



Appeal Decision

Site visit made on 25 February 2020 by G Sibley MPLAN MRTPI

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/L2820/D/19/3241608

76 Park Road, Kettering NN16 9LL

- 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 and Mrs Rachel Towsey against the decision of Kettering Borough Council.
 - The application Ref: KET/2019/0513, dated 22 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is described as a single storey rear extension and rooflights to the front elevation.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. In the interest of clarity, I have used the description of development from the decision notice because it includes reference to the proposed rooflights on the front roof slope of the building. I note that the appellant has also adopted the same description on the appeal form.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the living conditions of the occupiers of No.78 with particular regard to whether the proposal would have an overbearing impact and whether it would lead to a loss of light; and
 - The effect the proposed development would have upon the character and appearance of the street scene.

Reasons for the Recommendation

Living conditions

5. The dwelling is a two storey mid-terraced property and the properties within the immediate street scene are similar in appearance and scale. To the rear of

the property the dwelling has a two-storey rear outrigger and so does No.78 and between these rear outriggers each dwelling has a relatively narrow courtyard. This area has raised decking and a pergola has been constructed and clear PVC sheets have been installed along the roof of the pergola. Vines and other bushes have been planted along No.78's border and have grown over parts of the pergola and fencing. The combined effect of the raised decking, pergola and overgrown vines creates a feeling of enclosure within the rear patio area at No.78. The existing boundary fence between the two properties is approximately 2 metres(m) tall.

6. The proposed extension would be approximately 3 to 4m tall in places and would be around 8m in length and around 2m wide and would infill the courtyard. The extension would extend beyond the existing rear outrigger and would wrap around it. A roof light is proposed and bifold doors would open out into the garden.
7. The windows that would be most affected would be the window on the rear elevation of the building and the windows that face towards No.76 from the kitchen that is located within the rear outrigger of No.78. The rear window serves the dining room which, as well as the kitchen, is a habitable room. Despite the pergola and overgrown vines, the two rooms are well served by daylight from these windows. The current outlook from the rear window is partially of the pergola and, beyond that, the existing projection to the rear of No.76. However, the two-storey rear wing is set away from the shared boundary and does not appear overbearing when viewed from this window. Because the pergola is not a solid structure, it does not create a feeling of enclosure when viewed from this window.
8. The outlook from the kitchen windows is of the pergola and the rear projection. The outlook from these windows would be relatively similar, although because the pergola is not a solid structure, the solid brick wall of the extension would appear more overbearing than the pergola. In contrast to the relatively open outlook presently enjoyed from the rear window, the extension would project a considerable distance into the garden and would occupy a large proportion of the outlook from this window. The combined height and length of the extension would appear overbearing and create a significant sense of enclosure when viewed from the rear and side windows of the neighbouring property. The outlook for the occupiers would be negatively affected and the impact would be heightened because the windows serve two of the main habitable rooms within the property where the occupiers are likely to spend a significant amount of time within.
9. The rear of the building faces towards the east and because of this the sunlight that the affected windows would receive is partly blocked by the existing outrigger at No.76. Nevertheless, the proposal would result in a tall solid brick wall being constructed within a short distance from these windows. Because the pergola is not a solid structure it does allow sunlight into these windows. The proposed extension would replace this relatively open pergola and replace it with a solid walled structure which would reduce the amount of sunlight and daylight that could reach these windows. This would result in overshadowing of these rooms which would harm the living conditions of the neighbouring occupiers.

10. The proposal would, in effect, create a 3 to 4m tall boundary wall that would extend approximately 8m into the garden area. Whilst the proposal would remove the raised patio area for No.76 which would reduce opportunities for overlooking into No.78's patio area, when considering the width of the patio area for No.78, the proposal would create an almost completely enclosed patio area that would receive less natural light and would feel demonstrably more enclosed by the proposal than the existing situation.
11. For the reasons give above, the proposed development would have an overbearing impact when viewed from the rear of No.78 and would result in the loss of daylight and sunlight. Consequently, the proposal would harm the living conditions of the occupiers of No.78, contrary to the aims of Policy 8 of the North Northamptonshire Joint Core Strategy 2011 – 2031 (Adopted 2016) (CS) in so far as it seeks to ensure development does not result in harm to the living conditions of the occupiers of neighbouring properties.

Character and appearance

12. To the north and south of the dwelling is Burghley Street and Balfour Street and the proposed development would be partially visible from these public roads. Because the site is located away from the roadside, the site is not viewed within the context of the dwellings that front these two roads. The proposed extension would be seen within the context of the existing projections that are common to the rear of the properties on Park Road. Because the proposal would be a single storey extension it would not appear to dominate the rear elevation of the dwelling and whilst the extension would not continue the consistent pattern of the undeveloped gaps between the rear outriggers of the dwellings on Park Road, the effect this would have upon the character and appearance of the street scene would be limited.
13. The proposed rooflights on the front elevation of the dwelling would be inset into the roof and would not clutter the appearance of the roof and because the roofline would not change, the proposal would appear appropriate within the street scene.
14. Therefore, the proposed development would not cause harm to the character and appearance of the street scene and would be in accordance with Policy 8 of the CS in so far as it seeks to ensure new buildings draw on the best of the sites local character without stifling innovation. The proposal would also be in accordance with paragraph 127(a) of the National Planning Policy Framework which requires development to function well and add to the overall quality of the area.

Conclusion and Recommendation

15. Therefore, the proposal would harm the living conditions of the occupiers of No.78 and whilst the proposal would not cause harm to the character and appearance of the street, this neutral factor would not outweigh the identified harm to the neighbouring occupiers living conditions. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

V Lucas

INSPECTOR