
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: 01 October 2020

Appeal Ref: APP/L2820/W/20/3253306

R/O 58 & 58A King Street, Kettering NN16 8QP

- 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 A Thakrar against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0193, dated 9 March 2020, was refused by notice dated 11 May 2020.
 - The development proposed is the conversion of rear store to one bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is whether the proposed development would provide suitable living conditions for future occupiers and the effect on the living conditions of adjoining occupiers.

Reasons

4. The appeal site comprises a terraced property fronting onto King Street, which has been subdivided into two flats, and a two-storey building located to the rear of the site. The rear building is currently used for storage independent from the flats and access is via a secured side passage. Between the flats and the appeal building is an area of hardstanding, part of which is somewhat overgrown.
5. The proposal would involve the conversion of the existing rear building to a one-bedroom dwelling. It would have an open plan lounge and kitchen to the ground floor and a bedroom and bathroom to the first floor, with an area of outdoor space located to the front. In addition, the ground floor would be extended forward to provide additional internal space.

6. Although modest in size, the addition of the front extension at ground floor level would ensure that a reasonable area of accommodation could be provided within the property. As such, I consider that the overall size of the property would not be unduly harmful to the living conditions of future occupiers.
7. Due to the positioning of the existing building against the rear and side boundaries of the site the main windows to the property would be on the front elevation. However, rooflights would be provided above the single storey ground floor extension and the roof above the bedroom to allow further light into the property. The rooflights above the bedroom would ensure a suitable level of light into this area. The rooflights to the ground floor would need to be towards the front of the property and therefore whilst additional light would be achieved to the lounge area, I have some concerns over the level of light which would reach the kitchen area. Whilst I note that the obscure glazing has been removed to the windows to allow more light in and that the ground floor is open plan, it has not been demonstrated to me that a suitable amount of natural light would reach the kitchen. In this regard therefore I consider that the development would not provide adequate living conditions.
8. The area of outdoor space for the property would be located in the yard to the front of the building. It would sit adjacent to the area of outdoor space for the occupiers of the flats. This would be a relatively small area, reduced by the introduction of the front extension and it would have a fairly limited separation between the rearmost part of the existing flats.
9. I note that the Appellant advises that the occupiers of the flats do not use the outdoor area, and I note the overgrown nature of the rear part of this. But this does not guarantee that they, or future occupiers of the flats, would not want to use the outdoor area in the future.
10. Furthermore, whilst I accept that due to the density of the buildings in the surroundings the rear yard is already overlooked to an extent, I find the increased intensity of the use by introducing a dwelling to the rear and additional residents would result in a development that would not provide suitable outdoor space for the occupiers of either the proposed property or the existing flats.
11. The division of the rear space into two adjacent outdoor areas would provide limited privacy for future and existing occupiers using these areas. I note that the appeal building already has windows looking onto the rear yard for the flats however this is not currently in residential use and therefore does not impact on this area in terms of overlooking. Whilst the rear outrigger of Nos 58 and 58A has no windows directly facing the appeal building, the proposed development would look directly onto the rear outdoor space for these flats.
12. Given the location of No. 60 and the existing boundary treatments, whilst there would be some potential for views of this property and rear garden from the first floor windows of the proposed dwelling, I do not find that these would be unacceptable or unduly harmful to the living conditions of the occupiers of this property.
13. Consequently, for the above reasons I find that the proposed development would not provide suitable living conditions for its future occupiers and would harm the living conditions of the occupiers of Nos 58 and 58A. As such, the development would be contrary to Policy 8 of the North Northamptonshire Joint

Core Strategy (2016) and therefore the development plan as a whole. This policy seeks to ensure quality of life by avoiding unacceptable impacts on the amenities of future occupiers and neighbouring properties, amongst other things.

Other Matters

14. The site is located within the settlement boundary and has good access to facilities and services. I note that the principle of development in this location is therefore not disputed and no concerns are raised in terms of highway safety or the character and appearance of the area. The development would make a small contribution to the housing targets for Kettering and would meet the aims of the National Planning Policy Framework (2019) in relation to paragraphs 68, 118(d) and 123. However, these considerations do not outweigh the harm and resulting conflict with the development plan, that I have identified above.
15. The Appellant has referred to an example of a conversion which was approved in October 2007. However, I have little information before me to indicate if this is wholly comparable to the appeal scheme. This also appears to pre-date the current core strategy therefore may have been subject to different considerations. As such, it does not alter my conclusions in this case.

Conclusion

16. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR