
Appeal Decision

Site visit made on 26 November 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2019

Appeal Ref: APP/V2825/D/19/3240035

210 Main Road, Duston, Northampton NN5 6RE

- 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 Mrs Marnie Preston against the decision of Northampton Borough Council.
 - The application Ref N/2019/0903, dated 10 July 2019, was refused by notice dated 5 September 2019.
 - The development proposed is a first floor extension to the rear of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to the rear of existing dwelling at 210 Main Road, Duston, Northampton NN5 6RE in accordance with the terms of the application, Ref N/2019/0903, dated 10 July 2019, 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: 2019/15/1; 2019/15/2.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - 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, other than those expressly authorised by this permission, shall be constructed on the north elevation.

Main Issues

2. The main issue is the effect of the development on the living conditions of the occupants of 212 Main Road, with particular regard to outlook.

Reasons

3. The appeal relates to a semi-detached dwelling in a predominantly residential area. The host dwelling already benefits from a flat roofed single storey extension. This is located to the side of the dwelling and runs for some distance along the common boundary with No 212. The development would sit above the existing extension and project by around 5 metres from the rear building line. The new first storey element would therefore be set back above the existing extension. The ridge height would also be set well below the main

ridge height of the main part of the dwelling. It would therefore appear as a subordinate feature.

4. The Council's reason for refusal refers only to concerns over the effect of the development on the private amenity space of No 212. Owing to the staggered building lines of the two dwellings, the development would largely sit above an existing side extension to No 212. There is a small remaining open area between the side of No 212 and the common boundary. While the development would have an impact on the outlook from this space, it is unlikely to result in an unduly oppressive environment. The development would be set back far enough to ensure it would not encroach substantially above the remaining space between the dwellings. The gap between the dwellings at first floor level is also relatively wide and provides a strong sense of openness. This would not be unduly affected by the development.
5. The rear garden of No 212 is also a long, wide and verdant space. While the development would clearly be visible from most parts of the garden, it would be seen in the context of the main dwelling and thus would not appear as an intrusive feature. The main outlook down the garden from windows of rear facing rooms would also not be affected by the development. The overall impact of the development on the outlook from the garden would therefore be minimal and would not affect the enjoyment of the space to any discernible degree.
6. Neither the Council's officer report nor the decision notice refer to any harm relating to the outlook from habitable rooms in No 212. The Council have also raised no concerns over issues relating to privacy or overshadowing. I saw nothing that would lead me to a different conclusion on these matters.
7. In conclusion, I am satisfied the development would not result in an unduly dominant or intrusive feature when viewed from the rear private amenity space of No 212. As a result, there would be no unacceptable impact on the living conditions of neighbouring residents or conflict with saved Policy H18 of the Northampton Local Plan (1997) or the Residential Extensions and Alterations Design Guide (2016). Although not referred to in the Council's decision notice, there would be no conflict with Policy H5 of the Duston Neighbourhood Plan (2015). These seek, amongst other things, to ensure development pays attention to its relationship with neighbouring properties. There would also be no conflict with paragraph 127 of the National Planning Policy Framework. This expects development to promote a high standard of amenity for existing users.
8. The decision notice refers to Policy S10 of the West Northamptonshire Joint Core Strategy (2014). This policy makes no reference to the effect of development on living conditions and thus is not relevant to this issue. Nevertheless, there is nothing to suggest the development would result in conflict with this policy.

Conditions

9. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.

10. In the interests of character and appearance, I have imposed a condition ensuring that the materials used in the extension match the host dwelling. Owing to the relative proximity of the extension to the common boundary with No 212, I consider that a condition removing permitted development rights to install new windows on the northern elevation is justified in this case. This is in the interests of privacy. The appellant suggested a condition could be used to require obscured glazing on the rooflight. However, the rooflight would not have any particular impact on privacy and thus such a condition is not necessary.

Conclusion

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

S J Lee

INSPECTOR