
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: 19 November 2020

Appeal Ref: APP/L2820/D/20/3250687

8 Church Way, Thorpe Malsor, Kettering NN14 1JS

- 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 S Roberts against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0891, dated 11 February 2020, was refused by notice dated 25 March 2020.
 - The development proposed is an external staircase to south facing gable elevation of the converted garage (retrospective) and proposed external privacy screen.
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Decision

1. The appeal is allowed and planning permission is granted for an external staircase to south facing gable elevation of the converted garage (retrospective) and proposed external privacy screen at 8 Church Way, Thorpe Malsor, Kettering NN14 1JS in accordance with the terms of the application, Ref KET/2019/0891, dated 11 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan; Parking Plan and Proposed Layout Rev E dated 10/12/2019 (Elevations and Floor Plans).

Procedural Matter

2. The description of development on the appeal form differs from the lengthy one on the application form. In the interests of conciseness, I have used the description from the appeal form.

Main Issues

3. The main issues are the effect of the development on:
 - The living conditions of neighbouring occupiers, in particular No 3 Church Way; and
 - The character and appearance of the area and whether the development would preserve or enhance the character or appearance of the Thorpe Malsor Conservation Area.

Reasons

Living Conditions

4. The appeal site comprises a semi-detached dwelling with a detached garage located towards the front of the site. The garage was converted under a previous permission, however the external staircase did not form part of that. Accordingly, the appeal seeks approval for the staircase in situ as well as the proposed addition of a privacy screen at the top of the staircase.
5. The appeal site is set amongst other dwellings and there are properties on the opposite side of the road also. No 3 Church Road is an attractive property. It is of a traditional design and is modest in scale, set lower than most of the surrounding properties. It has a number of dormer windows to the first floor and windows in the ground floor facing the garage conversion, which serve habitable rooms. The front boundary of the appeal site is relatively well landscaped which provides ample screening, however the top of the garage and staircase is partially visible through this.
6. No 3 is set along the back edge of the footpath, nevertheless, there is still a good level of separation between this property and the staircase and converted garage due to the intervening road and footpaths. In addition, the existing landscaping serves to further mitigate the impact on No 3. Whilst the top of the staircase and the upper door is visible from No 3, given the size of this area it is unlikely that people would linger at the top of the stairs for any length of time.
7. Consequently, for the above reasons I find that the development would not be unduly harmful to the living conditions of the occupiers of No 3 and would not give rise to unacceptable overlooking or loss of privacy. The proposal would therefore comply with Policy 8(e) of the North Northamptonshire Joint Core Strategy 2011 – 2031 (2016) (JCS). This seeks to ensure that development does not result in an unacceptable impact on the amenities of neighbouring properties, amongst other things. It would also comply with paragraph 127 f) of the National Planning Policy Framework (the Framework).

Character and Appearance of the Area and Conservation Area

8. The appeal site falls within the Thorpe Malsor Conservation Area. The surroundings display a number of traditional and attractive properties, with some set within well landscaped sites. The overall appearance is pleasant and rural in character.
9. The Council have not raised particular concern over the external staircase, due to its lightweight timber construction, and I agree that this does not appear overly out of character or detrimental to the surroundings. However, they consider that the privacy screen, viewed with the staircase, would be harmful.
10. I have considered the size and positioning of the proposed privacy screen. Whilst it would be visible from direct angles, from longer views along Church Road it would be partially screened by the existing vegetation. In addition, the frame would replicate the timber staircase and the use of frosted glass would reduce the visual impact. The surrounding area hosts a variety of different building designs and accordingly I do not find that the proposed screen would be unduly incongruous within the street scene nor would it harm existing views.

11. I therefore find that the proposed privacy screen would not result in harm to the character and appearance of the area and would preserve the character or appearance of the Thorpe Malsor Conservation Area. It would therefore comply with Policies 2 and 8(d) of the JCS which seek to preserve, and where appropriate enhance, the historic environment, and respond to the local character and context amongst other things. It would also comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapters 12 and 16 of the Framework.

Conditions

12. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. The Council have suggested no additional conditions and I do not consider any are necessary.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

R Norman

INSPECTOR