
Appeal Decision

Site visit made on 17 October 2016

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2016

Appeal Ref: APP/V2825/C/16/3152604

69 Raeburn Road, Northampton, NN2 7ET

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr M Ashfaq against an enforcement notice issued by Northampton Borough Council.
 - The enforcement notice was issued on 19 May 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey extension to the rear of the dwelling.
 - The requirements of the notice are:
 - (i) Demolish the single storey extension to the rear of the dwelling
 - (ii) Remove all materials resulting from the demolition
 - (iii) Restore the dwelling to its condition before the unauthorised development took place
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended (the Act). Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

Main Issues

2. These are the effect of the extension upon the living conditions of occupiers of adjoining residential properties with particular regard to outlook and sunlight, and the effect on the character and appearance of the area.

Reasons

3. 69 Raeburn Road is an end of terrace two storey dwellinghouse within a residential area. The single storey extension has a non-uniform mono-pitched roof. It extends a considerable distance to the rear, abutting the boundary with the neighbouring property No. 67, and is slightly set in from the dividing boundary with No. 71. It is also raised up from the rear garden level in order to achieve a level floor with the rest of the house. Overall, it is a substantial rear addition to the existing dwelling house.
4. Having regard to the above I consider that it appears as an overly large and out of scale extension which has a significantly overbearing and harmful impact on the occupiers of the adjoining dwellings. This is particularly so for the

occupiers of No. 71 in respect of the outlook from their nearest ground floor window and with regard to the use of their external amenity area immediately to the rear of the property. Given the southerly facing rear aspect of these properties and taking account of the east to west path of the sun, there would also be a degree of overshadowing to both adjoining properties during the day.

5. It is suggested by the Appellant that the extension is permitted development. However, an appeal (APP/V2825/X/15/3063787) against the Council's refusal to grant a certificate of lawful use or development for the extension was dismissed on 30 December 2015, and I have no reason to disagree with the reasoning or decision of that appeal.
6. The extension has been constructed in a mixture of materials which do not relate well to the form and appearance of the host dwelling or with adjoining residential buildings. Although it can only be partially glimpsed from the street, and so is thus largely hidden from view, it nonetheless results in a degree of harm to the character and appearance of the area.
7. Given all of these factors, I disagree with the Appellant's view that the extension is modest in size and sympathetic to the character and appearance of the area.
8. In contrast, I find that the extension results in an unacceptable level of harm to the living conditions of the occupiers of the adjoining properties. Further harm results to the character and appearance of the area as I have described previously. It thereby fails to meet the design guidance in the Council's SPD¹ and the provisions of the National Planning Policy Framework (2012) which seeks to ensure high quality design.
9. As such, the extension conflicts with Policies E20 and H18 of the Northampton Local Plan (1997) and Policy S10 of the West Northamptonshire Joint Core Strategy (2014).
10. The appeal on ground (a) therefore fails and the appeal is dismissed.

Thomas Shields

INSPECTOR

¹ Residential Extensions and Alterations Design Guide Supplementary Planning Document (2011)