
Appeal Decision

Site visit made on 9 March 2020 by A J Sutton BA Hons DipTP DMS MRTPI

by Sarah Housden BA Hons BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2020

Appeal Ref: APP/Y2810/D/19/3242829

15 St Marys Way, Weedon, NN7 4QL

- 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 Stuart Elliot against the decision of Daventry District Council.
 - The application Ref DA/2019/0734, dated 24 August 2019, was refused by notice dated 30 October 2019.
 - The development is described as 'Proposed loft conversion with dormer to rear (retrospective).'
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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 Matters

3. The development was completed at the time the site visit was conducted and it was viewed from within the appeal property as well as from the rear gardens of Nos 11 and 17 St Marys Way respectively.
4. The Settlements and Countryside Local Plan (Part 2) for Daventry District 2011 - 2029 (Local Plan 2020) was adopted in February 2020, subsequent to the submission of this appeal. The Council has confirmed that Policy GN2 of the Daventry District Local Plan 1997 has now been replaced by policies in the Local Plan 2020 and state that Policy ENV10 is relevant to this decision. Both parties have been consulted regarding the effect of the local plan adoption on this case and I have taken account of the comments received in my determination of the appeal. Policy ENV10 of the Local Plan 2020 has full weight in the determination of this appeal.

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupiers of No 11 St Marys Way (No 11) and No 17 St Marys Way (No 17), having particular regard to privacy and outlook.

Reasons for Recommendation

6. The appeal property is a two-storey modern detached dwelling in a residential estate. The rear elevation of the dwelling is set close to and slightly angled towards No 17 to the east. To the west, No 11 is a 1 ½ storey dormer style dwelling, which is set at a greater distance from the appeal dwelling with a large rear garden that bounds the appeal property on two sides.
7. Views from the rear windows of the appeal dwelling look towards the large garden space of No 11. From the ground floor windows of the appeal property, views are restricted by the existing conifers which form the common boundary with No 11 and which also partially screen views from the appeal property's first-floor windows, particularly when looking west, allowing a degree of privacy to be enjoyed by the occupiers of No 11 when using the patio area close to the common boundary.
8. However, due to the height and position of the large box style dormer which covers the majority of the rear roof space of the appeal property, as I saw at my site visit, it is possible to obtain clear views of the patio area to the rear of No 11 and much of the rear garden from the windows and balcony door in the dormer. This represents a material reduction in the levels of privacy currently enjoyed by the occupiers of No 11 which is harmful to their living conditions.
9. The sense of being overlooked is exacerbated by the style of openings on the dormer which comprise doors to a Juliet balcony flanked by two windows. As such, any sense of privacy for those using much of the outdoor space to the rear of No 11 has been substantially diminished. The distance between the respective properties is not sufficient to mitigate this harm. Whilst I note that it would be possible to overlook the appeal property's rear garden from the dormer windows in the side elevation of No 11, those windows are positioned at a lower height than the appeal proposal's windows which minimises the extent of overlooking.
10. The extension to the rear of No 17 provides some screening of the seating area close to the rear elevation of No 17 and as such this area cannot be viewed from the rear first-floor and dormer windows of the appeal property. The patio area in the north-west corner of the rear garden is also partially screened by the ground floor extension to the appeal property when viewed from the first-floor windows. However, this patio area is wholly visible from the windows and the balcony opening in the dormer development, which has reduced the levels of privacy that occupiers of No 17 previously enjoyed when using the patio and the majority of the garden space.
11. The part obscured glazing on the dormer openings provides a degree of privacy to the occupiers of the appeal dwelling and the occupiers of Nos 11 and 17 when using their gardens. However, views from the balcony doors, when opened, are uninterrupted. Whilst your eye may be drawn to distant views from this commanding position, due to its height and location any degree of privacy previously enjoyed by the occupiers of Nos 11 and 17 has been substantially reduced.
12. The large dormer structure is a dominant feature when viewed from the rear of neighbouring properties due to its height and bulk. The proximity and angle of the appeal property and No 17 compounds a sense of the development

towering over the garden space of No 17, with openings set at a projected position in the box like form which creates a looming presence.

13. Although the spacing between the appeal property and No 11 is greater, the relative height and scale of the development also appears unduly dominant when viewed from the side elevation and garden of No 11. As such, the development has an unacceptable overbearing effect which is harmful to the outlook from No 11 and the enjoyment of its outdoor space.
14. In light of the foregoing, the development, by reason of its location and design, has a detrimental effect upon the living conditions of the occupiers of Nos 11 and 17 and is therefore contrary to Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 and Policy ENV10 of the Local Plan 2020 which support development that is of a high quality design, stating that high quality design is achieved by protecting the amenity of new and existing dwellings and does not compromise the function of existing surrounding areas and requiring that development will have regard to the impact on the amenities of occupiers of neighbouring properties.
15. The development is also contrary to the Designing House Extensions Supplementary Planning Guidance which requires the effect of an extension on neighbours to be considered at the outset and that neighbours' enjoyment of privacy should not be unreasonably affected by development.

Other Matters

16. Whilst the development provides additional accommodation for the appellant's family, this is essentially a private benefit and I afford this matter limited weight. In summary any benefit of the development does not outweigh the adverse effects outlined above and the conflict with the development plan.
17. The removal of permitted development rights for the appeal property is not in dispute in this case. Whilst it may be the case that No 17 retains such rights and could carry out a similar form of development to that subject of this decision, I have nothing before me that indicates that this is in prospect and I have determined the appeal based on the circumstances of the site before me.

Conclusion and Recommendation

18. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and concur that the appeal should be dismissed.

Sarah Housden

INSPECTOR