



Appeal Decision

Site visit made on 30 April 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/M2840/W/25/3359433

81 Charles Street, Kettering, North Northamptonshire NN16 9RL

- 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 Renata Brukiene against the decision of North Northamptonshire Council.
 - The application Ref is NK/2024/0356.
 - The development proposed is two-bedroom dwellinghouse in rear garden of 81 Charles Street.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision refers to the proposed dwellinghouse being 'visually overbearing and intrusive to the occupiers of the adjoining dwellings'. The Council has not explained what it means by 'intrusive', although the accompanying Officer report refers to comments received from interested parties which relate to outlook, privacy and light. The appellant has also considered these matters within their statement. I have defined the second main issue on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area: and
 - the living conditions of the occupiers of neighbouring dwellings, with particular regard to outlook, privacy and light.

Reasons

Character and appearance

4. Charles Street is a residential street which gently rises in gradient away from the junction with Rockingham Road. It is fronted primarily by terraced dwellings which have distinctive bay windows and a stepped roof line with chimneys. Dwellings are located on both sides of the street and tend to have similar sized front garden areas positioned behind low brick walls. The sides of dwellings located along Park View are visible towards the top of Charles Street. Dwellings are typically faced in brick or render. Gardens tend to be long and narrow, with some backland development where gaps between terraces exist, albeit these are infrequent. There is an overall order and consistency in development rhythm including materials, architectural features and boundary treatments along Charles Street.

5. Number 81 Charles Street (No 81) is a two-storey end terrace dwelling with garden. It backs onto the rear gardens of dwellings fronting Reservoir Road. The garden contains a yard area, pedestrian access to the adjacent rear garden of 79 Charles Street (No 79) and an area of overgrown grass/shrubs with a small shed. A driveway leading to a commercial premises (No 81a) and garages is located to the side of No 81. No 81a contains a two-storey building that abuts part of the rearmost edge of the appeal site. Even though the appellant indicates the appeal site is underused, it is a similar size to many other rear gardens along Charles Street and its open qualities contribute positively to the character and appearance of the locality.
6. Whilst the proposed two-storey dwellinghouse in the rear garden of No 81 would not be widely appreciable from the street, it would be visible from neighbouring properties. The siting of the proposed dwelling combined with the subdivision of the long narrow rear garden would be at odds with the prevailing linear form and pattern of development along Charles Street. The narrow profile of the proposed dwelling would appear cramped occupying the full width of the plot and its overall scale and massing would represent a stark contrast to the existing open qualities of the appeal site. Its projection forward of No 81a would have a jarring effect and result in a visually discordant form of development. Furthermore, its modern design, including use of aluminium wall cladding panels would not be reflective of other buildings within the immediate site context. Overall, the proposed development would be out of character with other development along Charles Street.
7. I conclude that the proposed development would result in a harmful effect on the character and appearance of the area. In this regard, it would conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2011 - 2031 (2016) (CS) and Policy HOU1 of the Kettering Site Specific Part 2 Local Plan (2021) (LP) which require development to respond to the site's immediate and wider context and to ensure that there is no erosion to the character and appearance of the area. For the same reasons, it would also conflict with the policies of the National Planning Policy Framework (the Framework) and the guidance contained in the National Design Guide (2021) which aim to achieve well-designed places.

Living conditions

8. The rear elevation of dwellings fronting Charles Street, including Nos 79 and 81 face towards the appeal site. The outlook from the habitable room windows within these elevations, particularly at ground level, are contained to some degree by the position of existing buildings, soft landscaping and boundary treatments. Even so, an open outlook across their respective long rear gardens can be achieved, particularly from upper floor windows. The occupiers of these dwellings are also afforded reasonable levels of privacy.
9. There would be separation gap between the front elevation of the proposed dwelling and the rear elevation of neighbouring buildings, provided by existing and proposed garden areas including pedestrian access to the rear of No 79. The proposed dwelling would be obvious in views from neighbouring windows and gardens, including from Nos 79 and 81. Even so, an acceptable level of outlook for the occupiers of Nos 79 and 81 from the rear of these dwellings would be retained with space appreciable to the front and sides of the proposed dwelling. The side elevation of the proposed dwelling would also occupy a small proportion of the shared boundary with the rear garden serving No 79 overall and an acceptable

level of outlook would be maintained for users of the adjacent garden area, particularly within the space of its rear garden. On this basis, the proposed dwelling would be unlikely to result in a significant enclosing effect or material loss in outlook for occupiers of Nos 79 and 81, either from their respective gardens or habitable room windows.

10. For the same reasons, a material loss of light to the occupiers of Nos 79 and 81 is unlikely to occur and I have not been provided with any substantive evidence to dispute this.
11. Even so, the proposed separation distance would not prevent direct views from the windows in the front elevation of the proposed dwelling towards the private rear gardens and habitable room windows of Nos 79 and 81 from being achieved. These views would be towards parts of the rear gardens of both of these dwellings likely to be used by their respective occupiers on a regular basis. Whilst a degree of overlooking is often expected in residential areas, the limited separation distance between existing and proposed windows and gardens at Nos 79 and 81 would result in a significant material increase in the levels of overlooking experienced by the occupiers of these neighbouring properties.
12. Given the length of the rear gardens of dwellings along Reservoir Road and relationship with the appeal site, a material loss of outlook, privacy or light would be unlikely to occur. Whilst views may be achievable from proposed upper floor windows, these views would be towards the more peripheral parts of these neighbouring gardens. Even so, this does not overcome the harm I have identified in relation to the loss of privacy for the occupiers of Nos 79 and 81.
13. Whilst the proposed development would not result in a harmful effect on the living conditions of occupiers of neighbouring dwellings with particular regard to outlook and light, I conclude that a harmful effect on the living conditions of occupiers of neighbouring dwellings, with particular regard to privacy would occur. In this regard, it would conflict with Policy 8 of the CS and policy HOU1 of the LP which require development to not result in an unacceptable impact on the amenities of neighbouring properties. The appeal proposal also conflicts with the Framework insofar as it requires development to have a high standard of amenity for existing and future users.

Other Matters

14. There is no dispute between main parties that the proposal would be located in a suitable location for new residential development close to public transport links, would meet required space standards and would provide a home suitable for smaller households. It would also make a contribution to the housing supply requirements and incorporate energy efficient measures including the use of renewable energy, modern construction and insulation techniques. The appellant's commitment to providing cycle parking, solar panels, electric vehicle charging and biodiversity net gain is also acknowledged. The proposal would make a small but beneficial contribution to the choice of homes in the area and its housing supply; as well as providing social and economic benefits during construction and after occupation. However, the benefits associated with the delivery of one dwelling would be modest and would not justify the harm I have identified.
15. I have carefully considered the concerns raised in respect of the red line boundary, the ability to access the appeal site and validity of the planning application. I have

not needed to consider this matter in greater detail given that I am dismissing the appeal for other reasons.

Conclusion

16. 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