

Appeal Decision

Site visit made on 25 January 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 2nd February 2017

Appeal Ref: APP/V2825/D/16/3162696

21 Ravenscroft, Northampton NN4 0RL

- 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 Matt Stockdale against the decision of Northampton Borough Council.
 - The application Ref N/2016/1029, dated 18 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is the erection of a first floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although requested, no access to 24 Ravenscroft was available to me during the site visit. However, the relationship between this dwelling and the appeal scheme could be viewed from the adjacent access drive.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 19 and 20 Ravenscroft.

Reasons

4. The proposed development includes the erection of a first floor extension above a garage sited to the side of a detached 2-storey dwelling which fronts a private drive. The ground level of the appeal property's curtilage is elevated above the rear gardens of 19 and 20 Ravenscroft. The shared boundary is partially defined by the flank wall of the garage and a brick wall with wooden fence panel inserts. Also sited close to the boundary is the property's single storey conservatory with the roof projecting above the means of enclosure.
 5. The Council's *Residential Extensions and Alterations Design Guide Supplementary Planning Document* (SPD) includes general guidance on alterations to dwellings respecting neighbouring properties, including matters such as loss of privacy, overlooking, overshadowing and outlook. Such guidance cannot anticipate all circumstances associated with a particular
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proposal because of the different relationships between dwellings even within a residential area of similarly designed properties.

6. By reason of the relationship and separation distances between the resulting enlarged property and Nos. 19 and 20, there would be no material reduction in the level of daylight and sunlight reaching either the gardens or the rear facing windows of habitable rooms of these neighbouring properties. Further, in the absence of any windows erected within the side elevation of the proposed extension, there would be no material harm caused to the occupiers of Nos. 19 and 20 because of overlooking and loss of privacy. The separation distance between the property and No. 24, together with an oblique outlook from the proposed front dormer window, would ensure that the living conditions of the occupiers of this dwelling would not unacceptably harmed by overlooking and loss of privacy.
7. However, there is currently already a significant sense of enclosure for the occupiers of Nos. 19 and 20 associated with the existing garage's flank wall, the brick wall with wooden fence panel inserts and, to a lesser extent, the roof of the conservatory. This sense of enclosure is accentuated by the difference in ground level between these neighbouring dwellings and the property.
8. There would be a material increase in the massing of the existing garage's flank wall by the erection of the proposed extension. When viewed from the gardens and rear habitable room windows of Nos. 19 and 20 the proposed flank wall would be a visually overbearing form of development which would dominate the outlook of the occupiers of these neighbouring properties. Further, there would be an unacceptable heightening of the existing sense of enclosure caused by the increase in the size and massing of the flank wall which would be accentuated by the difference in ground levels.
9. A judgment is required concerning the differing assessments which have been made about the appeal scheme's effects on the living conditions of the occupiers of the neighbouring properties. This is a case where the unacceptable harm caused to the outlook of the occupiers of Nos. 19 and 20 from the visually overbearing form of the proposed development and the heightened sense of enclosure combine to significantly and demonstrably outweigh the lack of material harm caused by reason of overlooking, loss of privacy and overshadowing.
10. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the occupiers of 19 and 20 Ravenscroft and, as such, it would conflict with Policy H18 of the Northampton Local Plan (LP) concerning consideration of the effect of development on adjoining properties and the guidance contained in the SPD. This policy is consistent with the National Planning Policy Framework's (the Framework) core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.
11. However, no specific conflict has been identified with LP Policy E20 which only refers to privacy, daylight and sunlight matters. Similarly, no conflict has been found with Policy S10 of the West Northamptonshire Joint Core Strategy which does not include specific reference to the effect of development on neighbouring occupiers.

Other Matters

12. The appellant claims that there are examples of similar extensions to dwellings within the surrounding area but no details of these other schemes have been provided and, therefore, very limited weight can be given to this claim in the determination of this appeal. Matters associated with the appellant being a Parish Councillor and whether this may have affected the opinion of the Parish Council are not matters for me to determine and do not affect my assessment of the appeal scheme which has been considered on its own planning circumstances. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR