



Appeal Decision

Site Visit made on 5 January 2021

by R Sabu BA (Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 25th January 2021

Appeal Ref: APP/L2820/W/20/3259316

18 Elm Road, Burton Latimer NN15 5NF

- 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 Shaun Langley of Concept Developments SK Ltd against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0087, dated 6 February 2020, was refused by notice dated 26 June 2020.
 - The development proposed is 2 storey dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Shaun Langley of Concept Developments SK Ltd against Kettering Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. I have used the description of development from the application form, omitting superfluous words which are not acts of development.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to light and outlook; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

5. The adjacent dwelling at No 16 Elm Road (No 16) has a window and single door on the ground floor of the side elevation facing the site which serves a kitchen. From the evidence and my observations during the site visit, the kitchen space has no other windows, though some daylight filters through from other rooms of the building.

6. The proposed dwelling would be two storeys high and built close to the boundary. While I note the distance between the kitchen window and the shared boundary fence, given the two-storey height of the proposed dwelling, and that the kitchen area is not dual aspect, the amount of daylight entering the space would be significantly diminished by the proposal.
7. I note the Daylight & Sunlight Report dated August 2019 (DSR). It sets out that the kitchen window for No 16 would not meet the BRE planning guidelines for Vertical Sky Component (VSC) but passes the daylight distribution test, which is a measure of daylight provision within the room.
8. However, the DSR also states that any reduction in the total amount of daylight can be calculated by finding the VSC and if the VSC is less than 27% as well as less than 0.8 times its former value the occupants will notice the reduction in the amount of skylight. From the evidence the difference in proposed VSC compared with existing would be significant. Therefore, while I note the Daylight Distribution levels, I am not persuaded that the proposal would not result in undue harm to the occupiers with respect to the levels of light reaching the kitchen window. Notwithstanding the Available Sunlight Hours Results, given the height of the proposed building and its proximity to No 16, the reduction in light levels reaching the kitchen would unacceptably affect the living conditions of the neighbouring occupiers.
9. While the front and rear building lines of the proposal would be roughly in keeping with the adjacent dwellings, given the height and siting of the proposal, it would present a two storey flank wall to the side elevation of No 16 which would dominate the outlook from the kitchen window, resulting in oppressive living conditions for the neighbouring occupiers.
10. I acknowledge concerns regarding the light to No 18 Elm Road. A number of the windows on the flank elevation facing the site serve hallway areas and bathrooms which are not likely to be occupied for substantial parts of the day. However, from the evidence, the kitchen diner space of No 18 is dual aspect. As such, it is unlikely that light levels to this space and the outlook from this window would be unduly diminished by the scheme.
11. Consequently, the proposal would harm the living conditions of neighbouring occupiers with particular regard to light and outlook. Therefore, it would conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2011 – 2031 Adopted June 2016 (CS) which seeks, among other things, development that protects amenity by not resulting in an unacceptable impact on the amenities of neighbouring properties, by reason of loss of light. It would also conflict with the National Planning Policy Framework (Framework) in this respect.

Character and appearance

12. The area around the site is primarily characterised by semi-detached dwellings with hipped roofs and terraced dwellings with gable ends at either end of the terrace that gives the area a pleasant unified character and appearance.
13. The size of the plot would be roughly in keeping with other plot widths in the area and the proposed materials would be in keeping with others along the street. However, the proposed detached form would be out of keeping with the prevailing dwelling types and would appear incongruous given the unified character and appearance of the area. Furthermore, from the evidence,

including the visual image submitted as part of the appeal, and my observations during the site visit, it appears that the eaves height and ridge level of the proposed dwelling would be higher than the adjacent dwellings and others in the area. As such, the proposed detached dwelling would appear dominant in the street scene, resulting in a discordant effect on the character and appearance of the area.

14. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with CS Policy 8 which seeks, among other things, development which responds to the site's immediate and wider context and local character. The proposal would also conflict with the Framework in this respect.

Other Matters

15. I note the other matters raised including the sustainability of the location, internal space standards, parking and highway safety. However, these matters have not altered my overall decision.

Conclusion

16. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR