



Appeal Decision

Site visit made on 31 January 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/G2815/D/19/3241735

64 Church Street, Nassington, Peterborough, Northamptonshire PE8 6QG

- 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 Daniel Wates against the decision of East Northamptonshire District Council.
 - The application Ref 19/00897/FUL, dated 6 May 2019, was refused by notice dated 10 September 2019.
 - The development proposed is two extensions to 64 Church Street. Extension one is to demolish existing porch and build a new porch and entrance lobby to the south elevation. Extension two to the rear of the dwelling is a two storey extension providing additional ground floor living accommodation and a bedroom on the first floor providing with an en-suite shower room.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing porch to be replaced with new porch and entrance lobby on the south elevation and a new two storey rear extension at 64 Church Street, Nassington, Peterborough, Northamptonshire PE8 6QG in accordance with the terms of the application, Ref 19/00897/FUL, dated 6 May 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: WAT-LP02 revision A, WAT-PL01 revision A, WAT-PL02 revision A, WAT-PL03 revision A, WAT-PL04 revision A, WAT-PL05 revision B and WAT-PL06 revision B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. As part of the consideration of the application by the Council, amended plans were received which altered the proposal including the use of the rooms within the extended dwelling. This has resulted in the appellants original description of the proposal being superseded. A revised description has been used on the Appellants appeal form. As this accurately describes the proposal before me, I have therefore utilised the amended description in my decision.

3. In addition to the above, the plans considered by the Council and supplied with the appeal documentation, do not correspond with each other in that the floor plans did not match the elevation details. Furthermore, the site plan showed that the extension did not match the roof profile of the elevations. Having sought clarification on this, amended plans¹ have been submitted which in effect corrects the floor plans and site plan so that these are in line with the elevational details.
4. In deciding whether to accept these revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur. In this case, given that these plans are to correct an error in the submission, and that they do not add anything new from the elevational drawings, I consider that no prejudice would occur to any party. I have therefore determined the appeal on the basis of these amended plans

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupiers of 66 and 68 Church Street with particular regard to outlook.

Reasons

6. The appeal site is located on the east side of Church Street and consists of a detached two storey dwelling and its associated curtilage. Immediately to the north of the appeal property is 66 Church Street, together with 68 Church Street which is attached to No. 66 in a tandem style. At the present time No. 68 is not occupied and is in need of repair work to enable it to be fit for further use as a dwelling. Furthermore, from the evidence before me, there are no planning restrictions to prevent No. 68 being occupied as a dwelling in the future.
7. From what I was able to see on site, both Nos. 66 and 68 have their principal elevations facing the appeal site with no other windows on the other elevations. These properties are in proximity to the appeal dwelling with only a driveway between them.
8. Should No. 68 be re-occupied in the future, the extension would be located in a position which would be highly visible from within No. 68 and its frontage. However, this would be a similar situation to the current relationship between the existing property and No. 66.
9. I am also conscious that the proposal includes a single storey flat roofed element which would ensure that there would still be an acceptable level of outlook from the windows of No. 68. This, together with the design of the roof form would to my mind ensure that there would not be an unacceptable impact on any future occupiers of No. 68.
10. I have also had regard to potential loss of light to No. 68. Given the orientation of the appeal property and the direction of the sun from sunrise to sunset, there is some potential for loss of sunlight particularly in the afternoon. However, I consider that this would not be so significant to warrant the withholding of planning permission, especially since the existing building also

¹ Plans WAT-LP02 revision A, WAT-PL01 revision A, WAT-PL02 revision A, WAT-PL05 revision B and WAT-PL06 revision B

provides a degree of sunlight blockage at the present time. Similarly, I consider that there would not be an undue loss of daylight.

11. Turning to the effect of the development on the occupiers of No. 66, the existing dwelling is already directly in front of the windows to that property. As a consequence, given the relative juxtaposition between the appeal proposal and No. 66 there would not be any significant loss of sunlight or daylight to the habitable rooms of this dwelling when compared to the existing situation.
12. Furthermore, the outlook from this property is already dominated by the side elevation of the existing property and I consider that the proposed extension would not have any great impact over and above the existing situation. To that end, I find that the proposal would not harm the living conditions of the occupiers of No. 66.
13. For the above reasons the proposal would not harm the living conditions of the occupiers of 66 Church Street, or the future occupiers of 68 Church Street, and would therefore accord with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) and the Residential Extensions and Alterations Design Guide which amongst other matters seek to ensure quality of life by protecting the amenity of the occupiers (and future occupiers) of neighbouring properties. It would also accord with the overarching aims of the National Planning Policy Framework (the Framework).

Other matters

14. The Council have provided details of nearby listed buildings which include 68 and 70 Church Street as being two houses with squared coursed limestone with Collyweston slate roof. However, from my site visit, the listing description matched Nos. 66 and 68. Nevertheless, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these buildings.
15. In this case, the Council has considered that the proposal would not harm the setting of these buildings. To my mind, given the proposal itself and the relationship between the appeal property and the listed buildings, I also agree that the setting of these listed buildings would be preserved. Therefore the proposal would accord with the heritage aims of the Framework.

Conditions

16. The Council has provided a list of suggested conditions that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to the external materials of the development is also necessary in the interests of the character and appearance of the area.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR