

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/V2825/D/17/3170163

10 Stephen Bennett Close, Duston, Northampton, NN5 6PH

- 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 John Sokog against the decision of Northampton Borough Council.
 - The application Ref N/2016/1486, dated 7 November 2016, was refused by notice dated 30 December 2016.
 - The development proposed is a two storey rear extension and a single storey front porch extension.
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Procedural Matter

1. The description of the development stated on the planning application is for a "rear two storey extension". However, the submitted plans also include a single storey porch on the front of the property. I note that the Council considered the proposed porch when it determined the planning application and that it is included in the description given in the Council's decision notice. Accordingly, I have considered the porch as part of the appeal proposal and this is reflected in my decision.

Decision

2. The appeal is dismissed insofar as it relates to the two storey rear extension. The appeal is allowed insofar as it relates to the single storey front porch extension. Accordingly, planning permission is granted for the single storey front porch extension at 10 Stephen Bennett Close, Duston, Northampton, NN5 6PH, in accordance with the terms of the application Ref N/2016/1486, dated 7 November 2016 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 plans: 1:1250 scale H.M. Land Registry Location Plan; Sycamores Deed Plan (not to scale); and Drawing No: 1010/P1 (insofar as it relates to the front porch extension).
 - 3) The materials to be used in the construction of the external surfaces of the porch hereby permitted shall match those used in the existing building.
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Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of number 11 Stephen Bennett Close (number 11), with particular regard to outlook and natural light.

Reasons

4. The appeal property is a detached two storey dwelling, which is situated within a modern residential estate. The dwelling is built with one of its side walls on the shared boundary with number 11. A narrow pathway alongside number 11 divides the two buildings. Number 11 contains ground and first floor windows on its rear elevation, close to the shared side boundary with the appeal property.
5. The proposal comprises two distinct elements. A single storey porch would be constructed on the front of the dwelling and a two storey rear extension would be built across the full width of the property. The proposed rear extension would replace an existing single storey conservatory and it would project out some 3m from the original rear wall of the dwelling.
6. The Council has no objection to the front porch and I have no reason to conclude otherwise. It would be a relatively small addition and it would complement the dwelling and the streetscene, in terms of its appearance and materials.
7. However, the two storey rear extension would have an unacceptably overbearing effect on number 11 because of its height, depth and positioning on the boundary of the two properties. Consequently, it would be harmful to the living conditions of the occupants of that property. Whilst the Council has stated that the proposal would also have a "negative" effect on daylight, I am not persuaded that this would be significant, given the orientation of the dwellings in relation to each other. However, this does not outweigh my findings in respect of outlook.
8. Accordingly, I consider that the proposed two storey rear extension would conflict with Policy H18 of the Northampton Local Plan (which I consider to be the most relevant policy). This Policy states that extensions to dwellings will be granted subject to their effect on adjoining properties. Furthermore, the proposal would conflict 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.
9. In reaching my decision, I have given consideration to the appellant's statement. This points to the fact that the occupiers of number 11 have no objection to the proposal. I also accept that any future occupiers of number 11 would purchase the property in full knowledge of the rear extension. The benefits of providing additional accommodation for the applicant and his family are also noted. However, it is a fundamental principle of planning that all development should secure a good standard of amenity and, for the reasons given above, the proposal for the two storey rear extension fails to meet this requirement.

Conditions

10. 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.
11. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

Conclusion

12. For the above reasons, it is concluded that the appeal should be dismissed with regard to the two storey rear extension. In relation to the single storey front porch extension, the appeal is allowed.

Ian McHugh

INSPECTOR