



Appeal Decision

Site visit made on 29 October 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2024

Appeal Ref: APP/W2845/W/24/3346425

Butt Sweets & Curries Ltd, 185 Kettering Road, Northampton NN1 4BP

- 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 Butt Sweets & Curries Ltd against the decision of West Northamptonshire Council.
 - The application Ref is 2023/7970/FULL.
 - The development proposed is proposed single storey rear extension to create staff accommodation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) the living conditions of the occupiers of the neighbouring property at No. 183 Kettering Road with regard to outlook;
 - (ii) the living conditions of the future occupiers of the proposed staff accommodation with regard to privacy and level of tranquillity; and
 - (iii) whether the main pedestrian access provides sufficient natural surveillance to offer a high level of perception of safety.

Reasons

Living conditions of the neighbouring property

3. The appeal property is a mid-terrace three-storey building in row of commercial properties within the Kettering Road local centre with a commercial/retail food business at ground floor level and residential use above. The proposal involves the construction of a single storey extension with a flat roof at the rear to provide staff accommodation.
4. The proposed single storey rear extension would be located adjacent to the unextended three storey property at No. 183 Kettering Road (No. 183). The proposed extension would be set back from a ground floor bay window to the accommodation at the rear of No. 183. The proposed extension would project along the common shared boundary with No. 183 and would be separated from the rooms and the paved amenity area at the rear of the adjacent property by the high boundary fence running between the properties.

5. Whilst I accept that there would be some impact from the development, given the proposed design and layout of the proposed extension, set back and the separation distance between the properties, I consider that the proposal would not significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure to the ground floor window at the rear at the No. 183. However, this is not a determinative factor on its own.
6. The proposed extension would result in a long single storey projection running parallel with the common shared boundary and enclosed amenity area at the rear of No. 183. The occupants of No. 183 would use the amenity area to carry out leisure and household activities when relaxing and sitting out, particularly in the summer months.
7. Given the overall scale, siting and design of the proposed extension and separation distance between the properties, I consider that the proposed extension would introduce a dominant and enclosing structure in close proximity to the common shared boundary and the amenity area at the rear of No. 183. This, in my view, would dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 183. I therefore consider that the proposal would result in a poor quality living environment and an unacceptable change in the living conditions for the occupiers of the neighbouring property.
8. Consequently, I conclude that the proposed extension would result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 183 Kettering Road with particular regard to outlook. It would be contrary to Policy S10 of the West Northamptonshire Joint Core Strategy and Policies Q1 and Q2 of the Northampton Local Plan Part 2 which, amongst other things, seek to ensure that development proposals promote and contribute to good placemaking, are well designed for the intended uses and provide a high standard of amenity for occupiers. In addition, it would also not accord with the National Planning Policy Framework (the Framework) that development should seek to create places that promote health and well-being, with a high standard of amenity for the existing users (paragraph 135).

Living conditions of the future occupiers

9. The proposed extension would be located adjacent to the rear elevation of the commercial food business at 185 Kettering Road (No. 185). The submitted plan shows that the staff accommodation would be separated by two internal doors from the commercial kitchen and the main customer waiting area, including a small number of tables and chairs.
10. Whilst there is likely to be some level of noise and odours from the commercial kitchen and noise and disturbance from the coming and going of customers, staff and deliveries from the existing commercial use, particularly during the opening hours of the business, I am mindful that the Council's Environmental officer has no objections to the proposal, subject to appropriate planning conditions linking the use of the ancillary staff accommodation to the existing business. Given the design and layout of the proposed extension and the intended use as staff accommodation linked to the existing business, I consider the proposal would not result in an unacceptable loss of privacy nor result in unacceptable levels of tranquillity within the residential unit in this particular

case. I therefore consider that the proposal would result in a satisfactory living environment for the future occupiers of the proposed extension.

11. Consequently, I conclude that the proposed development would not result in an unacceptable impact on the living conditions of the future occupants of the proposed dwelling with particular regard to privacy and level of tranquillity. It would be consistent with the overall aims of Policies Q1 and Q2 of the Northampton Local Plan Part 2 which, amongst other things, seek to ensure that development proposals promote and contribute to good placemaking, are well designed for the intended uses and provide a high standard of amenity for occupiers. In addition, it would also accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for the future users (paragraph 135).

Pedestrian access and natural surveillance

12. The submitted plan shows that the staff accommodation and the refuse area at the rear of the proposed extension would be accessed via a shared pedestrian alleyway at the rear of the property. I observed during my site visit that the pedestrian alleyway provides existing access to the rear of the appeal property and a number of the adjacent properties, has no lighting and limited natural surveillance from the surrounding properties.
13. However, the submitted plan shows that the staff accommodation can also be accessed through the main customer waiting area from the front of the property. Therefore, whilst the use of the shared accessway alone would provide limited natural surveillance to offer a high level of perception of safety, particularly outside day light hours, the occupiers of the appeal property currently utilise the shared rear accessway and an alternative viable access would be available from the staff accommodation through the front of the property that has adequate natural surveillance. Therefore, as such, it would not justify withholding permission on these grounds in this particular case.
14. Consequently, I conclude that the pedestrian access to the proposed development would provide sufficient natural surveillance to offer a high level of perception of safety. It would be consistent with the overall aims of Policies Q1 and Q2 of the Northampton Local Plan Part 2 which, amongst other things, seek to ensure that development proposals promote and contribute to good placemaking, are well designed for the intended uses, provide a high standard of amenity for occupiers and have regard to the needs for security and crime prevention. In addition, it would also accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for the future users (paragraph 135).

Other Matters

15. The appeal site lies within the Boot and Shoe Quarter Conservation Area (CA). Special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. I consider that the appeal scheme, by virtue of its scale, siting and design, would have a neutral material impact and would preserve the character and appearance of the CA.
16. The appeal site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area. The Council's related Supplementary Planning Document seeks to mitigate additional recreational impacts from new

residential development by means of a financial contribution. The Council has confirmed that the required mitigation payment has already been paid by the appellant. However, in light of my findings on the main issues above, it is not considered necessary to look at this matter in detail, given that the proposal is unacceptable for other reasons.

17. I have noted the other development in the area drawn to my attention by the appellant. Whilst I note some parallels with the proposed rear extensions that provide residential accommodation at the premises at Nos. 179 and 189 Kettering Road, they have different development characteristics to the appeal scheme. As a consequence, whilst I have taken this into account, they do not materially alter my conclusions on this appeal.
18. I note the appellant's comments regarding the various benefits arising from the proposal including the scheme's high quality design and providing additional staff accommodation to meet the needs of the appellant. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

19. Notwithstanding my findings on the lack of significant harm to the living conditions of the future occupiers of the proposed staff accommodation and from the pedestrian access to the proposed development, this is significantly outweighed by the harm I have identified to the living conditions on the occupiers of the neighbouring property at No. 183 Kettering Road. The development conflicts with the development plan when read as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR