



Appeal Decision

Site visit made on 6 October 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/L2820/D/20/3257070

The Crossways, 131 Hawthorn Road, Kettering NN15 7HU

- 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 T Armour against the decision of Kettering Borough Council.
 - The application Ref: KET/2020/0380, dated 11 June 2020, was refused by notice dated 24 July 2020.
 - The development proposed is 'demolish existing garage, construct a new double garage with half-hip to rear gable. Demolish existing timber shed and construct new in masonry. Raise eaves of existing annex by 200mm.'
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Preliminary Matters

3. Following the site visit a request was made to both parties to determine whether the submitted Existing Garage and Annex (DWG no. 501-04 Rev B) plan accurately reflected the buildings on site. Having viewed the plan on site, it appeared that certain section buildings were shown to be higher than they actually appeared on the ground, particularly the timber store which connects the annex to the existing garage. Following this, a revised Existing Garage and Annex (DWG no. 501-04 Rev C) plan was submitted which provided a more accurate reflection of the existing buildings. The Council accepts that the revised existing plan is an accurate reflection of the existing buildings. Given that the plan identified the existing development, third parties would not be prejudiced if the plan was accepted.
4. The appellant also submitted a revised Proposed Garage and Annex (DWG no. 501-05 Rev F) plan alongside the existing elevations plan. This plan included annotations showing the height of the proposed buildings, which the previous plan did not. The dimensions shown on the plan do not match the dimensions on the plan on which the Council based its decision (DWG no. 501-05 Rev E) and appear to show the proposed buildings being slightly lower than the originally proposed plan.

5. The purpose of seeking clarification with the parties over the accuracy of the existing plans was to enable a proper assessment of the likely impact of the proposal on the neighbouring property. In other words, so that a comparison between the existing and proposed situation could be made. That is particularly important given that the buildings run right along the boundary with No. 129 Hawthorn Road. No amended plans were requested.
6. In general, appeals are determined on the basis of the proposed plans that were considered by the Council at the application stage. That is particularly the case in relation to householder appeals because there is no opportunity to reconsult neighbouring residents over any proposed changes. Because the proposed plan (Rev F) differed from the plan the Council based their decision on (Rev E) and given the limitations of the householder appeal process, the Council and third parties have not been given the opportunity to consider these alternative proposals. For that reason, neighbouring residents would be prejudiced if the appeal was determined on the basis of the amended plans, particularly given the close relationship with No. 129. Accordingly, I recommend that the appeal should be determined on the proposed plans that were before the Council when the original decision was made.

Main Issue

- The impact of the proposed development upon the living conditions of the occupiers of No.129 Hawthorn Road with regard to a loss of sunlight and the development appearing overbearing.

Reasons for the Recommendation

7. The single-bay garage, timber shed and annex are located along the shared boundary between the No.131 and No.129. No.131 is a large detached dwelling set without a spacious plot whilst No.129 is an end terrace dwelling. The garden for No.129 is long but narrow and the three outbuildings within the garden of No. 131 run directly along the shared boundary between the two dwellings.
8. The annex is located at the end of the garden for No.129 and is a tall building that is approximately twice the height of a typical two-metre-tall garden fence. It encompasses around half the length of the garden. Given the height and width of the annex, it has a significant impact when viewed from the end of the garden of No. 129 and this portion of the garden receives less direct sunlight than the rest of the garden because of this building. A timber store connects the annex to the single garage. The height of the store tapers down towards the boundary and the height at that point is not significantly greater than a standard garden fence. Whilst the existing garage is quite tall, it is a narrow building and the rear wall tapers towards the top of the roof. On account of those design features those two buildings do not appear particularly overbearing to the occupiers of No.129.
9. Nonetheless, the three outbuildings run directly along the boundary of what is a narrow garden. In combination, they already have a noticeable physical presence and the living conditions experienced by residents of the neighbouring dwelling will be sensitive to changes in the height and scale of the structures, given their proximity to the boundary and the orientation.

10. The proposed garage would approximately double the width of the existing garage and would require the demolition of part of the timber shed. Whilst the timber shed would be replaced by a narrower masonry building, that building would be taller than the one it would replace. The combined rear wall of the proposed buildings would be noticeably taller than the rear wall of the buildings that are to be replaced. The rear wall of the double garage would have a greater height and bulk than the existing single garage. Although a half-hip is proposed on the garage, this would not be sufficient to mitigate against the additional physical impact of the extended masonry wall. Similarly, whilst the height of the replacement for the timber store would taper towards the boundary, the additional ridge height and bulk of the structure would still be readily apparent from within the garden.
11. Overall, the increase in height of the garage and store would add to the substantial presence and impact of the existing annex and the resulting development would have an overbearing impact and create an oppressive sense of enclosure along the majority of this side of the garden. This harmful impact is compounded by the narrow proportions of No.129's garden. Furthermore, the dining room/kitchen is located at the rear of the house and is a habitable room and given the height and siting of the proposed buildings they would appear overbearing to the occupiers when using this room.
12. Whilst No.131 does block some sunlight reaching the garden, it is set back a sufficient distance from the boundary and still allows some sunlight to reach the garden. The proposed buildings would be built up against the boundary and because of this they would result in a further loss of sunlight above and beyond the present situation.
13. The raising of the eaves for the annex would be on the elevation facing away from No.129 and because of this, the annex would not appear taller from No.129's garden and the proposal, in this respect, would have no impact upon the living conditions of the occupants.
14. Therefore, whilst the increase in the height of the front elevation of the annex would not harm the living condition of the occupants of No.129, the bulky appearance of the proposed garage and storage shed would appear overbearing to the occupiers and would result in a loss of sunlight to the garden as well as the rear habitable rooms. Consequently, the proposal would cause harm to the living conditions of the occupiers of No.129 and would be contrary to policy 8 of The North Northamptonshire Joint Core Strategy 2011 – 2031 (Adopted 2016) which states that development should protect amenity by not resulting in an unacceptable impact upon the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

Conclusion and Recommendation

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

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR