



Appeal Decision

Site Visit made on 15 September 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/L2820/W/21/3275025

Land Adjacent to 13 Castle Hill, Rothwell, Kettering NN14 6JN

- 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 Mrs M Watkins & Mrs M Markham against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0611, dated 2 September 2020, was refused by notice dated 25 November 2020.
 - The development proposed is new-build one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address in the header is taken from the Council's decision notice and the appeal form. It is slightly different to that provided on the application form but it more accurately describes the location of the site.
3. Since its decision, Kettering Borough Council has merged with other authorities to form North Northamptonshire Council. The same development plan remains in place and so the merger has no effect on my assessment of the proposal.

Main Issues

4. The main issues are (i) whether the development would preserve or enhance the character or appearance of the Rothwell Conservation Area (the CA), (ii) whether it would provide acceptable living conditions in terms of outdoor space, (iii) its effect on the living conditions at 13 Castle Hill (No 13) in terms of outlook and privacy, and (iv) the effect on the public footway.

Reasons

The CA

5. The CA covers an area in the centre of Rothwell. From my observations and the contents of the provided CA statement, the significance of the area appears to lie with the retention of historic buildings and patterns of development.
6. The appeal site is on the corner of Castle Hill and School Lane. It is next to No 13 that is at the end of a terrace of properties, all of which are of some age and retain their original forms and many older features. Similar houses are on the other side of Castle Hill and on the opposite corner of the junction with School Lane. This group of buildings is not specifically highlighted in the CA

statement but it provides an attractive environment and adds to the appreciation of Rothwell's past.

7. The garage on the site is a more recent building and so appears out of place with the nearby houses. However, it is plain in appearance, single storey, set back from Castle Hill and partially screened by hedging and trees on the School Lane boundary. As such, it has a negative but low key effect on the qualities of the locality. Its removal would lead to a minor enhancement to the area.
8. The proposal would have an asymmetric cat slide roof with a flat roof dormer to the rear and a set back side element. Such features are not common to the area and would mean that the form and appearance of the dwelling would be discordant to the surrounding group of houses. Moreover, due to their height and proximity to the pavement, the proposal's roof and side projection would have a more noticeable visual effect than the garage to be demolished. As such, the development would detract from the visual qualities of the area and would undermine its historic value.
9. It is suggested that the dormer would be a high quality feature which is widely accepted in conservation areas. However, no similar dormer lies in the vicinity of the site and by virtue of its form and prominence, it would lead to an uncharacteristic boxy, top heavy appearance to the house.
10. The proposal would hide the side elevation of No 13 which is bland. However, the asymmetric side wall and flat roof dormer would be less harmonious than this flank wall and so the scheme would be more harmful to the visual qualities of the locality.
11. Submissions show that a house once stood on the site. However, the evidence indicates that this was similar in form and style to No 13 and that it did not include a catslide roof or dormer window. The suggestion that this property would have been extended inappropriately or in line with the proposal if it had remained is conjecture and so fails to justify the incongruity of the scheme.
12. The proposed house would be a similar height to those nearby and it would be on the pavement like many other properties in the CA. It would include ironstone walls, a slate roof and timber windows to follow the local style. As it would fill a space where a house once stood, it would not compromise the historic pattern of development. However, these acceptable elements of the scheme do not address or offset the unsympathetic and detrimental aspects.
13. The proposal would only affect a small part of the CA and so it would cause less than substantial harm to the heritage asset. In such circumstances, the National Planning Policy Framework (the Framework) dictates the public benefits of the scheme should be assessed against the identified detriment.
14. The development would add to the housing stock and occupants would support nearby services. Also, it would create construction jobs, although the benefits in these regards would be modest as only a single new unit would be created. The demolition of the garage would be a minor enhancement to the street scene and the removal of the drop kerb would marginally improve pedestrian safety. However, these and the other benefits do not outweigh the harm the proposal would cause to the CA's significance.
15. As such, I conclude the development would not preserve or enhance the character or appearance of the CA. In these regards, it would not accord with

policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2016 (JCS). Amongst other things, these require proposals to conserve the significance of heritage assets and to respond to a site's context.

Outdoor space

16. The proposed house would be served by a bin enclosure to the side and a walled garden to the rear. The outdoor area would be of a size to allow the drying of clothes and limited external storage, including for cycles. However, it would be small and it would feel enclosed by the proposed house and boundary treatments as well as No 13's outbuildings and the side wall of the nearby childcare building. As it would provide only a single bedroom, it is unlikely the dwelling would be occupied by people who require children's outdoor play space. Even so, the development would not provide occupants with an area appropriate for private sitting out or external recreation. Public outdoor spaces within a short walking distance of the site would not serve as private areas for future residents.
17. I am referred to no Council guidelines which set out standards for the amount of outdoor space to be provided with new housing. Also, nearby residences appear to be served by small private yards and so the proposed garden would be comparable to existing properties. Moreover, I am aware that some residences, such as flats, are provided with no meaningful outdoor space. However, these factors do not override the Framework's aim to create places with a high standard of amenity for future users. Given the aforementioned shortcomings, the proposal would fail to meet this aim.
18. For these reasons, I conclude the development would not provide acceptable living conditions in terms of outdoor space. In these regards, it would not accord with JCS policy 8 which, amongst other things, looks for development to provide a quality of life by ensuring access to amenity space.

Living conditions at No 13

19. The proposed house would be side by side with No 13 and it would not extend beyond the single storey addition which stretches across most of the neighbour's rear elevation. The dwelling would be close to and seen from the adjoining garden but it would generally align with the extent of No 13's built form. As such, it would avoid any harmful additional overbearing effect or significant loss of outlook. The rear windows to the house would not directly face towards No 13 and so they would not lead to any intrusive overlooking.
20. As such, I conclude the proposal would not harm the living conditions at No 13 in terms of outlook and privacy. In these regards, it would accord with JCS policy 8 which looks to protect the amenities of neighbouring properties.

Public footway

21. Concern is raised that the proposal would be too close to the pavement on Castle Hill and School Lane, with reference made to standing advice from the local highway authority. However, this advice does not form part of the development plan and so it is not determinative on the issue.
22. The house would be near to the public highway but within the boundaries of the site. The front door would be inward opening and sash windows would be provided so as to avoid overhang onto the pavement and obstruction to

pedestrians. The foundations could be offset so as to ensure construction does not affect the stability of the pavement. It would be reasonable to secure approval of such details through the imposition of planning conditions.

23. As such, I conclude the development would not have a harmful effect on the public footway. In these regards, it would accord with JCS policy 8 which, amongst other things, seeks to ensure streets are safe and pleasant.

Conclusion

24. I have found the proposal would be acceptable in terms of its impact on the living conditions at No 13 and the public footway. However, the harm identified in respect of the first 2 main issues means the scheme would not accord with the development plan policies when read as a whole. There is no sound justification to grant planning permission contrary to the development plan. Accordingly, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR