
Appeal Decision

Site visit made on 12 August 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/V2825/D/19/3230235

3 Fleetwind Drive, Northampton NN4 0ST

- 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 Bhavesh Champaneri against the decision of Northampton Borough Council.
 - The application Ref N/2018/1339, dated 21 September 2018, was refused by notice dated 15 March 2019.
 - The development proposed is a first-floor extension over existing garage.
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Decision

1. The appeal is allowed, and planning permission is granted for a first-floor extension over existing garage at 3 Fleetwind Drive, Northampton NN4 0ST, in accordance with the terms of the application ref: N/2018/1339, dated 21 September 2018, and subject to the following conditions:
 - 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 following approved plans: 018-059-003; 018-059-001; 018-059-002 revision D.
 - 3) The external facing and roofing materials to be used in the construction of the extensions and alterations hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 2 Fleetwind Drive.

Reasons

3. The site is a detached residential property with a single storey garage to the side. The rear garden boundary of No. 2 Fleetwind Drive adjoins the side boundary of the appeal site and its rear elevation faces onto the side elevation of the appeal site. It is at a higher ground level and has single and two-storey extensions to the rear.
4. I saw on my site visit that the outlook from the rear of No.2 is currently very open towards Fleetwind Drive and Limefields Way. The existing dwelling at the appeal site is slightly offset to the side when viewed from No. 2 and is separated from the boundary by a pedestrian access.

5. The proposed extension would be no closer to the side boundary with No.2 than the existing garage and would not extend beyond the existing front or rear elevations. Therefore, whilst the proposed development would be in close proximity, considering the siting, offset and level change, an open outlook from No.2 would be retained and the extension would not be overly dominant.
6. There are windows to the rear of No.2 which face on to the appeal site. At ground floor the window and patio doors both serve an open plan kitchen / dining room. At first floor the closest window is to a bedroom though there is another similar sized window to this room on the side elevation facing away from the site.
7. Therefore, whilst there may be some increased impact from overshadowing and visual intrusion this would not be to the detriment of the living conditions of No.2.
8. I note that the proposed development would not meet the separation distances as set out in the Council's '*Residential Extensions and Alterations Design Guide*' SPD. However, considering the specific circumstances of the site and its relationship to No.2, as outlined above, I do not consider the strict application of this guidance is necessary in this instance to protect living conditions.
9. I therefore consider that the proposals would accord with the overall amenity protection and design aims of Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and Policies H18 & E20 of the Northampton Local Plan which seek to ensure a high standard of design is achieved and a good standard of residential amenity is maintained.

Conditions

10. In addition to the standard time limited condition I have specified the approved plans for the avoidance of doubt and to provide certainty. A condition relating to matching materials is also necessary to safeguard the character and appearance of the area.
11. I do not consider a condition relating to obscure glazing is reasonable as the only window shown to the side elevation is an existing ground floor window which would be unaffected by the proposed development.
12. Furthermore, I do not consider it necessary to impose restrictions on any future windows to the side elevation. Any new ground floor openings will have limited impact due to ground level changes and boundary treatment. Under permitted development any upper floor windows would need to meet certain requirements which already seek to protect adjacent properties from any undue overlooking.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

A Denby

INSPECTOR