



Appeal Decision

Site visit made on 25 August 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/L2820/W/20/3244454

76 Warkton Lane, Barton Seagrave, Kettering NN15 5AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr G Singh against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0600, dated 29 August 2019, was approved on 25 November 2019 and planning permission was granted subject to conditions.
 - The development permitted is the: *Variation of condition 2 of KET/2018/0855 regarding amendments to the proposed materials and the front elevation as shown on the approved plan.*
 - The condition in dispute is No 3 which states that: *Notwithstanding the materials details shown on approved plan 57-18-03, received by the Local Planning Authority on 30th August 2019, the external walls of the west elevation of the development hereby permitted and the garage shall be constructed in brick to match those used on the west elevation of the existing dwelling.*
 - The reason given for the condition is: *In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.*
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Decision

1. The appeal is allowed and the planning permission Ref KET/2019/0600 for the Variation of condition 2 of KET/2018/0855 regarding amendments to the proposed materials and the front elevation as shown on the approved plan at 76 Warkton Lane, Barton Seagrave, Kettering NN15 5AA granted on 25 November 2019 by Kettering Borough Council, is varied by deleting condition 3.

Procedural Matter

2. The development to which this appeal relates (KET/2018/0855) was originally for: *two storey front, side and rear extensions and single storey front extension, increase in roof height and alterations to include a flat central section and 2no. rear (east) dormer windows, the insertion of 2no. roof lights in both the front (west) and side (south) roof planes.* It was refused by the Council and subsequently allowed at appeal (APP/L2820/D/19/3228836).
3. Following this an application to vary condition 2 relating to the approved plans was submitted to the Council to replace plan 57-18-02B with revised plan 57-18-03 which showed amended materials from brick to render to the front elevation and garage and amended the front door and a window. The Council approved this amendment and varied condition 2. However, notwithstanding this, both the appeal decision and the Council's decision notice included Condition 3 which related to the need for the front elevation and garage to be

constructed in brick to match the existing dwelling. By retaining and slightly varying this condition the approved amendments did not include the changes to the materials for these elements of the development. I have therefore considered the appeal on this basis in relation to condition 3 of KET/2019/0600.

Main Issue

4. The main issue is whether condition 3 is reasonable and necessary in the interests of the character and appearance of the area.

Reasons

5. The appeal site comprises of a large dwelling set back from the road behind an ample driveway. It is within an area characterised predominantly by residential properties, many of which are large and set within sizeable plots.
6. The side and rear elevations as shown on approved plan 57-18-03 would be finished in a white render. However, as currently permitted the garage and front elevation would be of a brick finish.
7. The nearby properties along Warkton Lane display considerable variety in their designs and appearances, creating a varied character along both sides of the road. Whilst the predominant material is brick for many of the surrounding properties, this is not uniform in appearance and there are varieties in the types and colours of brick present. Furthermore, there are examples of render in the area, most notably on one of the dwellings adjoining the appeal site, but also on the opposite side of the road. Warkton Lane is therefore very varied in terms of its character and appearance.
8. The appeal site is also partially screened by mature trees and hedging and is therefore not highly visible within the street scene. Nevertheless, given the variety in materials and designs in the immediate surroundings and the presence of render on the property directly adjacent to the appeal site and other nearby examples, the use of render to the front elevation and garage would not be out of keeping nor harmful to the character of the area. As such, it would comply with Policy 8 of the North Northamptonshire Joint Core Strategy 2011 – 2031 (2016) which requires development to respond to the site's immediate and wider context and local character, amongst other things.
9. Consequently, for the above reasons I find that the imposition of Condition 3 is not reasonable or necessary in the interests of the character and appearance of the area and I conclude that it should be removed, with the development to be carried out in accordance with the approved plan 57-18-03 including the use of render to the front elevation and garage.

Other Matters

10. As KET/2018/0855 was approved subject to conditions, under Section 79 that permission remains intact aside from the deletion of condition 3. However, I note that the Council have suggested conditions in the event the appeal is allowed. Conditions 1, 2, 4 and 5 of their suggested conditions reflect conditions 1, 2, 5 and 6 of the approval KET/2019/0600. However, the Council have indicated different wording for condition 4 of the permission relating to the roof tiles. The approval refers to the roof tiles being required to match the existing dwelling. However, in their suggested conditions, the Council have

altered this to refer to the Marley Rivendale fibre cement slate tiles and white render for the elevations. These details accord with the details shown on the approved plan 57-18-03 and therefore are secured by the imposition of Condition 2. Accordingly, I find that in addition to Condition 3, Condition 4 is also not necessary and its deletion would not result in a disadvantage in terms of securing the use of the materials shown on the plan.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition 3, as well as condition 4 of KET/2019/0600 which duplicates the requirements of condition 2.

R Norman

INSPECTOR