
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/20/3262573
140 St Johns Road, Kettering NN15 5AT

- 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 Paul Goodyear against the decision of Kettering Borough Council.
 - The application Ref: KET/2020/0162, dated 29 February 2020, was refused by notice dated 5 May 2020.
 - The development proposed is a two-storey 2-bedroom dwelling with associated parking and amenity land
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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; and
 - whether appropriate living conditions would be provided for the occupiers of the proposed and existing dwelling.

Reasons

Character and appearance

3. The appeal site is in a residential area. The proposed dwelling would be sited on an area to the side of the existing house adjacent to the junction between Walsingham Avenue and St Johns Road. Although there are several different dwelling designs within the surrounding area, a defining character is the presence of less-developed, more landscaped areas. Including some close to road junctions. These contribute to a generally open, verdant character.
4. The proposed development would result in the construction of an additional dwelling within the grassed area to the side of the existing dwelling. This would therefore result in substantial reduction in the level of open space within the vicinity of the appeal site. This means that the proposed development would appear incongruous.
5. This raises a concern as the appeal site is prominently located at the junction between two roads. In addition, views of the development would be possible from a significant number of different vantage points in both St Johns Road and

- Walsingham Avenue. This would be exacerbated by the topography of the surrounding area, which would increase the overall prominence of the proposed development. In result, the proposed dwelling would appear to be strident.
6. Whilst the surrounding area features some dwellings of a variety of designs and material palettes, a unifying trend is the presence of setbacks from the highway edge and areas of landscaping close to junctions. This contributes to the open and verdant character of the surrounding area. Therefore, the erection of the proposed dwelling would result in a loss of the more open space. In consequence, the development due to the increase in the built form would erode the character of the site's surroundings.
 7. My attention has been drawn to a dwelling at the junction between Walsingham Avenue and Glastonbury Close. Although this is near to the appeal site, this dwelling is not as prominent as the appeal scheme would be. Furthermore, the dwelling at the junction between St Johns Road and Chepstow Close is screened by mature landscaping. Whilst I have noted the intention to provide a replacement tree within the appeal site, this would take some time to become established and would not offer the same screening effect. In result, the presence of dwellings elsewhere does not overcome the previously identified issues.
 8. There are some extensions to other dwellings that have been constructed to the side of dwellings adjacent to road junctions within the surrounding area. I am not aware of the full planning circumstances of these, which lessens the amount of weight that I can attribute to them. Nonetheless, I note that these are of a smaller scale than the development before me. In result, they do not have the same effects on the character and appearance of the surrounding area as the appeal scheme would have. This means that the presence of these extensions does not allow me to forego my previous concerns.
 9. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy 8 of the North Northamptonshire Joint Core Strategy (2016) (the Core Strategy). This, amongst other matters, seeks to ensure that new developments respond to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character.

Living conditions

10. The proposed development would result in an additional dwelling adjacent to the existing house. In result, the area of garden space would be reduced due to the footprint of the proposed dwelling. The remaining garden space would be subdivided and split between the proposed and existing dwellings.
11. Owing to the scale of the proposed development, the garden space available for the occupiers of both the proposed and existing dwellings. This is of concern given that the rear gardens are the only areas where outdoors recreation, or outdoors play, might take place. Therefore, the relatively small gardens would diminish the ability of residents to undertake such activities. In consequence, this would not assist in creating acceptable living conditions for either the occupiers of the existing or proposed dwellings.

12. In addition, the space available for outdoors recreation is also likely to be diminished as some space, from time to time, is likely to be required for the outdoors storage of refuse and materials for recycling.
13. I am aware that the Council does not appear to have adopted any space standards regarding the minimum level of garden provision to be included in developments. However, in considering this appeal, I have been directed towards an adopted planning policy that seeks to ensure that residents have appropriate living conditions. Accordingly, these policies carry weight in my considerations.
14. Although there are areas of public open space within the wider area, these would require a journey to be made. Therefore, the lack of convenience combined with these spaces being open and non-private means that they cannot represent a satisfactory alternative for suitably sized private gardens.
15. Whilst the proposed gardens would have an appropriate level of privacy, this does not overcome the aforementioned concerns regarding the size of the garden space. In addition, whilst the interior of the proposed dwelling would be of an appropriate size, this would not overcome the harm arising from the garden size as the residents are likely to require both appropriate levels of internal and external space.
16. I therefore conclude that the proposed development would not provide appropriate living conditions for the occupiers of the proposed and existing dwellings. The development, in this regard, would conflict with Policy 8 of the Core Strategy. This, amongst other matters, requires that developments include flexible and resilient designs for buildings and their settings, including access to amenity space.

Other Matters

17. The proposed development would result in an increase in the local housing supply. However, given that I have found that the proposal would not provide appropriate living conditions for the future occupiers of the proposed and existing dwellings, combined with the adverse effect upon the character and appearance of the surrounding area means that any benefits arising from the scheme are outweighed.
18. The appellant has referenced policies not cited by the Council in refusing the application for planning permission. However, I am mindful that applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, as I have identified breaches of Policy 8 of the Core Strategy, from which harm would emanate, the proposed development would not be in conformity with the Development Plan.
19. I acknowledge efforts made by the appellant in attempting to overcome previous reasons for the refusal of planning permission. However, this does not overcome my conclusions in respect of the main issues.
20. I understand that pre-application advice had previously been provided by the Council, which was not reflective of the outcome of the planning application. However, in considering this appeal, I have limited my considerations to the planning matters before me.

Conclusion

21. The proposal would harm the character and appearance of the area and would not allow for appropriate living conditions for either the occupiers of the existing dwelling, or the proposed development. The proposal 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 preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR