



Appeal Decision

Site visit made on 9 March 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 17 March 2021

Appeal Ref: APP/L2820/W/20/3263500

Land adjacent No. 24 Durban Road, Durban Road, Kettering NN16 0JA

- 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 Alex Sefolli (Old England Homes Ltd) against the decision of Kettering Borough Council.
 - The application Ref: KET/2020/0521, dated 31 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is the erection of two small flats adjacent to house No's 24 and 28.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area;
 - whether appropriate living conditions would be provided for the future occupiers of the development; and
 - the effect of the development upon the living conditions of the occupiers of adjoining properties.

Reasons

Character and appearance

3. The appeal site is located within a residential area defined by the presence of terraced dwellings. The roof ridge of each dwelling is lower than the dwellings located on the higher land. Therefore, the character of the appeal site and the surrounding area is one defined by traditionally designed buildings that reflect the topography of the surrounding area.
4. The proposed development would have an eaves height comparable with the existing dwelling at No. 28. This would therefore erode the character that is present in the surrounding area as the eaves height typically reduces from dwelling to dwelling. In result, the proposed development would appear to have a greater, bulkier mass than the adjoining dwellings, irrespective of the proposed building having a reduced ridge height.

5. Owing to the topography of the surrounding area, it would be possible to view the eaves height of the proposed development from several different positions in Durban Road. In consequence, the erosion of the relationship between building design and topography would be readily apparent. This means that the traditional form and style of architecture of the surrounding area would be eroded
6. The proposed development features dormer windows on both the front and rear roof slopes. There are some examples of these on surrounding developments, which means that they would not appear incongruous. In addition, owing to their proportions they would not dominate the respective roof slopes. Therefore, the proposed dormer windows would not erode the character of Durban Road.
7. The proposed development would comprise two flats. Whilst many of the surrounding developments are houses, the proposal would feature a front door (serving the ground floor flat). Therefore, the proposed development in combination with the proposed fenestration pattern, would have some similarities to other dwellings nearby. Although an external entrance would be created to the side of the proposed dwelling, this would not be prominent.
8. Whilst I have not found that the creation of flats with dormer windows and an additional entrance would erode the character and appearance of the surrounding area, this is outweighed by the harm arising from the eaves height.
9. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy 8 of the North Northamptonshire Core Strategy (2016) (the Core Strategy). This, amongst other matters, seeks to ensure that developments respond to the site's immediate and wider context.

Living conditions for future occupiers

10. The proposed development contains two one-bedroom flats with access to the upper-floor flat being provided via an entrance to the side of the proposed building. A garden area is also to the rear, which contains an area for refuse storage.
11. Owing to the size of the proposed flats and the layout, the proposed dwellings would be of a small size and fall below that prescribed in the Nationally Described Space Standards (NDSS). I have also been directed towards an adopted planning policy that seeks to require new developments to be constructed in accordance with the NDSS.
12. By reason of this, residents of the proposed development would not have sufficient space to undertake the full range of activities that residents might wish to within their dwelling. This is particularly concerning as there is a likelihood that the flats could be occupied by couples and therefore a greater amount of space would be required for residents to undertake routine domestic tasks and activities.
13. In addition, the relatively small size of the flats would mean that residents would not have sufficient space to store personal effects, or normal household

- items. Whilst the garden space might be of a sufficient size, this would not overcome the adverse effects arising from the insufficient internal space.
14. Occupiers of the upper flat would have access to the garden and the refuse storage area. To access these areas residents of the upper flat would pass close to the windows of the ground-floor flat. This is concerning given that the effected room pertains to a bedroom. This is a room that would be particularly sensitive to change and therefore the lack of privacy would be particularly notable.
 15. Given that the proposed development would be for two dwellings, residents of both flats may not be necessarily known to one another. Consequently, the movement of people potentially unknown to the occupiers of the ground floor flat would erode the level of privacy that residents would experience.
 16. I therefore conclude that the proposed development would not provide appropriate living conditions for the future occupiers of the development. The development, in this regard, would conflict with Policies 8 and 30 of the Core Strategy. Amongst other matters, these seek to protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers; and ensure that new dwellings are constructed in line with the provisions of the NDSS.

Living conditions of the occupiers of neighbouring properties

17. The proposed development would consist of two storeys, but with dormer windows being installed within both the front and rear roof slopes.
18. By reason of the proportions of the dormer windows, the building would have an appearance akin to a three-storey building. On account of this level of massing and due to the proximity of the building to the shared boundaries the development would have an overbearing effect on the neighbouring properties at 24 and 28 Durban Road. In result, residents of the neighbouring properties would have a garden that would not have an appropriate level of outlook.
19. In addition, the neighbouring property at No. 24 is located on land that is lower than the appeal site. This means that the proposed development would appear to have a greater height. This is concerning owing to there being some windows adjacent to the shared boundary. In result, the proposal would have an overbearing, and enclosing effect, on this property.
20. The rear dormer window would have an elevated height. As a bathroom, this might be fitted with obscure glass. However, the fact that the window would be of significant height and close to the shared boundary means that residents of the neighbouring development would experience the perception of being overlooked. This would be particularly the case as movement behind the window would be apparent. Furthermore, the window might be openable, which would exacerbate the previously described effects.
21. Owing to the positioning of the proposed development in line with the adjoining building at No. 28 and the orientation of the proposed development, there would not be a loss of light for the occupiers of neighbouring properties. However, this matter does not overcome the previously identified harm.
22. I therefore conclude that the proposed development would erode the living conditions of the occupiers of neighbouring properties. The development, in

this regard, conflicts with Policy 8 of the Core Strategy. This, amongst other matters, seeks to ensure that new developments seek to protect amenity by not resulting in an unacceptable impact on neighbouring properties.

Other Matters

23. The evidence before me is not indicative that the proposed development would have an adverse effect on the highway system. Whilst this is a matter of note, it does not outweigh my previous conclusions.
24. I understand that the appellant, in devising the appeal proposal, was attempting to overcome a previous refusal of planning permission. However, this does not overcome the harm as identified.

Conclusion

25. The proposal would harm the character and appearance of the area, would not provide appropriate living conditions for the future occupiers of the development, and would have an adverse effect on the living conditions of the occupiers of neighbouring properties. The development would therefore conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR