
Appeal Decision

Site visit made on 17 June 2024

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/M2840/W/24/3340815

Land adjoining 7 Rosebery Street, Kettering, Northants NN16 0RP

- 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 Goddard against the decision of North Northamptonshire Council.
 - The application Ref NK/2023/0492, dated 15 August 2023, was refused by notice dated 10 October 2023.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for a new dwelling on land adjoining 7 Rosebery Street, Kettering NN16 0RP, in accordance with the application Ref NK/2023/0492, dated 15 August 2023, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in the appeal are the effects of the development on:
 - the character and appearance of the area;
 - living conditions at neighbouring properties;
 - and living conditions within the proposed development itself.

Reasons

Effects on the character and appearance of the area

3. Rosebery Street comprises primarily two rows of terraced houses. Most of these date from the Victorian era, but Nos 3, 5 and 7 are more recent, being approximately mid-20th century. Behind these, running parallel with Rosebery Street, is Linden Avenue. Nos 10 and 12 Linden Avenue are bungalows, with rear gardens that would both have originally extended through to Rosebery Street.
4. The appeal site fronts Rosebery Street, adjacent to No 7. The land was formerly part of the rear garden of No 10 Linden Avenue, but is now fenced off and evidently unused. The proposed development would comprise a single-storey dwelling with a lounge/dining area, kitchen, shower room and one double bedroom. Externally the new dwelling would have an L-shaped patio garden, mainly to the side and also around part of the rear.
5. The appeal site is considerably shallower than any of the others in the street, and consequently the back-to-back spacing between the new dwelling and No

10 Linden Avenue would be closer than any others nearby. But, from most viewpoints, this relationship would be largely screened, by the two dwellings themselves, or by other buildings and trees. Consequently, the proximity between the two dwellings would be visible only from a short section of each of the two streets. And in any event, given the small size of both the new and existing dwellings, together with their low ridge heights and their receding roof slopes, the physical proximity would not be unduly noticeable; nor indeed would the sight be particularly harmful.

6. The width of the new dwelling plot would be equal to or greater than most others in the street. As well as having a garden to one side, the new building would be set in from its other side boundary, with a pathway between the flank wall and the boundary fence. By comparison with most of the existing development around it, this spacing would be relatively generous. Although the new dwelling's front elevation would come slightly further forward than Nos 3 - 7, it would nevertheless be set back sufficiently to allow for a small strip of new planting. Given that the predominant pattern is for the older terraces to be built right up to the edge of the footway, this modest set-back would again result in the development appearing relatively spacious in relation to its surroundings. The relationship of the new building to these front and side boundaries would be significantly more visible than the rear. Seen in its context, it seems to me that the development would appear as a reasonably comfortable fit on the site. I am therefore satisfied that it would not be unduly cramped.
7. The existing development in Rosebery Street is all 2-storey. The new dwelling now proposed would be the only single-storey dwelling. However, it would be seen with the large garage/workshop at the rear of the corner property No 23 Shaftesbury Street, which is also a single-storey building, of not dissimilar proportions. And in any event, the introduction of different building forms is not intrinsically harmful. In this case, the design of the new dwelling, though simple, would be sympathetic to the style of the older terraces. The canopied porch, with its small projecting gable, would add a suitably restrained degree of visual interest. As a whole, the composition would be symmetrical and unobjectionable. Materials to blend with the street could be secured by condition. Overall therefore, the proposed design seems to me an appropriate one for the site.
8. In its existing unused and overgrown state, the site is unsightly and detracts from the street. I appreciate that it could quite easily be returned to its former use as part of the rear garden to No 10 Linden Avenue, or could be used as parking for that property. But even as a garden, it would still be likely to present nothing more than a blank, fenced boundary to Rosebery Street. Neither use would contribute anything positive to the street scene. The appeal proposal would create an active frontage, and as such would represent a small visual enhancement to the townscape.
9. I conclude that, on balance, the proposed development's effect on the character and appearance of the area would be a positive one. As such, the scheme would contribute to meeting the aims of Policy 8 (part d) of the North Northants Joint Core Strategy, adopted in July 2016 (the NNJCS), which seeks amongst other things to ensure that proposals respond to the site's context and local character.

Effects on living conditions at neighbouring properties

10. The importance of good living conditions is made clear in part (e) of NNJCS Policy 8, and in the National Planning Policy Framework (NPPF). Given the close proximity of the proposed new dwelling to several existing residential properties, the Council is clearly right to seek to ensure that the amenities of neighbouring occupiers are not unacceptably affected. However, that aim must also be balanced against the NPPF's aim to boost the supply of housing.
11. In the present case, given that the new dwelling would have only a single storey, its potential to affect other properties in terms of visual impact, overshadowing, or overlooking, would be limited. Whilst the eaves and roof would be visible from Nos 10 and 12 Linden Avenue, the overall height would be relatively low, and the rear section nearest to the boundary would be lower still. The main ridge would be well away from the boundary. The visual impact would therefore not be excessively oppressive or overbearing.
12. With regard to privacy, a standard 1.8m boundary fence, such as that which currently exists on the site, would be sufficient to prevent any overlooking of any neighbouring property, either from within the new building itself or from its garden. I accept that the occupants of the new dwelling might be able to overhear conversations carried on in the gardens of the adjoining properties, but that is not unusual in any urban or suburban situation; the new dwelling's occupants would not be materially closer to any of their neighbours than those residents already are to each other. In any event, there is no evidence that aural privacy indoors, inside any neighbouring dwelling, would be compromised. To my mind, this seems unlikely.
13. For similar reasons, I am not persuaded that the new dwelling would be likely to cause unacceptable impacts by reason of noise or disturbance. The dwelling and its garden area would be close to the boundaries of the neighbouring properties, and the potential for noise to spill out cannot be ruled out. But this relationship would be little different from that which already exists between the properties on either side. The new dwelling would have capacity for no more than two persons. On occasions there might be additional visitors, but such occasions would necessarily be temporary. To my mind there is no reason to anticipate that the development would cause unacceptable noise impacts.
14. The new building would have the potential to cause some loss of natural light to the side window of No 7 Rosebery Street. But it is evident that the room in question also has a glazed door to the rear, and therefore the level of light received is likely to be adequate. The view of the sky might potentially be affected, but given the hipped roof shape, any impact in this regard would appear to be slight. In any event, in any urban situation it would not be reasonable to expect the outlook from a side window to be completely unobstructed.
15. I conclude that the development would have no unacceptable impacts on living conditions at any neighbouring properties. In this regard there would be no conflict with the relevant provisions of Policy 8(e).

Effects on living conditions within the proposed development

16. The considerations in regard to living conditions within the proposed new dwelling are similar to those relating to neighbouring occupiers. Neither the

new dwelling itself nor its garden would be overlooked from any first floor windows. Views from ground floor windows could be prevented by standard boundary fencing. As far as aural privacy is concerned, it would be unrealistic to expect complete privacy in outdoor amenity areas. There is no evidence, or any reason to think, that aural privacy would not be achieved inside the dwelling.

17. I therefore find no reason to doubt that living conditions at the proposed new dwelling would be acceptable. It follows that no conflict with Policy 8 would arise in this regard.

Other matters

18. The development would provide a small dwelling which would meet the needs of a one or two person household, possibly including elderly persons. It is not necessary to know who the occupiers would be, or to prove a need for such accommodation. The site is also within the urban area, close to the town centre, transport links, and all necessary services, and this would be a highly sustainable location. In the NNJCS, Kettering is designated as growth town and a preferred location for development. Policies 11 and 29 support the provision of new housing within the growth towns, and Policy 30 gives particular encouragement to smaller units of 1-3 bedrooms. These considerations add further weight in favour of the appeal.

Conclusion and conditions

19. For these reasons, I conclude that the appeal proposal would cause no significant harm to the area's character or appearance, or to neighbouring occupiers, and would provide acceptable living conditions. The development would also provide an additional small dwelling in a sustainable location, contributing to local housing needs in accordance with the NNJCS' spatial strategy. The scheme therefore complies with the development plan. No material considerations weighing against the scheme have been substantiated. The appeal therefore succeeds.
20. The permission that I have granted is subject to the six conditions set out in the attached schedule. Of these, the conditions relating to materials and landscaping are necessary to ensure a satisfactory appearance, and those limiting the hours of work, and removing permitted development rights are needed to protect the amenities of nearby occupiers. In the latter case, the restriction is exceptionally justified because of the small size of the site. The requirement for adherence to the approved plan is needed to provide certainty as to the nature of the development.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved plan, No C129-1C.
- 3) No construction works, deliveries, or collections of waste skips shall take place outside the hours of 08.00 – 18.00 on Mondays to Fridays, or 08.30 – 13.30 on Saturdays. No works of any kind shall take place at any time on Sundays or Public Holidays.
- 4) No construction work shall take place above ground floor slab level until full details of the materials to be used on the external surfaces of the building have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out in accordance with these approved details.
- 5) The new dwelling shall not be occupied until a scheme of hard and soft landscaping has been implemented, in accordance with a landscaping scheme to be submitted to the local planning authority and approved in writing. The scheme shall include details of all planting and seeding, paving and hard surfaces and boundary treatments, and details of the locations where refuse bins and cycles can be stored safely and out of public view.
- 6) Notwithstanding the provisions 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 extensions, enlargements, or structures otherwise permitted by Classes A, AA, C or E of Schedule 2, Part 1 of the Order, shall be constructed, erected or installed other than any that may be authorised in the future by a separate planning permission for such development.

[END OF SCHEDULE]