garage with studio over, new entrance porch and garage conversion.
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Decision

1. The appeal is dismissed insofar as it relates to the detached garage.
2. The appeal is allowed insofar as it relates to the new entrance porch and garage conversion, and planning permission is granted for a new entrance porch and garage conversion at Stonecrop, Middle Lane, Stoke Albany, LE16 8QA, in accordance with the terms of the application ref: KET/2019/0608 dated 30 August 2019 (so far as relevant to that part of the development hereby permitted), and 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 materials used in the construction of the external surfaces of the new entrance porch and garage conversion hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following plans: Location plan and block plan (DWG No. 4332 1A); Proposed elevations (DWG No. 4332 5C); and Proposed floor plans (DWG No. 4332 4A), insofar as those plans relate to the new entrance porch and garage conversion.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

4. The main issues are:

- The impact of the proposed development upon the living conditions of the occupiers of No.8 Middle Lane with regard to overlooking; and
- The effect of the proposed development upon the character and appearance of the street scene and linked to that whether the proposal would preserve or enhance the character or appearance of the Stoke Albany Conservation Area (CA).

Reasons for the Recommendation

5. Stonecrop is a two-storey dwelling that is constructed from yellow brick with a gable roof that is finished with brown tiles and has a staggered roofline. The dwelling is sited with its gable end perpendicular to the road which is uncommon within the street scene with most dwellings main facades facing the road. The existing garage is located perpendicular to the road and is a double garage that is part internal and is connected to Stonecrop. The dwellings along Middle Lane do not follow a strict building line or a specific pattern of development. Nonetheless, there is a consistent use of materials within the street scene and the wider CA. The dwellings within the CA are typically built from yellow bricks and the roofs are often constructed using grey slate, although there is some variation in the roofing materials used in the CA.
6. A number of dwellings within the street scene have garages, although the exact location, size and appearance of the garages varies, which is due to the variable plot layout within the street scene. The narrow tapering roads within the CA means that some dwellings within the street scene are hidden behind other dwellings and there are limited open views.
7. The proposed detached garage would be located to the south-west side of the dwelling set back from the roadside in a gap between Stonecrop and the neighbouring dwelling and would have a dormer window. A porch and a canopy are proposed in front of the main door to the house which faces towards the neighbouring property and the existing garage would be converted and the doors replaced by windows. The neighbouring dwelling and its associated garage are located on higher ground because Middle Lane rises towards the west.

Living conditions

8. The first floor of the garage is proposed to be used as a studio, although it could be used for a number of alternative uses and the dormer window would face towards No.8 Middle Lane on the opposite side of the road. The garden for No.8 is located to the side and in front of the dwelling and because of this, the garden is more open to overlooking from the roadside. Nevertheless, the garden is relatively well enclosed by the hedgerows and from the roadside the garden is not particularly overlooked, even when viewed from further up Middle Lane where the road rises away from the site. There is one other dwelling that has first floor windows that directly overlooks the garden, although there are a couple of dwellings with indirect views over the garden.
9. From the first floor of the proposed garage, the occupants would overlook No.8's garden and the setback distance would not be sufficient to avoid this loss of privacy. The room on the first floor is proposed to be used as a studio which would include a bathroom. The first floor of the building could be used as a habitable room and because a bathroom is proposed the occupiers would be

able to use the room for potentially significant periods of time whereby, they would directly overlook No.8's garden. Whilst I acknowledge that because of the unusual pattern of development along Middle Lane, the garden for No.8 is already overlooked by other dwellings, nevertheless the proposal would result in the further loss of privacy to the occupiers of No.8 which would cause harm to their living conditions.

10. The first-floor window in the proposed garage would directly overlook the garden of No.8, which would harm the living conditions of the occupiers of that dwelling. As such, the proposal would be contrary to policy 8 of the North Northamptonshire Joint Core Strategy 2011 – 2031 (adopted 2016) (JCS) which looks to protect the living conditions of the occupiers of neighbouring properties by ensuring development does not overlook those dwellings.

Character and appearance

11. Middle Lane is a narrow tapering road and the dwellings along it vary in size and design. The appellant says that Stonecrop was built in the 1970's and because of the design of the dwelling and the materials used in its construction, it is an appropriately designed dwelling for the CA.
12. Because the existing garage is connected to the dwelling and there is a staggered drop in roof height, the converted garage would appear as a logical extension to the dwelling. Porches and canopies are relatively common within the street scene and the materials proposed would match the host dwelling; moreover, the scale of this part of the proposal would be subordinate to the host dwelling and would be appropriate within the CA.
13. There are a number of dwellings within the CA that have dormer windows, as such, the use of dormer windows here would not appear out of context within the CA. The orientation of the garage roof would not match the dwelling, but this is not uncommon within the street scene with the orientation of the neighbouring dwelling's garage roof the opposite to that dwelling. Consequently, the appearance of the garage would not cause harm to the character or appearance of the host dwelling or the CA.
14. The existing house is a relatively tall dwelling and whilst the proposed garage would itself be relatively tall, it would appear subordinate to it, in terms of its scale and appearance. Because the road is narrow and because the garage would be located on lower ground than the adjacent dwelling's garage and would be set back from the roadside, the proposed garage would not be particularly visible within the street scene and would not appear incongruous. Because the host dwelling is side facing, the proposed garage would be located in front of the main elevation of the dwelling which would be uncommon within the street scene. Nevertheless, because of the unusual pattern of development, as well as the distinctive plot layout at Stonecrop, the siting and scale of the proposed garage would not harm the character or appearance of the host dwelling or the CA.
15. The proposal would use appropriate materials and architectural detailing in the design of the garage, porch, canopy and garage conversion and the siting and scale of the garage would appear subordinate to Stonecrop. Consequently, the proposed development would preserve the character and appearance of the CA and would comply with policy 2 of the JCS which requires proposals to preserve or enhance heritage assets.

Conditions

16. In addition to the standard condition concerning the commencement of the development, the approved plans should be specified for the avoidance of doubt and in the interest of proper planning. A condition requiring matching external materials would be necessary in the interests of the character and appearance of the dwelling and the CA.

Conclusion and Recommendation

17. Whilst the proposed development would preserve the character and appearance of the street scene and consequently the CA, the first floor accommodation of the garage would overlook the garden of No.8 Middle Lane which would result in the loss of privacy for the occupants of that dwelling, causing harm to their living conditions.
18. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal insofar as it relates to the proposed garage should be dismissed and the appeal insofar as it relates to the new entrance porch and garage conversion is allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis the appeal is dismissed insofar as it relates to the detached garage, and allowed insofar as it relates to the entrance porch and garage conversion subject to the conditions in paragraph 2.

Richard Clegg

INSPECTOR