



Appeal Decision

Site visit made on 24 October 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Appeal Ref: APP/M2840/W/22/3298634

2 Langley Way, Kettering, Northamptonshire NN15 6HL

- 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 G McCormack against the decision of North Northamptonshire Council.
 - The application Ref NK/2022/0172, dated 9 March 2022, was refused by notice dated 4 May 2022.
 - The development proposed is subdivision of a four bedroomed dwelling into two one bedroomed dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the Subdivision of a four bedroomed dwelling into two one bedroomed dwellings at 2 Langley Way, Kettering, Northamptonshire, NN15 6HL in accordance with the terms of the application, Ref NK/2022/0172, dated 9 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan, Site Plan, Plans and Elevations AS EXISTING M112-1, Plans and Elevations as PROPOSED M112-1.
 - 3) No dwelling shall be occupied until one car parking space per dwelling has been laid out within the site in accordance with drawing Plans and Elevations as PROPOSED M112-1 and those spaces shall thereafter be kept available at all times for the parking of vehicles.

Preliminary Matter

2. At the time of my site visit I noted that internal works had been undertaken and new fencing and driveway block paving to the side of the property had recently taken place. These details are not found on the submitted plans which form the basis of the decision of this appeal.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area
 - Whether the development would provide acceptable living conditions for occupants with respect to garden space; and
 - The effect of the development on highway safety

Reasons

The effect of the development on the character and appearance of the area

4. The appeal site comprises a large, detached bungalow on a wide, prominent corner plot, short in depth and constrained by a waterway at the rear of the site, so has an unusually short rear garden. There is hard surfacing all around the house. The detached bungalow is at the end of a row of semi-detached and detached houses which also back onto the waterway and are constrained by short gardens, however these have more depth than the bungalow as they sit further forward. Because of the curvature of the highway these houses also sit further back from the highway than the bungalow. Some have front gardens, but some semi-detached houses are predominantly hard surfaced to the front, to provide parking. Overall, this creates a close-knit, tight form of development.
5. The proposed sub-division would include an additional front door, a dog legged front boundary to provide one car parking space at each property and the rear garden would be sub-divided into two separate gardens.
6. The limited proposed external changes, including an additional front door and enlarged parking area, would be similar to many of the other houses in the same row, many of which are semi-detached and have parked cars between the houses and footpath. I accept that the development looks cramped, but that is the existing situation which would not be altered significantly by this development, so reflects the existing character and relationship in the area. For these reasons the development would have little if any impact on the character or appearance of the area.
7. From my observations on site, the typical bin storage arrangement for other properties on this side of the road is to store them at the front. Therefore, if the bins were stored at the front of the proposed development, it would not result in any unacceptable harm to the street scene.
8. I therefore find the proposed development would not have a significant detrimental effect on the character or appearance of the area and accords with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031, adopted July 2016, which seeks to protect local character.

Whether the development would provide acceptable living conditions for occupants with respect to garden space

9. The garden area would be split unevenly between the two proposed bungalows because the end property has more space to the side. The rear boundary is defined by a fence and the land is on much higher ground than the waterway to the rear. The garden is in line with the other rear gardens in the same row.
10. There is no development adjacent the garden at the rear, so neither the rear gardens nor habitable room windows are, or would be, overlooked. The unusually short depth means that the space is narrow with the fence close to the windows and all parts of the garden. However, this is an existing issue for the property and the subdivision only results in reduced width which would still provide sufficient space for residents to sit out or to dry clothes in. The side space to the end bungalow would not provide the same level of privacy as the rear space so does not provide any significant benefit to that house.

11. I note the comments in the officer's report on the possible location of bins and impact on garden space. However, I found at the site visit that both houses would have some space to the side which could provide space for bin storage without having an impact on their respective useable garden spaces.
12. I therefore find the proposed development would provide acceptable living conditions for occupants and accords with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031, adopted July 2016, which seeks to protect amenity of future occupiers.

The effect of the development on highway safety

13. The appeal site is situated on a corner facing a highway junction, the existing front space has no dropped kerb and there is a hard surfaced space to the side which is not proposed for parking.
14. The Council state in their officer report that there is no existing access to the bungalow and that the front kerb has not been dropped. The applicant however has provided evidence that access was previously permitted as part of a reserved matters planning permission, which is not disputed by the Council. I have no evidence which would suggest that this previous approved access cannot be implemented under the previous reserved matters approval. Regardless of the planning status, it is clear from my site visit that the driveway to the front has been in place for some time and that vehicles have been accessing it, and I have no evidence before me that there has been any harm to highway safety.
15. Policy 8 of the North Northamptonshire Joint Core Strategy requires a satisfactory means of access should be in accordance with adopted standards. The Council has not provided details of any adopted standards. The appellant has provided to me a copy of Northamptonshire County Councils Local Highway Authority Standing Advice for Planning Authorities June 2016. This advice amongst other things sets out access standards and the proposal would appear to accord with this guidance. Both the submission and consideration of this document in support of the appellants case has not been disputed by the Council.
16. The officers report also highlights the parking space at the property on the opposite corner. This access is on the radius of the corner, and the proximity would be no closer to the proposed access than the junction would be, so raises no additional highway safety concerns.
17. I note the representations made about parking provision and the comments in the planning officers report regarding parking spaces. Although I have not been provided with Local Highway Authority Parking Standards, the officers report does confirm that the development is in line with those standards, a position supported by the appellant. In addition, there is no evidence before me that the parking needs for a 3 or 4 bedroomed house would be any more than for 2 one, or 2 two bedroomed bungalows. I also note the comment about access to the front doors if the parking spaces are in use. However, there is no evidence before me that access could not be achieved as demonstrated on the proposed plans.
18. I therefore find the proposed development would not result in unacceptable harm to highway safety and therefore accords with Policy 8 of the North

Northamptonshire Joint Core Strategy 2011-2031, adopted July 2016 and the Northamptonshire County Councils Local Highway Authority Standing Advice For Planning Authorities June 2016, which seek to ensure development provides a satisfactory means of access.

Other Matters

19. The discrepancy raised about the application forms incorrectly stating that the property is not within 20 metres of a watercourse is noted. The council referred to the watercourse in their officer's report and raised no concern, there is also a significant level difference between the appeal site and this watercourse, so this matter raises no significant issues.
20. There are representations suggesting that better insulation and EV charging points are required. However, these matters are covered by building regulation and therefore it is not necessary to condition such matters.

Conditions

21. I have had regard to conditions. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a condition for the provision of 2 car parking spaces, 1 per bungalow, as indicated on the submitted proposed plans, prior to occupation in the interests of highway safety.
22. I have not imposed the condition proposed in the Council's officers report, which required new development to meet Category 2 of the proposed National Accessibility Standards as a minimum, because this is a requirement of Building Regulations so is not necessary.

Conclusion

23. For the above reasons, having regard to the development plan as a whole, the provisions of the National Planning Policy Framework and all other matters raised, I conclude that the appeal should be allowed.

S Crossen

INSPECTOR