



Appeal Decision

Site visit made on 22 October 2024

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/M2840/W/24/3338635

Land next to 92 Headlands, Kettering, Northamptonshire NN15 6DQ

- 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 Mr Trevor Rengger against the decision of North Northamptonshire Council.
 - The application Ref is NK/2023/0377.
 - The development proposed was initially described as *'New build of two houses one a bungalow and one a two storey house'*.
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Decision

1. The appeal is allowed and planning permission is granted for two houses comprising of one bungalow and one two storey house at land next to 92 Headlands, Kettering, Northamptonshire NN15 6DQ in accordance with the terms of the application, Ref NK/2023/0377, subject to the conditions set out in the attached schedule of conditions.

Applications for costs

2. An application for an award of costs was made by Mr Trevor Rengger against North Northamptonshire Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site is referred to in varying terms across a range of application and appeal documents. I have adopted the address description set out on the appellant's appeal form as it seems to me that this most closely describes the appeal site location.
4. The description given to the proposed development also varies between the initial planning application form, the decision notice, appeal form and the submissions of the two main parties. The original description is set out in the banner heading above, but I have adopted a slightly revised version in my decision which is more precise and avoids any potential confusion regarding the nature and quantum of development proposed. I am satisfied that the description in my formal decision is not materially different to that initially set out and that no parties would be prejudiced by my use of the revised description.
5. Since the Council's determination of the planning application, revised versions of the National Planning Policy Framework (the Framework) were published in December 2023 and December 2024. I am satisfied that, other than changes to paragraph numbering and paragraph structure between the current and previous versions of the Framework, the sections relevant to the matter before me have not materially changed. References to Framework paragraphs hereafter are to the current December 2024 version. I have determined the appeal accordingly and in so doing I am satisfied that neither main party would be disadvantaged.

Main Issues

6. The main issues are the effects of the proposed development upon:
- The living conditions of occupiers of 3 and 4 Ostlers Way, with particular regard to outlook and daylight / sunlight; and
 - The character and appearance of the surrounding area.

Reasons

Living conditions

7. The Council describe the proposed dwelling on plot 2 as being a '1½ storey' property, yet the submitted floorplans do not show an upper floor within the building, or indeed any internal (or external) stairs. Notwithstanding the presence of four rooflights on the building's north-facing roof slope, there is no suggestion that it would be anything other than a single storey dwelling with attic space, hence the appellant's reference to a 'bungalow'.
8. Whilst the dwelling's roof area would be large, its design is such that its 'gable' elevations and its roof structure would be broken up. At the rear, where the building would be at its closest to properties on Ostlers Way, the rear elevation is stepped and the roofline broken as a consequence. Moreover, the building's footprint is rotated relative to the site's rear boundary and the rears of Nos 3 and 4.
9. Although the Council has expressed concerns regarding the effect of the dwelling at plot 2 on outlook and light received by Nos 3 and 4, I have not been directed towards any policy or guidance that expressly sets separation distances between properties. In any event, there are also a variety of intervening structures and outbuildings, fences and vegetation between the rear of these properties and the location of the proposed dwelling such that the influence of the proposed dwelling would not be the only, or indeed the most significant, factor to influence outlook.
10. Furthermore, the proposed dwelling would be single storey in scale and its slightly rotated footprint would be such that its recessive roof-planes would assist in mitigating the appearance of the highest roof elements. So too, its heavily stepped rear elevation and whilst I accept that the roof ridge line would terminate at a highpoint on its rear elevation, there are sufficient intervening structures that the effect of this particular part of the proposed dwelling would not cause undue harm to outlook from the rears of either No 3 or No 4. Whilst I acknowledge the slight difference in ground levels between the site and Nos 3 and 4, such that the appeal site and proposed dwelling would sit at a higher level than those properties on Ostlers Way, it does not strike me as being so large a difference as to result in material harm to outlook, especially given the other contributory factors in this respect.
11. With regard to daylight and sunlight, the appeal site lies due east of 3 and 4 Ostlers Way. A dwelling in the position proposed would cast a morning shadow towards the rear of Nos 3 and 4, but so too will existing vegetation, some of which is substantial, in the form of large trees. However, the position of buildings relative to the sun's path is such that this would be limited to the morning period, and the greatest impact on daylight and sunlight at rears of Nos 3 and 4 in the afternoon and evening is likely to be those buildings themselves. Further, given the single storey nature of the proposed building at plot 2, its effect on sunlight and daylight

and the shadow it casts is likely to be relatively limited in any event, and just one factor in addition to landform, other buildings and vegetation.

12. Policy 8 of the '*North Northamptonshire Joint Core Strategy 2011-2031*' (JCS) sets out the Council's approach to place-shaping principles. Thus, Policy 8(e)(i) seeks to ensure quality of life and safer and healthier communities by ensuring proposals do not result in an unacceptable impact on the amenities of future occupiers, occupiers of neighbouring properties, or the wider area. Matters of, amongst other things, loss of light and overlooking fall within the scope of this policy, whilst Policy HOU1 of the '*North Northamptonshire Council Kettering Site Specific Part 2 Local Plan*' (2021) (LP2) sets out a more general approach to the principles of windfall and infill housing development. The amenity and privacy enjoyed by existing residents would be protected from erosion and detrimental effects by LP2 Policy HOU1. For the reasons I have set out, I am satisfied that the appeal scheme would avoid harm to the living conditions of existing residents in terms of outlook and daylight and sunlight. There would be no conflict with the aims or provisions of JCS Policy 8(e)(i), LP2 Policy HOU1 or with Framework paragraph 130(f)¹.

Character and appearance

13. The appeal site lies in a predominantly residential area with no distinct vernacular. Whilst the sizes and architectural style of houses differs along the length of Headlands, the '*South West Kettering (Headlands Community) Neighbourhood Plan 2019-2031*'² (NP) identifies the area of Headlands south of Glebe Avenue³ as being typified by 1930s and 1950s suburban properties with modern infill properties, built with a linear pattern of development along the gently curving alignment of Headlands. Extensive garden vegetation, substantial trees and roadside hedges and shrubs give this portion of the street a verdant character within which the houses do not dominate.
14. The appeal site's interior lies behind a tall and dense roadside hedge, such that the hedge and the taller trees at the rear of the site along the boundary with Ostlers Way, are the prominent visible elements of the site from Headlands. The site's interior is largely hidden from view as a consequence.
15. The proposed dwellings, and particularly the two storey dwelling towards the front of the site, will be visible above the frontage hedge. Whilst the majority of Headlands is reasonably true to the Council's description of its prevailing built-form and character, the appeal site begins to turn the corner from Headlands towards the more recent (1960s – to date⁴) Ostlers Way and Bishops Drive development. Indeed, the upper rear elevations of properties on Ostlers Way are visible above the existing frontage hedge.
16. Whilst the proposed dwelling at plot 1 would display a differing orientation within the site to other properties along Headlands and would be visible above existing vegetation, I am also mindful that the site lies opposite the expansive forecourt areas of a school and fire station. The site therefore lies at an area of some transition.

¹ Previously paragraph 130(f) of the September 2023 Framework and paragraph 135(f) of the December 2023 Framework

² Kettering Town Council – Made Version June 2023

³ Character Area Group 4: Headlands South, The Close, Cranleigh Road, Lonsdale Road and Kettonby Gardens

⁴ Neighbourhood Plan Chapter 3.4 – Area Character Assessment

17. The proposed plot 1 would present an interesting elevation towards Headlands when travelling towards the site in a southerly direction, albeit that the site's frontage hedge provides an effective screen to the lower portion of its elevations. The detached garage would, by contrast, be largely hidden from view by the existing boundary arrangements. The remaining space around the building to front (which would include the access driveway) and rear would retain a relatively spacious nature to the plot which, whilst perhaps less spacious than some further north along Headlands, would nevertheless be reflective of properties opposite on Headlands, and those on Ostlers Way.
18. I do not therefore find the appellant's approach to plot 1 to be harmful to the character or appearance of the surrounding area. Nor, with regard to plot 2. The single storey building proposed at plot 2 would be more modest in scale than that at plot 1, whilst its location at the rear of the site with the opportunity to supplement existing boundary planting and vegetation, would be discrete and unobtrusive. The Council have raised no objection to the proposal in terms of the quantum of outdoor amenity space associated with each dwelling, whilst the spacious driveway and verges, contributes to the retention of a sense of spaciousness around the buildings. Given the transitional nature of the site's location at the juncture of areas of differing character, development scale and appearance, I am satisfied that with the use of suitably worded conditions to control matters of detail around materials, boundary treatments and supplementary planting, there would be no harm to the character or appearance of the area.
19. JCS Policy 8(d) looks to create a distinctive local character as one of the Council's place-making principles, where schemes should respond to immediate and wider local context, character and landscape setting. LP2 Policy HOU1 caters for windfall and infill development within settlements and seeks to avoid erosion to local character and appearance whilst NP Policy 4 states development must be of a good design and respect the distinctive character of the Character Area within which it is located. For the reasons I have set out, the appeal scheme would be consistent with the general characteristics of the surrounding area and there would be no conflict with JCS Policy 8(d) or LP2 Policy HOU1. The appeal scheme would also be broadly consistent with the aims and provisions of NP Policy 4 and the Framework in its approach to achieving well-designed places.

Other Matters

20. I have noted the content of the Council's officer delegated report and appeal statement regarding the principle of residential development on the appeal site and this general location. I am also mindful of the absence of objection from the Council in terms of highways and parking matters, flooding and drainage and ecology and environmental matters. I have not been presented with any further evidence or reason to reach a differing conclusion on these matters to that reached by the Council. Where necessary, such matters may be addressed by way of suitably worded planning conditions, the details of which I consider below.

Conditions

21. I have carefully considered the list of conditions suggested by the Council in light of the Framework and the Guidance. Where necessary I have amended the wording to ensure consistency of phrasing throughout the conditions.

22. A time limit condition is reasonable and necessary in the interests of good planning and to provide certainty. So too, a plans condition, albeit that I have adapted the Council's suggested version by adding the drawing numbers from the list of plans set out on the Council's decision notice.
23. Although the submitted plans include notations regarding materials, the descriptions are vague and non-specific. A suitably worded condition to secure the submission of the details of the materials, including types and colours is reasonable and necessary in the interests of the character and appearance of the approved development and the surrounding area. So too, with regard to surface details of the driveway access within the site and landscaping proposals, in the interests of character and appearance.
24. Conditions regarding the drainage of the hard-surfaced driveway areas, the provision of suitable visibility splays, gate position, driveway gradient and provision of parking areas are reasonable and necessary in the interests of highway and pedestrian safety and to minimise the risk, and from, flooding. Restrictions on the hours of construction, measures to take should unexpected ground contamination be found and the implementation of a construction management plan, all secured by way of condition, are proportionate to the development approved and reasonable and necessary in the interests of the living conditions of nearby residents.

Conclusion

25. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and details:

Location plan and existing block plan (dwg ref 2309.00A); existing site plan (dwg ref 2309.01A); proposed plot 1 elevations (dwg ref 2309.04A); proposed plot 2 elevations (dwg ref 2309.07A); proposed plot 1 floor plan (dwg ref 2309.03A); proposed plot 2 floor plan (dwg ref 2309.06A); proposed site plan (2309.02A); plot 1 sections (dwg ref 2309.05A); plot 2 sections (dwg ref 2309.08A) and garage floor plan and sections (dwg ref 2309.09A).
3. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
4. No development above building slab level shall commence on site until details of the hard bound surfacing of the vehicular accesses shall be submitted to and shall be approved in writing by the local planning authority. The accesses shall thereafter be completed in accordance with the approved details prior to the first use of the access and maintained as such.
5. Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from the vehicular access does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.
6. Prior to first use or occupation of the development hereby permitted, vehicular visibility splays of 2.0m from the carriageway edge along the centre of each vehicular access by a distance of 43m measured from the centre of the vehicular access along the carriageway edge. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above carriageway level.
7. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of each vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level.
8. The gradient of the drive shall not exceed 1 in 15 within 5 metres of the edge of the carriageway of the adjoining highway.

9. Any gates provided shall be set back a distance of 5.5 metres from the edge of the vehicular carriageway of the adjoining highway and shall be hung so as to open inwards into the site only.
10. The parking areas hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.
11. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.
12. Demolition, construction works and deliveries shall take place only between 08.00 to 18.00 hrs Monday to Friday, 08.30 to 13.30 Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
13. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
14. Prior to occupation of the dwellinghouses hereby approved, a scheme for boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The dwellinghouses shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.
15. Prior to first occupation of the dwellinghouses hereby permitted, a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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