
Appeal Decision

Site visit made on 22 August 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 05 September 2017

Appeal Ref: APP/Y2810/D/17/3176716

4 The Hollies, Pitsford Road, Moulton, Northampton NN3 7XW

- 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 & Mrs J Timlin against the decision of Daventry District Council.
 - The application Ref DA/2016/1192, dated 23 December 2016, was refused by notice dated 28 April 2017.
 - The development proposed is two storey side and rear extensions, plus single storey side and rear extensions. Removal of hedge, construction of path at side of house and new gated access to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and rear extensions, plus single storey side and rear extensions. Removal of hedge, construction of path at side of house and new gated access to the rear at 4 The Hollies, Pitsford Road, Moulton, Northampton NN3 7XW in accordance with the terms of the application, Ref DA/2016/1192, dated 23 December 2016, and the plans submitted with it, subject to the conditions contained in the attached Schedule.

Preliminary and Procedural Matters

2. I am using the description of development from the Council's decision notice since that more precisely identifies the proposed development. However, I have omitted the reference to the new vehicle access and driveway area, as it was deleted from the proposal prior to the Council's decision. It is therefore not a matter for this appeal.
3. As comments have also been raised by an interested party regarding living conditions I have included these within the main issue.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of No 3 The Hollies, with particular regard to outlook; and the living conditions of the occupiers of No 3 The Laurels, with particular regard to overlooking, privacy and outlook.

Reasons

Character and appearance

5. The appeal property, No 4, is a link-detached two storey dwelling. It is one of four within a small L-shaped residential cul-de-sac known as The Hollies which is accessed from Stewart Close. No 4 is similar in overall appearance to the other properties within The Hollies. It is of a simple design with half stepped front and rear gables. No 4 in common with the other properties all front onto The Hollies. It occupies a prominent corner position within a large plot and looks across towards 'The Birches,' a more modern and larger detached property facing onto Stewart Close. Stewart Close is a more recent residential development scheme with much larger dwellings than the appeal property. Accordingly the character and appearance for No 4 is drawn from a combination of both The Hollies and Stewart Close.
6. The proposed two storey and single storey rear extensions would substantially increase the floor space and footprint of No 4. The Council does not have any adopted policy or guidance setting out specific size limitations for extensions. Saved Policies GN2 and EN 42 of the Daventry District Local Plan, adopted 1997 (LP) only require new development to be of a scale, type and design that is in keeping with the locality and which enhances its surroundings.
7. From The Hollies limited views of the extensions would be possible. The minor alterations to the existing front elevation do not significantly alter the existing appearance. Therefore I do not find that the view of No 4 from within the cul-de-sac itself would be so changed that it would be detrimental to the character and appearance of The Hollies.
8. The changes to the rear elevation would introduce a single storey element. This would be read visually from the rear garden of No 4 in the context of the existing single storey garage link between Nos 3 and 4. As a result I find that this would add variety and interest to an otherwise simple existing design. The rear elevation would also have a new two storey part. From the rear, although the stepped gable would be less than found on the existing elevation, this would not adversely affect the overall appearance of No 4.
9. From Stewart Close the alterations and extensions to No 4 would be more apparent. The overall proposal would see No 4 being re-orientated such that the principal elevation would become that facing Stewart Close. This would introduce a more active elevation in place of the existing blank western elevation. This re-orientation would not only enhance the design and appearance of No 4 but also Stewart Close, thereby reinforcing local distinctiveness. From the public realm No 4 would effectively be read in the context of 'The Birches' and the larger dwellings on Stewart Close. Consequently the increase in scale and massing of No 4 would blend into the surrounding context and enhance the local distinctiveness.
10. I find that the appeal proposal does not harm the character and appearance of the surrounding area. As such it complies with Saved Policies GN2 (criterion A) and EN42 (criteria A and C) of the LP, which seek, amongst other things that new development is of a scale, type and design that is in keeping with the locality and which enhances its surroundings.

Living conditions

11. No 3 The Hollies lies to the east and occupies a more constrained and irregular shaped plot than No 4. The substantial timber fence provides a clear boundary between the two properties which would remain. No 3 has two habitable rooms with windows at ground floor level in the rear elevation. These are separated from No 4 by the linked garage. The closest window is a living room with clear glazed patio door. The further window away from No 4 is to a small home office within the original dining room. The principal outlook from within these windows is to the west and south-west.
12. The single storey extension would be sited adjacent to the adjoining fence boundary with No 3. Although it would project into the rear garden and alongside the fence, it would be no higher than the existing linked garage. The roof would slope down towards the fence thereby reducing its impact on the occupiers of No 3. Therefore I find that this part of the proposal would not be overbearing and it would have an acceptable relationship with No 3, both in terms of their rear windows and garden.
13. The two storey extension is substantially inset from the shared boundary by just less than 3 metres. This set back distance would minimise any effect of the extension being overbearing on the garden or rear windows of No 3 at both ground and first floor levels.
14. The height and massing of the side elevation facing No 3 would be reduced by the first floor element being set back, the use of the roofscape to the single storey part and the introduction of two small obscure glazed windows as design features. Consequently I find that the proposed extensions would not have an unacceptable relationship to No 3 such that it would adversely affect and harm the living conditions of the occupiers.
15. The current occupiers of No 3 are concerned that the appeal proposal would result in a loss of daylight and sunlight. They consider that this would arise in all of the main rooms at the rear and to their garden and patio. Whilst the appeal proposal would result in the loss of some light; given the orientation of Nos 3 and 4, and the intervening distance between the proposed two storey extension and the garden of No 3, I find that there would be no unacceptable on daylight and sunlight. As the rear windows of No 3 are further away the same conclusion applies.
16. I note that the single storey extension will not intersect a line drawn at 60 degrees from the living room patio door of No 3. In addition the two storey extension will not intersect a line drawn at 45 degrees from the closest first floor bedroom window of No 3. Accordingly, the proposed extensions therefore comply with the Daventry Designing House Extensions Supplementary Planning Guidance (1997).
17. Consequently I find that the living conditions of No 3 The Hollies with particular regard to outlook would not be unacceptably harmed.
18. A concern regarding the potential for overlooking from the proposed rear extension to No 3 The Laurels has been raised. The Laurels is another small residential cul-de-sac to the rear of The Hollies. No 3 The Laurels is the nearest property to the appeal site. Due to the topography The Laurels is elevated above The Hollies. There is an established mature boundary of trees

and hedging between this neighbouring property and the appeal site. Although the extension projects the rear elevation of No 4 towards No 3 The Laurels, there is still a sufficient distance between these properties. The combination of these factors means that no unacceptable overlooking to the garden of No 3 The Laurels thereby impacting upon privacy would arise.

19. No 3 The Laurels is principally orientated at 90 degrees to the proposed extensions. This interrelationship together with the distance between the properties would not result in any greater sense of enclosure experienced by the occupiers of No 3 The Laurels than at present. Therefore there would be no unacceptable impact on their outlook to the front and rear.
20. Accordingly I find that the living conditions of the occupiers of No 3 The Laurels, with particular regard to overlooking, privacy and outlook, would not be unacceptably harmed.
21. Therefore the appeal proposal would accord with saved Policy GN2 of the Daventry District Local Plan, adopted 1997, which seeks, amongst other things, that development does not detract from the amenities of the locality. This policy operates in the context of Policy R1 (criterion D) of the West Northamptonshire Joint Core Strategy Local Plan (Part 1), adopted 2014, which seeks, amongst other things, to ensure that any residential development will protect the amenity of existing residents.

Other matters

22. Reference has been made by both main parties to the 'fall-back' position of using permitted development rights to extend No 4. I have been given no further details as to whether the appellant would be likely to use this option should this appeal be dismissed. Whilst I note that the Council's Officer Report gave this alternative significant weight in their balancing of the decision. I have no substantive evidence to indicate that there is a significant probability that this alternative would be constructed should this appeal be dismissed. This limits the weight that I can attach to it as a 'fall-back' position.
23. Reference has been made to Moulton Neighbourhood Development Plan (NP). I have been provided with a copy of the NP which has been formally made and is therefore part of the development plan. The Council has not referred to the NP in its reasons for refusal. Policies H1, E1, E2 and E5 have been cited by third parties. There is no policy E5 in the NP and the other policies cited are not applicable to the appeal proposal.
24. The Moulton Village Design Statement (VDS) has been highlighted by third parties. However, I have not been provided with a copy of the VDS and I note that the Council state that there is no currently adopted VDS for Moulton.
25. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
26. I have had regard to all other matters, including the loss of the hedgerow; the change in relationship to Stewart Close and the nearby protected trees; and the position of the appeal within Moulton.

Conditions

27. In the Officer Report six conditions were proposed. I have considered these against the advice in the Planning Practice Guidance and where necessary and in the interests of precision, I have amended them to bring them in line with guidance. In addition to the standard time limit on the commencement of development (condition 1), it is necessary to list the relevant plans (condition 2) as it provides certainty. A condition to ensure control over materials (condition 3) is in the interests of protecting the character and appearance of the area.
28. The Council also sought two conditions relating to the ability for future alterations and changes to the property using permitted development rights. The Framework advises that such conditions should only be included where there is a clear justification. Due to the large plot of No 4, the interrelationship with neighbouring properties and the difference in land levels to the rear; I am satisfied that such conditions are necessary in this case (conditions 4 and 5). A further condition was requested regarding the use of obscure glazing in the eastern elevation (condition 6). I consider that conditions 4, 5 and 6 would be necessary to protect the living conditions of the adjoining occupiers.

Conclusion

29. Taking all matters into consideration, I conclude that the appeal proposal is acceptable and that planning permission should be granted with conditions.

Rachael A Bust

INSPECTOR

Schedule of Conditions (6 in total)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: Drawing number 16/T130/1 (as existing), dated 07/12/2016; and 16/T130/4c (as proposed), dated 28/03/2017.
- 3) No development above foundation level shall commence until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which falls within Classes A, B, C, D & F of part 1 of Schedule 2 to the Order without planning first having being granted by the local planning authority.
- 6) The first floor rear extension hereby permitted shall not be occupied until the windows on the eastern elevation have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

End of Schedule