
Appeal Decision

Site visit made on 26 July 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 7 August 2017

Appeal Ref: APP/V2825/D/17/3174166

4 Tanglewood, Northampton NN4 0YW

- 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 Simon Haywood against the decision of Northampton Borough Council.
 - The application Ref N/2017/0020, dated 10 January 2017, was refused by notice dated 9 March 2017.
 - The development proposed is a three storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would provide satisfactory living conditions for the occupiers of the house in respect of their outlook, and the effect of the proposal on the character and appearance of the area including protected trees.

Reasons

Living conditions

3. The extension would necessitate the removal of two protected yew trees¹ in a small group of trees. Two mature lime trees, shown on the proposed site plan as T8 and T9, are identified for retention but would be very close to the extension. Due to their size and proximity to the development I consider they would overshadow it, reducing the light that would be received by, and restricting the outlook from, the windows on the front and side elevations. The appellant suggests these trees could be crown lifted to allow sufficient light into the extension, however I have no details of this or any assessment of the effect this would have on their vitality or landscape value.
4. I note the existing lounge is overshadowed to some extent by the existing trees on site. However this room is served by large patio doors on its rear and some small windows on its front and side and therefore it receives light from a number of directions. The smaller lounge proposed in the extension would have windows only on the front and side elevations and these windows would both be overshadowed. Although I note T8 and T9 are deciduous, this would

¹ TPO No 66 - Collingtree

only be advantageous to outlook in the winter months. Overall, I consider the overshadowing effect would be greater than that at present.

5. The appellant suggests that the windows could be removed from the side elevation. However this is not shown on the plans before me and I cannot take it into account. In any case, the front facing window would remain to be overshadowed.
6. As such, the windows in the extension would fail to have an acceptable outlook which would result in unsatisfactory living conditions being provided for the occupiers of the house. The proposal would therefore conflict with Policy E20 of the Northampton Local Plan (NLP) which aims to ensure development provides adequate daylight and sunlight.

Character and appearance

7. The two protected yews to be removed are overshadowed by taller trees in the group and have limited visibility beyond the site. As such their loss would have only a minor effect on the value of the group as a whole.
8. However the extension would also involve encroachment into the Root Protection Areas (RPA) of the two mature lime trees. T9, in particular, appears very prominently in the street scene. Although the Arboricultural Impact Assessment advises that the impact of the development on these trees can be mitigated by the use of piled foundations, I have no further details to demonstrate that the amount of excavation involved in this would avoid damage to the roots of the trees such that their vitality would not be threatened. Furthermore, I do not consider it would be reasonable to secure such information by a planning condition, as it is fundamental to the consideration of the development. Therefore from the evidence currently before me I cannot be confident that the lime trees would not be lost as a result of the proposal.
9. Also, even if T8 and T9 could be retained, it is likely that there would be future pressure to remove these trees due to the overshadowing effect set out above.
10. With regard to the design of the extension, it would replicate some of the design features of the existing house such as the beam and render finished front facing gable at first floor level set into a front facing roof slope which reaches down to ground floor level. The extension would be broad but it would be narrower than the existing large host dwelling and so would appear subordinate. As such I do not consider the extension would result in the dwelling looking discordant or unbalanced.
11. In addition, the irregular layout, spacious setting and varied design of the other houses in the street means that the proposal would not result in the dwelling appearing inharmonious in its context.
12. In summary, although the development would not appear incongruous, it would threaten the vitality of prominent protected trees, the loss of which would detract from the character and appearance of the area. As such, the proposal would be contrary to Policy S10 of the West Northamptonshire Joint Core Strategy (WNJCS) which, among other things, requires development to protect the natural environment, and Policy BN3 of the WNJCS which aims to protect trees. I have found no conflict with Policy H18 of the NLP as this relates to the design of extensions.

Conclusion

13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR