
Appeal Decision

Site visit made on 5 November 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/G2815/D/19/3235748

47 Manor Road, Rushden, NN10 9EX

- 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 Simon Mason-Partridge against the decision of East Northamptonshire District Council.
 - The application Ref 19/00614/FUL, dated 29 March 2019, was refused by notice dated 4 June 2019.
 - The development proposed is two-storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for two-storey side extension at 47 Manor Road, Rushden, NN10 9EX in accordance with the terms of application Ref 19/00614/FUL, dated 29 March 2019 and the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with drawing number 18-119-01 Rev C.
 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.

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.

Application for Costs

3. An application for costs was made by Mr and Mrs Mason-Partridge against East Northamptonshire District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this case are the effect of the proposal:
 - on the character and appearance of the area, having regard to its siting and design, and

- on the living conditions of occupiers of 45 Manor Road particularly with regard to light, outlook and privacy.

Reasons for the Recommendation

Character and Appearance

5. No 47 Manor Road is a 2 storey semi-detached dwelling located in a residential area. It has a driveway to the side of the dwelling leading to a detached garage, similar to that at No 45, next door. The area is characterised by semi-detached properties of a similar design with regular spacing between them at first floor level. There are however a number of properties within the road which have been extended to the side at 2 storey level.
6. The proposed extension, whilst designed to be subordinate to the host property would extend to the party boundary with No 45. This would reduce the physical and visual gap between the respective properties. However, the driveway that would remain to the side of No 45 would ensure that the proposal would not result in a terracing effect as asserted by the Council. Moreover, the set back of the new extension at both ground and first floor level by over half a metre and almost one and half metres respectively would ensure that the extended dwelling would not be prominent in the street scene. The lower ridge height would assist in this regard.
7. In light of my findings and having regard to nearby properties within Manor Road which have been extended to the side over 2 storeys, I conclude that the proposal would not be harmful to the character and appearance of the area. There would be no conflict with the aims of Policy 8 of the North Northamptonshire Joint Core Strategy 2011–2031 (CS) or Policy EN1 of the Rushden Neighbourhood Plan (NP), which jointly seek to secure high quality developments based on an understanding of the local character and pattern of development that surrounds the application site. Moreover, there would be no conflict with the Council's Residential Extensions & Alterations Design Guide (DG) in respect of 2 storey side extensions.

Living Conditions

8. In the gable wall of No 45 I saw a glazed side door at ground floor level and 2 windows at first floor level, one of which was obscure glazed. The outlook from the door and windows is currently limited because of the relationship of them to the side wall of No 47. Although the proposal would be closer to these features, I am satisfied that sufficient space would remain between these features such that the new extension would not be overly intrusive or overbearing. It would not have an unduly enclosing impact on these openings. Moreover, no substantive evidence has been provided to demonstrate that light to the rooms that the windows and door serve would be affected to the degree that would make these rooms less pleasant to use.
9. No windows are proposed in the side of the extension and those in the front and rear at ground floor level would be unlikely to overlook the neighbouring property because of the presence of boundary treatment. Whilst the first floor window serving the new bedroom would be closer to the party boundary than existing first floor windows, it is unlikely that they would increase overlooking

of No 45's rear garden to an unacceptable degree, particularly taking into consideration the level of mutual overlooking of the rear garden environment that exists in this built up area. The extension would be unlikely to make the rear garden of No 45 less pleasant to use.

10. In light of my findings I conclude that the proposal would not be harmful to the living conditions of the occupiers of No 45. Accordingly, the proposal accords with the aims of Policy 8 of the CS, Policy EN1 of the NP and the DG, which seek, amongst other matters, for development to protect neighbouring amenity.

Conditions

11. The Council has suggested several conditions it would wish to see imposed in the event that the appeal was allowed. I have considered these against the guidance on conditions set out in the National Planning Policy Framework and the Planning Practice Guidance.
12. To ensure that the development is undertaken as approved, a condition referring to the approved plans is necessary. A condition is also necessary requiring the extension to be constructed of materials to match the host property in the interests of the character and appearance of the area.
13. I consider a condition requiring the removal of permitted development rights relating to windows in the north elevation of the extension is neither reasonable nor necessary. The parameters provided within the Town and Country Planning (General Permitted Development) (England) Order 2015 in respect of side windows in the extension would provide adequate protection to the living conditions of neighbouring occupiers.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions set out above.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

RC Kirby

INSPECTOR