



Appeal Decision

Site visit made on 23 September 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/M2840/W/23/3334010

11 Paradise Lane, Kettering, North Northamptonshire NN15 6LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Helen Rankin against the decision of North Northamptonshire Council.
 - The application Ref is NK/2023/0572.
 - The development proposed is described in the application form as 'new build 2 and a half storey dwelling, including new hard and soft landscaping and boundary fence'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council approved outline planning consent for a detached dwelling with all matters reserved for subsequent approval except access to the side of 11 Paradise Lane (No 11) (Council Ref NK/2021/0233) (the outline consent) on part of the appeal site. A subsequent reserved matters application has not been submitted. Whilst the outline consent is a material consideration, the appeal proposal differs as it relates to the refusal of a full planning application on a larger site area.
3. There are discrepancies between the proposed side elevations and floor plans shown on Drawing Number 003 Rev A 'Proposed Floor Plans and Elevations' and between the proposed elevations and the block plan shown on Drawing Number 001 Rev A 'Site Location Map and Site Plan'. These discrepancies relate to window positions on the side elevations and the alignment of the first-floor balcony in relation to the rear gable projection. Even so, I am satisfied that the proposed floor plans and block plan which correlate with the written evidence are sufficient to allow me to assess the proposed development. I have not sought revised drawings to rectify the discrepancies since my decision is to dismiss the appeal.

Main Issues

4. The main issues are the effect of the proposed development:
 - on the character and appearance of the area;
 - on the living conditions of neighbouring occupiers, with particular reference to privacy;
 - on highway safety.

Reasons

Character and appearance

5. Paradise Lane is a private drive with access from Pytchley Road, fronted primarily by 2-storey detached and semi-detached dwellings of varying and distinct architectural styles. The route is characterised by large dwellings in spacious plots with similar sized front gardens. Hedgerow boundaries are prevalent and grass verges and mature trees line both sides providing a verdant quality to the street scene. Therefore, despite the variety of development in the area, the overall consistency in the linear form, prevailing soft boundary features and the spaciousness of development provide a high-quality residential environment.
6. Even though there are velux windows within the front roof slope of No 11 serving a second floor, it resembles a 2-storey building from the front and 3-storey to the rear. Whilst No 11 has been recently altered and extended (Council references NK/2022/0371, NK/2022/0145 and NK/2021/0662), the scale of the dwelling and its spacious layout within the plot ensure that it sits comfortably in the street scene.
7. The 3-storey sides of the proposed dwelling would sit close to the side boundaries of the site. It's close positioning alongside No 11, would mean that the height difference would be clearly evident. The higher height of the proposed dwelling compared to No 11 would be further emphasised by the 3-storey front gable with glazing feature window at second floor level and its end plot position. Whilst the design of the proposed dwelling may have taken design cues from No 11, including through the use of similar materials, its larger width, mass and height would appear cramped within its plot and would result in an incongruous and striking addition. This would not result in a high-quality standard of design and would unacceptably detract from the spacious characteristics of Paradise Lane.
8. I conclude that the proposed development would result in a harmful effect on the character and appearance of the area. In this regard, the proposed development would be contrary to Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (CS) insofar as it requires development to respond to the site's immediate and wider context and local character.

Living conditions

9. The rear elevations and long rear gardens of 57, 59 and 61 Pytchley Road (Nos 57, 59 and 61) face towards the side of the appeal site. The appellant suggests that the rear gable of the proposed dwelling would screen views towards the rear of these dwellings from the proposed balconies. Notwithstanding the inaccuracies on the proposed elevations, provided that the proposed floor plans and block plan are correct, I would agree that there would be no loss of privacy to the occupiers of Nos 57 and 59.
10. Whilst seated on the proposed balconies, views would be similar to those that would be experienced from the proposed first floor window in the rear gable of the dwelling. They would be oblique and towards the more peripheral parts of the rear garden at No 61, which currently contains a close-boarded fence and high conifer trees which would act as a screen. Such views are not uncommon within a residential area and are unlikely to be materially harmful. However, should these trees be removed or reduced in height in the future, this could open up some

views towards the rear garden of No 61 and there is the potential that the proposal would have an unacceptable effect on the privacy of occupiers of No 61.

11. Whilst the Council have referred to a perception of loss of privacy from the proposed ensuite windows towards Nos 57, 59 and 61, I am satisfied that conditions requiring these windows to be obscure glazed and non-opening below a specified height above floor level would ensure that no loss of privacy to the occupiers of these dwellings would result from these windows.
12. The privacy screens on the balconies are indicated to be below the tops of the windows on the proposed dwelling, reducing in height towards the outer edge of each balcony. Consequently, there is the potential that occupiers of the proposed development would be able stand and look over the top or around the front edge of the screens with more direct views achievable very close to the boundary towards the rear garden of No 11. As such, the proposed development would result in a material loss of privacy for occupiers of No 11.
13. Given the ample separation gap and intervening garage court between the proposed balconies and the rear gardens of 37, 39 and 41 Northumberland Road, an increased level of overlooking and associated loss of privacy would be unlikely to result upon the occupiers of these dwellings.
14. I conclude that that the proposed development would have a harmful effect on the living conditions of neighbouring occupiers at No 11 and potentially also at No 61, with particular reference to privacy. In this regard it would be contrary to Policy 8 of the CS insofar as it requires development to protect amenity on the amenities of neighbouring properties by reason of overlooking.

Highway Safety

15. A similar access to the one proposed was approved by the outline consent. My observations on site were that whilst there is no dedicated footway along Paradise Lane, pedestrians and vehicles are able to share Paradise Lane as it is not heavily trafficked. Despite the Council's representations, I am not persuaded that the lack of demonstration of pedestrian visibility splays would result in material harm to highway safety. In particular, the Council have not provided any substantive evidence, for example any technical highways analysis or other objective evidence to confirm how it reached its view.
16. I conclude that the proposed development would be unlikely to result in a harmful effect on highway safety. In this regard, it would not be contrary to Policy 8 of the CS which requires development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, to prioritise the needs of pedestrians, cyclists and public transport users and resist developments that would prejudice highway safety. A lack of harm in respect of highway safety, does not alter my findings on the other main issues.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR