
Appeal Decision

Site visit made on 3 May 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/Y2810/D/17/3169193

31 Fuller Road, Moulton, Northampton, NN3 7RA

- 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 Richardson against the decision of Daventry District Council.
 - The application Ref DA/2016/0907 was refused by notice dated 2 December 2016.
 - The development proposed is an extension to rear of property, removal of existing garage and erection of timber building.
-

Decision

1. The appeal is dismissed insofar as it relates to the extension to the rear of the property. The appeal is allowed insofar as it relates to the erection of a timber building. Accordingly, planning permission is granted for the removal of existing garage and erection of a timber building at 31 Fuller Road, Moulton, Northampton, NN3 7RA, in accordance with the terms of the application Ref DA/2016/0907 and the plans submitted with it, so far as are relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Plan Titled "Proposed Storage Area/Play Area", – date-stamped 24 September 2016.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of number 33 Fuller Road (number 33), with particular regard to natural light and outlook.

Reasons

3. The appeal property is a single storey semi-detached bungalow, with a relatively long and narrow rear garden. Many of the properties on Fuller Road have been altered and extended. These include rear extensions on the two neighbouring properties at numbers 29 and 33 Fuller Road.
 4. The proposal comprises two distinct elements. A single storey extension is proposed across the full width of the building, which would project
-

approximately 9m from the existing rear wall of the property. The extension would be positioned adjacent to the shared side boundary with number 33 and it would provide a new kitchen and lounge. In addition, an existing garage in the rear garden would be removed and a new single storey timber storage/play building would be constructed abutting the rear boundary of the site.

5. The Council has no objection to the proposed timber building and I have no reason to conclude otherwise. It would be sited some distance from neighbouring property and would be of a form and scale that would be appropriate to its domestic garden location.
6. Although the occupiers of number 33 have not objected to the proposal, I consider that the proposed rear extension would have an unacceptably overshadowing and overbearing effect on number 33. This would be due to its height, length and positioning close to the shared boundary of the two properties. The overshadowing and dominant impact would be particularly evident during the morning period and this would affect a habitable room window on the rear elevation of the property. Accordingly, I find that the proposed rear extension would be unacceptably harmful to the living conditions of the occupants of number 33.
7. Therefore, the proposed extension would conflict with Saved Policy GN2 of the adopted Daventry District Local Plan, which states that development should not detract from the amenities of the locality. Furthermore, it would fail to accord with Paragraph 17 of the National Planning Policy Framework, which states (amongst other things) that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
8. In reaching my decision, I observed during my site visit that both number 33 and number 29 have existing rear single storey extensions that are relatively long. However, these extensions do not cover the full width of the properties and, as a result, they are lower and are set-back from the shared side boundaries. Consequently, they have less impact on the neighbouring dwellings than the appeal proposal.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning. The planning application form specifies that the proposed building in the rear garden will be of timber construction. Consequently, a condition specifying materials is not necessary.

Conclusion

10. For the above reasons, it is concluded that the appeal should be dismissed, with regard to the extension at the rear of the property. In relation to the removal of the existing garage and the erection of a timber building, the appeal is allowed.

Ian McHugh INSPECTOR