



Appeal Decision

Site visit made on 5 September 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/M2840/W/23/3318166

137 Wellington Street, Kettering, NN16 8RN

- 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 Somal against the decision of North Northamptonshire Council.
 - The application Ref NK/2022/0751, dated 23 November 2022, was refused by notice dated 7 February 2023.
 - The development proposed is change of use of outbuilding to 2 no. flats with amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A similar proposal to this was also subject to an appeal in respect of 137 Wellington Street (ref: NK/2022/0450). These proposals (ref: NK/2022/0450 and ref: NK/2022/0751) were submitted as separate planning applications and subsequently as separate appeals. For avoidance of doubt, I have considered this appeal on that basis.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of neighbouring and future occupants, with respect to outlook and privacy; and the use of the bin/cycle storage area.

Reasons

Living Conditions

4. The appeal site consists of a two-storey outbuilding located at 137 Wellington Street (No 137). The appeal building is constructed of red brick with a slate roof and with timber windows and doors in its front and side elevations. The northern side elevation of the building faces onto a small courtyard positioned between No 137 and 139 Wellington Street (No 139).
5. No 139 is a two-storey detached dwellinghouse. Its rear elevation faces towards the northern side elevation of No 137. These two elevations are around 5 metres apart.
6. The proposal would contain a first-floor bedroom window on its northern side elevation. Although the bedroom would have rooflights providing natural daylight, it would not contain any other windows other than the one on its side elevation. The bedroom window would be fixed shut and would be obscurely

glazed to 1.7m above floor level with clear glazing above. The height of the obscure glazing combined with the non-opening window would result in an undesirable reduction of outlook from this habitable room. This would cause harm to the future occupiers living conditions.

7. The neighbouring property at No 139 has several existing windows in its rear elevation, some of which serve as habitable rooms. The positioning of the proposal's first-floor bedroom window would face directly towards the rear upper floor habitable room window of No 139. Moreover, the gap between the proposed development and the rear elevation of No 139 is estimated to be around 5 metres, which falls short of providing an adequate separation distance. Nevertheless, as the proposal's first-floor bedroom window would be obscurely glazed and fixed shut, this would provide a reasonable level of privacy for existing and future occupiers.
8. The bedroom for the ground floor flat would have French doors that would face out onto a small courtyard area. However, boundary treatment would be positioned within 1 metre of the French doors. Although the appellant has not provided details of what form the boundary treatment would be, its close proximity to the French doors would restrict views. As a result, it would substantially reduce the outlook from the ground floor bedroom. This poor visual outlook would unacceptably harm the living conditions of future occupants.
9. Furthermore, due to the inadequate separation distance between No 137 and 139, there would be close range views between the proposal's ground floor windows and the first-floor windows of No 139. It is unlikely that the boundary treatment would restrict such views. This would result in loss of privacy causing harm to the living conditions of the future and neighbouring occupiers.
10. While I acknowledge the area's Victorian period buildings and the existing closely spaced properties, including the appeal building, it is crucial to ensure future residents enjoy adequate living conditions and the living conditions of existing residents are not compromised.
11. I accept that the previous use of the appeal building had existing windows facing towards No 139. However, the previous use of the building was of a materially different nature and is likely to have been considered under different development plan policy. I have considered this appeal on the basis of the evidence before me and the development plan context as it currently exists.
12. For the reasons given, the harm caused by the loss of outlook and privacy would be unacceptable to neighbouring and future occupants living conditions. As such, the proposal fails to accord with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (JCS). This policy, amongst other things, seeks to ensure a good quality of life and a safer and healthier community by ensuring development protects the amenity of future and neighbouring occupiers. In addition, the proposal would fail to accord with the Framework (para 130), where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

Bin/cycle storage area

13. The proposal would include cycle parking to the side of the building and recessed spaces for the storage of waste/recycling bins. Although the side

passageway would be narrow, due to the recessed spaces there would be sufficient space for storage purposes and the passageway would be wide enough for cycle parking and for the bins to be manoeuvred for refuse collection purposes.

14. The use of the bin/cycle storage area would be restricted to the future occupiers of the proposed development. Therefore, the level of activity associated with the bin/cycle storage area would be limited. As such, any nuisance arising from these facilities would be unlikely to cause significant harm to future or neighbouring occupiers.
15. Furthermore, the cycle parking would be located next to the ground floor living room window, which could act as a reasonable deterrent to crime. The waste/recycling bins would also be positioned close to the site's access to enable the refuse collection service to access the bins. On this basis, I am satisfied that the proposal would provide adequate bin/cycle storage appropriate to the scale of the development.
16. Policy 8 of the JCS does not prohibit the conditioning of final details pertaining to bin/cycle storage in the event that planning permission is granted. Therefore, a planning condition could be applied to ensure secure bin/cycle storage if planning permission were granted. Consequently, the proposed development would not be in direct conflict with Policy 8 for this matter.

Other Matters

17. The principle of residential development for the site is established through the planning permission ref: KET/2013/0060, which permitted conversion of No 137 to a two-bedroom single dwelling. However, for the reasons given, the proposal for this appeal is not suitable for the appeal building due the harm it would cause to living conditions of future and neighbouring occupiers.
18. The proposal would bring a vacant and dilapidating building back into use within a residential area in a sustainable location. I have also borne in mind that the proposal would contribute to the local housing supply. Nevertheless, this does not outweigh the harm identified.
19. I note the appellant's concern regarding the Council's procedure with dealing with the application. However, this is not a matter for my consideration in the context of this appeal decision. Any concerns regarding this matter should be directed to the Council.

Planning Balance and Conclusion

20. I have found no harm in respect to bin/cycle storage; this is a neutral effect and does not outweigh the harm resulting from the other main issue. Although there would be some benefits to the proposal, as set out above, these benefits would attract only limited weight and would not outweigh the harm identified.
21. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR