



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/17/3179066

63 Hamsterley Park, Southfields, Northampton NN3 5DX

- 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 Ms Karen Davis against the decision of Northampton Borough Council.
 - The application Ref N/2017/0196, dated 14 February 2017, was refused by notice dated 5 May 2017.
 - The development proposed is first floor extension to side addition to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to side addition to existing dwelling at 63 Hamsterley Park, Southfields, Northampton NN3 5DX in accordance with the terms of the application, Ref N/2017/0196, dated 14 February 2017, 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: 2017/3a.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) No windows shall be inserted in the side elevation of the extension hereby permitted.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring property at 81 Hamsterley Park in respect of their outlook.

Reasons

3. No 63 is located in a corner of a small cul-de-sac. To its side, and generally parallel with it, is the rear garden of the house at 81 Hamsterley Park and the first floor extension would be on this side of the property. The local topography is such that the rear garden at the appeal site falls away to the rear and the garden at No 81 is around 1 to 1.5 metres lower than that at the site. As a result, due to the first floor nature of the extension and the topography,

the proposal would appear prominently over the boundary fence when seen from the rear of the dwelling at No 81 and from its rear garden.

4. However the two-storey side elevation of the existing dwelling at No 63 already appears prominently from No 81 and, though the proposal would effectively bring this two-storey elevation closer to No 81, a significant gap to the common boundary would be retained. As such I do not consider the extension would appear overbearing from No 81.
5. Also because a substantial gap would be maintained between the extension and the neighbouring house, and tree, at No 64, a generally open outlook from No 81 would remain.
6. Consequently I consider the extension would not harm the living conditions of the occupiers of No 81. Therefore the development would accord with Policies E20 and H18 of the Northampton Local Plan which require development to have an acceptable effect on adjoining properties including in respect of ensuring adequate standards of daylight. It would also accord with the advice in the Residential Alterations and Extensions Design Guide Supplementary Planning Document and in the National Planning Policy Framework (the 'Framework') which both support the need for a good standard of amenity to be provided for all occupiers.
7. I recognise that planning permission was refused for a similar development in 2007¹. However that does not materially affect my consideration of this appeal.

Conditions

8. In accordance with the advice in the Planning Practice Guidance and the Framework, I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty.
9. I have also attached a condition requiring the finishing materials to match those of the main house, so as to protect the character and appearance of the area, and a condition preventing the insertion of windows in the side elevation of the development, so as to protect the privacy of the adjoining occupier. Both these conditions reflect the details of the proposal given in the appellant's statement.

Conclusions

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

Andrew Owen

INSPECTOR

¹ Ref N/2007/0385