
Appeal Decision

Site visit made on 14 March 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 22nd March 2017

Appeal Ref: APP/V2825/D/16/3165358

52 The Vale, Northampton, NN1 4ST

- 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 Mrs Sevinc Karasu-Newman against the decision of Northampton Borough Council.
 - The application Ref N/2016/0809, dated 10 June 2016, was refused by notice dated 21 September 2016.
 - The development proposed is the construction of a raised patio area immediately adjacent to and accessed from the property in rear garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of 54 The Vale with particular regard to outlook.

Reasons

3. The appeal property is a mid-terrace house in a residential area characterised by similar properties. The proposed patio would be to the rear of the house and would cover its full width. It would be raised above ground level and accessed via steps up from the garden which slopes downwards away from the house. The proposal also includes the provision of a 1.8 metre high fence to each side of the raised patio (and down the steps) which would preclude the overlooking of neighbouring No 50 and 54. No 50 has an existing large raised rear patio area similar to the appeal proposal and is separated from the appeal property by a high fence. However, on the other side, No 54 is set behind the back wall of the appeal property (which has been extended) and has only a modest raised patio area. No 54 is separated from the appeal property by a hedge along the boundary.
 4. The proposed patio would be deep and would project well rearwards of the appeal property. The Council estimates that the fence would extend some 5 metres beyond No 54's patio and would be around 3 metres in height overall. The appellant does not dispute these measurements. As such, the tall fence would be seen in an elevated position along a considerable section of the boundary close to the rear of No 54 and its patio and garden. It would be much higher and more substantial than the existing hedge there, and to my mind would appear as an unduly obtrusive and overbearing feature that would lead to an unacceptable loss of outlook for the occupiers of No 54.
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5. Permission was granted in 2008 for a rear patio that has not been built. However, that approved development is around half the depth of the appeal proposal and does not include the side fencing. As such, it is not as substantial as the scheme before me and this fall back position adds little weight in favour of the appeal proposal.
6. I note the appellant's view that the appeal property is overlooked from No 54's patio and steps and that her privacy is not respected. Even so, the merits of that existing development are not before me for consideration, and I am mindful that any existing issues of privacy could be addressed via alternative means other than the appeal scheme. Consequently, this is not a reason to allow development that would be harmful.
7. I am also aware of the appellant's dissatisfaction with the service received from the planning officer dealing with her application. Nevertheless, that is a matter between the Council and the appellant. I confirm that I have considered the appeal proposal on its own individual planning merits and made my own assessment as to its impacts.
8. I therefore conclude on this issue that the proposal would be harmful to the living conditions of the occupiers of 54 The Vale with particular regard to outlook. This would be contrary to Policy H18 of the Northampton Local Plan (Local Plan) which is permissive of extensions to dwellings which meet a number of criteria, including the effect upon adjoining properties (C). The proposal would also conflict with Policy S10 West Northamptonshire Core Strategy which concerns sustainable development principles and indicates that development will (amongst other things) protect, conserve and enhance the built environment (i). It would be at odds with the core planning principle of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.
9. Since the patio would be a raised platform, the Council considers it would have a similar impact to a balcony and also refers to its Residential Extensions and Alterations Design Guide (SPD). This indicates that balconies will only be acceptable if it can be demonstrated that they will not (amongst other things) overlook and have a detrimental impact on the privacy and amenity of neighbouring properties. For the reasons given, the proposal would adversely affect the amenity of the occupiers of No 54 and so would be contrary to this advice.
10. Local Plan Policy E20 is also referred to on the decision notice and is permissive of new development provided that it is designed, located and used in a manner which ensures adequate standards of privacy, daylight and sunlight. However, it does not relate to outlook and so is not of direct relevance to the appeal scheme.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR