
Appeal Decision

Site visit made on 26 January 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2021

Appeal Ref: APP/L2820/W/20/3260211

28 John Smith Avenue, Rothwell NN14 6DN

- 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 Mark Payne against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0861, dated 6 December 2019, was refused by notice dated 14 August 2020.
 - The development proposed is for the construction of a three-bedroom detached house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Payne against Kettering Borough Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The description of the development given on the planning application form provides further appeal site address details. For clarity, I have omitted those elements in the above header and referred to the development proposed only.
4. The Decision Notice in contention refers to several matters as leading to alleged overdevelopment. However, the matters raised more specifically relate to living condition impacts which is therefore reflected in my reasoning.

Main Issues

5. The main issue is the effect of the development on existing living conditions of neighbouring residents in the area having regard to light, outlook and access.

Reasons

6. The appeal site is a wedged-shaped area of land situated at the end of a cul-de-sac. No.28 has several existing windows on its side elevation facing the site. Two of the windows are at first floor level and the other two are at ground floor level. The new dwelling would be positioned approximately 0.84 metres from the windows. It would cause significant overshadowing. The proximity of the development to the windows would be intrusive, and harmful to the existing levels of outlook and light enjoyed by occupiers of the property.

7. I note that the appellant is the occupier of no. 28. But there could be future changes in ownership, and existing living conditions would still be eroded by the appeal scheme in any event. Although pedestrian access between the properties could be provided the negative impact to outlook and light weighs significantly against the scheme.
8. I could see at my site visit that the road does not have a turning head and that vehicles park directly on the highway including where it terminates. The new dwelling would result in additional vehicle movements at the end of the cul-de-sac.
9. I accept there is no evidence that this would be hazardous to safety levels considering the Highway Authority's advice. Nevertheless, there remains a strong likelihood that individual property access points would be further obstructed along the road when drivers are seeking to manoeuvre or when reversing given the layout of the cul-de-sac. The new dwelling would exacerbate this as an existing problem owing to a lack of space within the road layout of the area. The reduction in ready access and manoeuvrability to, and from, dwellings at the end of the road would be a source aggravation to residents which would be harmful to existing living conditions. I am unconvinced planning conditions would overcome this issue.
10. The appellant refers me to a dwelling at 2A John Smith Avenue as well as a dwelling under construction at Glendon Road, Rothwell as comprising of similar impacts deemed to be acceptable. But those sites are not constrained by existing neighbouring windows or by the road network in the same way. Therefore, I give comparisons to those other developments no significant weight.
11. Accordingly, I conclude that the development would be harmful to the living conditions of surrounding residents. It would conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS) which states that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area.

Other Matters

12. The appellant refers to the appeal scheme improving the number of homes and choice in the area. As well as the site being within a sustainable location where the principle of new housing is supported by the Council's development plan. I acknowledge that an additional dwelling to local housing provision in a sustainable location would be a substantial benefit when applying the content of the National Planning Policy Framework (the Framework).
13. Draft Policy HOU1 of the emerging North Northamptonshire Development Plan, which is subject to formal examination is also referred to. The policy states that windfall and infill development within settlement boundaries, including the complete or partial redevelopment of residential garden land, will generally be accepted in principle providing: there is no erosion to the character and appearance of the area; and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents. However, I have found harm to amenity as set out in the main issue. Therefore, I give no significant weight to the appellant's argument of compliance with that policy.

14. Moreover, I appreciate that there have been pre-application discussions informing the scheme and that the Council's officer recommendation does give support to the development. But those circumstances do not bind my assessment of identifying any harm.

Planning Balance and Conclusion

15. I have found that the development would conflict with the Council's development plan. I accept there would be some benefits in allowing a new dwelling in this location close to services. But those benefits would not outweigh the harm to the living conditions of neighbouring occupiers. Accordingly, there are no other material considerations which lead me to the conclusion that the Council's development plan should not be followed.
16. For the reasons given above the appeal does not succeed.

Matthew Shrigley

INSPECTOR