



Appeal Decision

Site visit made on 18 July 2023

by J Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/M2840/W/23/3317127

Unit 1,112-114 Mill Road, Kettering, NN16 0RJ

- 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 Julie Woolley against the decision of North Northamptonshire Council.
 - The application Ref NK/2022/0544, dated 6 September 2022, was refused by notice dated 22 November 2022.
 - The development proposed is the change of use from storage unit to open plan residential unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the provision of outdoor amenity space and facilities for the storage of cycles and refuse.

Reasons

3. Policy 8 of the North Northamptonshire Joint Core Strategy 2011 – 2031 (JCS) seeks to ensure quality of life and safer and healthier communities by supporting developments that incorporate flexible and resilient designs for buildings, including access to amenity space. This is consistent with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks , amongst other matters, to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
4. Neither Policy 8 of the JCS, or the Framework, is prescriptive with regards to how much, or where, amenity space should be provided, or the purpose it should serve. Nonetheless, it is not unreasonable to expect occupiers of new residential development to have access to an area of private space directly accessible from their property to meet their everyday needs. This space would provide a facility where the occupants could relax and spend time, provide space for drying clothes and enable cycles and refuse to be stored in a secure location. In this regard the proposal makes no provision for any outside amenity space.
5. I have taken into account the appellants reference to the availability of public open space within a short distance of the appeal site. I saw that public parks were located a short distance from the appeal site and provided a range of recreation and play facilities. However, I am not persuaded that they would

serve the same purpose as private amenity space directly attached to the property. Therefore, there availability would not outweigh the harm to the living conditions of future occupiers that I have identified above.

6. I have also considered the appellants view that the occupancy level of the dwelling would be small, and refuse could be accommodated within the building. Whilst I accept that the occupancy level of the proposed dwelling is likely to be small, I have no substantive evidence before me to indicate the level of storage provision that would be required. Furthermore, I am not convinced that the internal storage of refuse would ensure the quality of life, or the high standard of amenity, that is sought by the JCS and the Framework.
7. Accordingly, I conclude that the proposed development would be contrary to Policy 8 of the JCS, and paragraph 130 of the Framework for the reasons set out above.

Other Matters

8. Reference has been made by the appellants to other flats and apartments that have been constructed without the provision of outdoor amenity space. Whilst this may be the case I have been provided with no evidence of the location of those developments. Furthermore, I am not aware of the circumstances under which they were permitted. In any event, they do not justify developments which would have an unacceptable standard of amenity.
9. The proposal would provide a one bedroom dwelling within a sustainable location and would utilise previously development land. The Framework gives substantial weight to the value of using brownfield land within settlements for the delivery of homes. However, this does not outweigh the significant harm to the living conditions of future occupiers that would result from the lack of adequate amenity space, including the provision of adequate facilities for the storage of refuse and cycles.
10. The proposal would result in the addition of a window in the front elevation of the property and two roof lights. These changes to the external appearance of the building would be small and as a result any improvement to the street scene would be limited. Consequently, this is a neutral factor in my consideration.
11. Car parking for dwellings and commercial premises in the locality is provided on street, and this would also be the case for the proposed dwelling. The highway authority accepts that there is some spare capacity for on street parking and has raised no objection to the proposal. From what I have seen and read I have no reason to disagree with them on this matter. However, this does not outweigh the concerns that I have identified above.

Conclusion

12. There are no other relevant material considerations worthy of sufficient weight that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Gunn

INSPECTOR