



Appeal Decision

Site Visit made on 13 December 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2021

Appeal Ref: APP/L2820/W/21/3276640

13 Long Breech, Mawsley, Kettering NN14 1TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs Yvette Den-Drijver against Kettering Borough Council.
 - The application Ref NK/2021/0048, is dated 19 January 2021.
 - The development proposed is for a detached garage with cladding and ancillary habitable accommodation.
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Decision

1. The appeal is allowed, and planning permission is granted for a detached garage with cladding and ancillary habitable accommodation at 13 Long Breech, Kettering, NN14 1TR in accordance with the terms of the application, Ref NK/2021/0048, dated 19 January 2021, and the plans submitted with it, subject to the following conditions:
 - 1) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no alterations permitted by Class E of Part 1 of Schedule 2 of the Order shall be made to the annexe and garage building to which this planning permission relates.

Applications for costs

2. An application for costs has been made by Mrs Yvette Den-Drijver against Kettering Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. Planning permission was granted¹ in 2020 for a detached building within the appeal site's frontage (The Approved Scheme). This is therefore an important material consideration that presents a significant fallback position if the appeal were unsuccessful. This building has since been constructed, but with some minor external changes, which the proposal the subject of this appeal seeks to regularise. The main differences appear to be the addition of a small store to its side and a side window. Also, the appellant proposes to use the first-floor as a bedroom rather than an office. As the proposal is complete, section 73A of the 1990 Town and Country Planning Act, applies. I have therefore dealt with the appeal on this basis.

¹ Planning Application Reference: KET/2019/0759

4. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal it falls to me to determine whether planning permission should be given.
5. The Council has stated that, had it determined the case, it would have found the scheme to be contrary to policy 8 of the North Northamptonshire Core Spatial Strategy (2016)(CS). Also, since the submission of its Statement of Case, the Kettering Site Specific Part 2 Local Plan (LP) has been adopted². Consequently, the Council now states that the proposal would also conflict with Policies RS1 and RS5 of the LP.

Main Issue

6. The variations between the Approved Scheme and the proposal are relatively minor. These relate to its appearance and how the building would be used. There is no dispute between parties that the proposed external changes would have no adverse effect on the character and appearance of the area. However, the Council's concerns relate to the impact of the further bedroom on parking demand.
7. Therefore, in consideration of the Council's Statement of Case, and the evidence before me, the main issue in dispute is the effect of the proposed development on parking demand and its resultant impact on highway safety.

Reasons

8. Long Breech is a residential road within a modern housing estate. Dwellings are relatively large and contain on plot parking. Parking areas are mostly recessed from the highway within courtyards and driveways, reducing the impact of parking within the streetscene. Nevertheless, the highway is not subject to parking restrictions and provides on-street parking capacity if required. Although only offering a snapshot in time, I noted during my visit that on-street parking, on a weekday during the day, was readily available. However, I would expect parking demand to be higher in the evenings and at weekends.
9. The Council has not adopted any parking standards. Nevertheless, although of limited weight, the former parking standards of Northamptonshire County Council suggest that a dwelling with 4 bedrooms or more should include three parking spaces and a visitor space. Although the Council identify that the proposal would result in demand for up to two further vehicles, it has not provided evidence to support this assertion. The annex is relatively compact, and it seems more likely to be occupied by a single occupant as advanced by the appellant. As such, any increased parking demand would be likely to be limited.
10. During my visit, I noted that the garage was being used for the storage of domestic material. However, it seemed clear to me that this space could be cleared, and was of sufficient size, to accommodate a vehicle if additional on-site parking was required in the future.
11. Furthermore, the Council has not drawn my attention to policy or guidance that requires a turning circle to be provided within the plot. Furthermore, many local existing plots have far smaller driveways where such a manoeuvre could not take place. As such, cars reversing onto the highway would be a relatively

² Part Two Local Plan adopted 1 December 2021

frequent occurrence in the area. Based on the rather circuitous and narrow nature of the highway, I would expect vehicle speeds of road users to be relatively low. Therefore, the action of vehicles reversing out of the appeal site would not raise significant highway safety concerns. For these reasons, it seems unrealistic and unnecessary for the appeal site to accommodate a turning circle.

12. Without the provision of a turning circle, the appeal site could accommodate additional parking provision. This, together with the space available within the garage, would ensure that the site provides adequate parking for the proposal. Furthermore, additional parking could be accommodated within the highway, to meet the normal domestic needs of the dwelling, in the unlikely circumstance that on street parking is also required. Such demand would be in common with neighbouring dwellings, that have comparatively smaller on plot parking capacity. Consequently, the evidence before me does not indicate that the minimal increase of traffic caused by the proposed development would affect highway safety.
13. Accordingly, the proposed development would result in a negligible demand for parking and with no impact on highway safety. Consequently, the proposal would comply with policy 8 of the CS, policies RS1 and RS5 of the LP and paragraph 111 of the National Planning Policy Framework. These policies, among other matters, require development to provide a satisfactory means of access and provision for parking and to only prevent development that would have an unacceptable impact on highway safety.

Other Matters

14. Local residents have raised concerns that the proposal would represent over-development of the site. However, as identified above additional parking demand caused by the proposal would be limited and could be accommodated through a combination of on-site and on street parking as needed. Furthermore, noise related disturbance from increased traffic would be negligible. The proposal would therefore function without detriment to the living conditions of existing residential occupiers.
15. Interested parties have suggested that the appellant runs a business from home. A degree of home working can be undertaken without causing a material change of use to the property. If this were exceeded this would be a separate matter for the Local Planning Authority to pursue outside of this appeal. I have also noted the concerns raised by interested parties as to how the driveway has been used in the past. However, unless this relates to a material change of use, the type of activity described would be likely to be within the lawful residential use of the property. Consequently, whether the appellant uses a commercial vehicle, in association with a business, is not relevant to this proposal.
16. The proposed development is to the northwest of 11 Long Breech. As a result, the proposal would have a moderate effect on sunlight and daylight received within the garden of this neighbouring plot. However, the annex is a reasonable distance from the rear elevation of No 11. This would therefore cause only a limited effect that would be no greater than the Approved Scheme. Also, any noise disturbance caused by the use of the first-floor space would be unlikely to be substantially greater than possible from the main dwelling. Accordingly, the

proposal would not result in a significant impact on the living conditions of existing neighbouring occupiers.

17. The design of the proposed building includes cladding that is not evident locally. However, its brick elements provide visual continuity with the local vernacular. Furthermore, the design differences between the Approved Scheme and the proposal are small scale and within a building that is recessed from the street. Consequently, although visible from fields to the rear and neighbouring gardens, the building is a relatively discrete feature. It therefore has a limited effect on the character and appearance of the area.
18. The Council has not identified policies that might suggest that the first-floor space would be of an insufficient size for residential purposes. As an annex to the dwelling the building would provide a reasonable space for additional residential accommodation.

Conditions

19. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance. I have removed permitted development rights to make changes to the building, including the addition of windows, in the interests of living conditions of occupiers of No 11. However, I have not imposed a condition for development to be implemented within a prescribed timeframe, or for the scheme to be built to approved plans, as the development is already complete.
20. It is not necessary to require the forecourt area to only be used for the parking of vehicles associated with the dwelling as the land is clearly and directly connected to the dwelling and no ambiguity exists. I have also not required a turning circle to be provided as this would compromise the future availability of on plot parking. Any use of the driveway and forecourt, that is beyond the lawful use of the residential dwelling, would result in a material change of use that the Council would need to pursue separately.
21. The proposed development does not relate to the creation of a separate dwelling and it is within close proximity of the main house with a shared access, parking area and garden. As such, a separate dwelling is not proposed or implied by the evidence before me. Furthermore, the use of the annex would not result in a material change to the character of the residential use of the site and would be part and parcel of the use of the dwellinghouse. Accordingly, I have not found it necessary or reasonable to impose conditions that require the annex and garage to be used in a manner incidental to the enjoyment of the dwellinghouse, in this case, as it could only be used so anyway.

Conclusion

22. The proposal would have no discernible effect on highway safety and would accord with the development plan. 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 is allowed, and planning permission granted subject to the attached condition.

B Plenty

INSPECTOR