



Appeal Decision

Site Visit made on 17 August 2021

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2021

Appeal Ref: APP/L2820/D/21/3274949

13 Ironwood Avenue, Desborough, Kettering NN14 2JJ

- 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 Fernanda Van Raepenbusch & Mr Paul Meurisse against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0763, dated 28 October 2020, was refused by notice dated 1 February 2021.
 - The development proposed is described as 'three storey side and rear extensions, alterations to fenestration, alterations to materials used on elevations, internal alterations, alteration to boundary treatment in the rear garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2021 Kettering Borough Council became part of North Northamptonshire Council who are now the Local Planning Authority.
3. One of the appellants stated reasons for their appeal is that the local planning authority failed to give notice within the prescribed period of a decision on an application for planning permission. However, their appeal was dated 19 April 2021, which is at least 6 weeks after the Council issued their decision. I have therefore considered it as an appeal against a refusal to grant planning permission.
4. The appellants within their extensive appeal submission requested to be heard orally. However, after carefully considering all of the submitted evidence I consider that the issues are clear and well defined. Therefore, it is not necessary to test the evidence by questioning nor do I need to seek clarification regarding any other matters.

Application for costs

5. An application for costs was made by Mrs Fernanda Van Raepenbusch & Mr Paul Meurisse against Kettering Borough Council. This application is the subject of a separate decision.

Main Issues

6. The main issues in the appeal are:

- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on the living conditions of the occupiers of No 15 Ironwood Avenue, with particular regard to outlook.

Reasons

7. The appeal site is located within a modern planned residential area. The estate contains detached, semi-detached, terraced houses and purpose built flats, with a mix of building heights (two, two and a half, and three storey). The properties are constructed from a variety of materials, but in the main, brick and render. Number 13 is a two-and a half storey property finished in brick and render located on a prominent corner at the junction with Mulberry Close. Numbers 11 and 13 Ironwood Avenue are designed to create a gateway to Mulberry Close and although the houses are not identical their separation, the use of single storey garages and boundary walls, railings and landscaping make a significant contribution to the character of the area.

Character and appearance

8. I have carefully considered the appellants' representations in relation to the proposed development. As such, I appreciate that the appellants have tried to develop a proposal that responds to the constraints of the site and its surroundings whilst seeking to provide accommodation for their future needs. However, the proposed three-storey side and rear extension would by way of its prominent siting, height and massing at the junction of Ironwood Avenue and Mulberry Close appear overly dominant and incongruous in this site specific context. Moreover, the harm that I have identified could not be mitigated by the use of landscaping and planting, given the overall scale of the development. Consequently, the proposal would appear at odds with the both the host dwelling and prevailing street scene, resulting in significant material harm to the character and appearance of the area.
9. With regard to the proposed addition of coping stones to the western side boundary wall, whilst I accept that this element would only result in a modest increase in height, they would appear out of keeping when compared to the blue brick detailing of the other boundary walls in the area. As such, although a relatively minor detail the introduction of coping stones would incrementally erode the carefully planned and detailed character of the area.
10. In reaching my conclusions I have taken into account the scale of the buildings on the nearby industrial area that is located to the north of the appeal site. However, whilst they are visible from the entrance to Ironwood Avenue, they are clearly separate and form no material part of the character of the residential area that the appeal site is located within.

11. I therefore consider that the proposal would result in material harm to the character and appearance of the area. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Policies 1 and 8 of the North Northamptonshire Joint Core Strategy 2011 - 2031 (NNJCS). These seek amongst other things to ensure that development contributes to the character and appearance of an area by responding to the site's immediate and wider context and local character.

Living conditions

12. I have carefully considered the appellants' appeal statement in relation to the effect of the proposal on the living conditions of the occupiers of No 15 Ironwood Avenue (No 15). The proposed rear extension would introduce a three-storey gable wall in close proximity to the shared boundary with No 15. Therefore, based on the evidence before me and my on-site observations I consider that this would result in the rear garden of No 15 being visually dominated by the proposal. The effect of which is magnified by the combination of the relatively modest size of the rear garden and its north facing orientation. Accordingly, the projection, length and height of the gable wall of the rear extension would be overbearing and oppressive.
13. Therefore, the proposed extension by way of its rear projection along the shared boundary and increase in height would result in material harm to the living conditions of the occupiers of No 15 Ironwood Avenue. The proposal would therefore conflict with Policy 8 of the NNJCS, that seeks amongst other things to ensure that development does not result in an unacceptable impact on the amenities of future occupiers.

Other Matters

14. In support of their proposal the appellants have cited a number of benefits that they consider would be derived from the approval of the scheme. These include amongst other things, adapting their home to improve accessibility in their retirement including the provision of a lift, reducing primary energy demand, whilst increasing energy generation through the use of solar panels and increased security. Whilst noting the benefits identified above, they do not outweigh the harm in relation to the effect of the proposal on the character and appearance of the area, and the living conditions of neighbouring occupiers.
15. The appellants have referred to the Council's decision making process including concerns regarding their administration and determination of the application. However, this is a matter of local government accountability and even if members of the Council's planning team had provided more detail in their responses or entered into further negotiation, I have no evidence before me to suggest that the decision would have been different.

Conclusion

16. For the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

Jameson Bridgwater

INSPECTOR