
Appeal Decision

Site visit made on 1 November 2016

by J Flack BA Solicitor

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

Decision date: 07 November 2016

Appeal Ref: APP/L2820/D/16/3156762
2 Langley Court, Burton Latimer NN15 5SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Craig Neyland against the decision of Kettering Borough Council.
 - The application Ref KET/2016/0214, dated 25 March 2016, was refused by notice dated 10 May 2016.
 - The development proposed is two and single storey rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In its decision on the application, the Council cited policies of the Core Spatial Strategy¹ and policies of the emerging Joint Core Strategy. The latter Strategy (the JCS)² has since been adopted, and its policies have replaced those of the Core Spatial Strategy. My assessment proceeds accordingly.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of adjacent residents, and the effect of the proposal on the character and appearance of the subject house and the surrounding area.

Reasons

Living conditions

4. Nos 1 and 2 Langley Court are a pair of modern semi-detached houses. The plans before me show a conservatory to the rear of No 2, but I saw on my visit that this has been demolished. No 1 has no extensions, and its rear elevation contains, at ground floor level, a door and window to the kitchen and dining room, and, at first floor level, the window of the house's principal bedroom. These rooms have no other windows.
5. The proposed extensions to No 2 would form a single mass, and this would be substantial in the context of this modest house. Whilst a small part of its depth and width would be single storey, the two storey element would project a

¹ North Northamptonshire Core Spatial Strategy, adopted June 2008

² North Northamptonshire Joint Core Strategy 2011 – 2031, adopted July 2016

considerable distance into the rear garden, and the extension would be located very close to the shared boundary with No 1. This is at present marked by a simple close boarded fence, and neither house's garden possesses any trees or shrubs which rise significantly above the fence.

6. The occupiers of No 1 express concern that the proposal will remove their view of the recreation ground which lies beyond the rear of the houses, but it has long been accepted that there is no private "right to a view", that the planning system should protect. However, the proposed extension would present a considerable and expanse of blank wall at very close quarters. Although occupiers of No 1 would continue to enjoy a reasonably open and spacious outlook in other directions, I consider that the proposal would, overall, have an unacceptably dominating and enclosing effect on outlook from the rear windows and garden of No 1. There would also be some loss of light received by the rear windows, particularly the window which lights the kitchen and dining room.
7. I do not consider that the proposal would have any materially detrimental impact on the living conditions of the occupiers of the other adjoining house, No 3, given that this has a substantial single storey extension and the two storey element of the proposed extension would be set considerably further away from the shared boundary with No 3 than it would be from the boundary with No 1.
8. However, my findings in relation to the proposal impact on occupiers of No 1 mean that I conclude overall that the proposal would be unacceptably harmful to the living conditions of adjacent residents. The proposal would be contrary to the requirement of Policy 8 of the JCS that development protect amenity by not resulting in an unacceptable impact on the amenities of neighbouring properties, and it would conflict with the core planning principle of the National Planning Policy Framework (the Framework) that planning should always seek to secure a good standard of amenity for all existing occupiers of buildings.

Character and appearance

9. The appeal property does not lie within a conservation area, and the surrounding area is characterised by estate development of suburban houses which appear to date from the 1960s or 70s. Whilst the proposed extension would not be readily visible from surrounding streets, the first floor element would be clearly seen from the recreation ground to the rear, to which there is public access. However, whilst no nearby directly equivalent extension has been drawn to my attention, I saw that many houses in the immediate vicinity have extensions of various designs and sizes, and a few of these are two storey.
10. I also note that whilst the proposed extension is substantial, the first floor element would be set in on both sides, albeit by a small amount, from the full width of the rear elevation, and the roof of the extension would be lower than that of the existing house. These features would provide the extension with a degree of subordination to the existing house, preventing it from being overwhelmed, and matching materials could be secured by condition.
11. Taking into account also my findings above as to the local context, I conclude that the proposal would not have an unacceptably harmful effect on the character and appearance of the subject house or the surrounding area. The

proposal would in this respect conform to Policy 8 of the JCS, sufficiently complying with its requirement that development should respond to the overall form and character of the settlement. For the purposes of paragraph 64 of the Framework, the proposal would not represent poor design that should be refused, and it would sufficiently comply with the objectives of paragraph 58 that development should respond to local character and reflect the identity of local surroundings.

Conclusions

12. I have concluded that the appeal proposal would not have an unacceptably harmful effect on the character and appearance of the subject house or the surrounding area. However, neither this nor any other matter arising from the evidence before me mitigates or outweighs my conclusion that the proposal would be unacceptably harmful to the living conditions of adjacent residents. The appeal is therefore dismissed.

J Flack

INSPECTOR