



Appeal Decision

Site visit made on 15 September 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2020

Appeal Ref: APP/V2825/D/20/3248407

123 Southampton Road, Northampton NN4 8DZ

- 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 J Duggan against the decision of Northampton Borough Council.
 - The application Ref N/2019/1259, dated 25 September 2019, was refused by notice dated 16 December 2019.
 - The development proposed is described as 'retrospective permission for a single storey rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 123 Southampton Road, Northampton NN4 8DZ in accordance with the terms of the application, Ref N/2019/1259, dated 25 September 2019, and the plans numbered 0101, proposed side elevation, rear elevation existing and proposed, proposed ground floor layout which were submitted with it, subject to the following condition:
 - 1) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match the appearance of those used in the existing building.

Procedural matter

2. The proposed development has been carried out and is the same as that which has been applied for. The development is described as retrospective permission for a single storey rear extension. However, as the Town & Country Planning Act 1990 describes development as 'the carrying out of building operations' reference to a retrospective permission does not form part of the correct description of the scheme. I have therefore amended the description of the development in the decision to reflect this.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of 125 Southampton Road with regard to outlook.

Reasons

4. Southampton Road is a street of terraced houses that sit on the back edge of the pavement. In keeping with other dwellings on the street 123 and 125 Southampton Road both have a part two and part single storey rear outrigger. The single storey rear extension that is the subject of this appeal is 2.8m in

length and projects across approximately half the width of the gap between the outrigger and the side boundary separating Nos 123 and 125.

5. At No 125 the outrigger at ground floor level contains a bathroom, back door and kitchen. Limited views of the extension exist from these parts of the dwelling due to the use of obscure glazing in the bathroom and the position of the extension towards the edge of the field of view in relation to the back door and kitchen. For these reasons, and because they are not main habitable rooms, in terms of outlook in views from the side of No 125, living conditions have not been adversely affected.
6. In relation to the rear ground floor habitable room at No 125, the outlook from this window is already enclosed by the outrigger to No 123 to the extent that the '45 Degree Guide' contained within the supplementary planning document 'Residential Extensions and Alterations Design Guide' (SPD) has been breached. Whilst the extension increases this breach, its eaves height only projects slightly above the height of the intervening side boundary wall. Moreover, in views from this window the roof is only slightly taller than its eaves owing to the gentle slope of the extension's monopitch roof. Taken together with the significant distance separating this window from the extension, and the stepping down in height of the outrigger that the extension continues, I therefore find that the development has not resulted in an oppressive or overbearing structure that materially increases the tunnelling effect on the outlook from this room.
7. For all of these reasons, I therefore conclude that whilst the development does not fully comply with the guidance within the SPD it does not have a material adverse effect on the living conditions at No 125 in terms of outlook. As a result, it complies with policy H18 of the Northampton Local Plan which seeks to prevent such harm. Policy S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Local Plan have also been cited by the Council in support of its reason for refusing the application. However, as the former policy relates to sustainable development principles, and the latter does not refer to outlook, both are not relevant to the main issue.

Other matters

8. Concern has been expressed that the extension in future will be used as a bedroom, rather than as a lounge as shown on the submitted plans. Should this occur, and concern exist that this has resulted in a breach of planning control in relation to houses in multiple occupation, this would be a matter for the Council to investigate and resolve.
9. Potential drainage problems have also been referred to. However, Building Control have the authority to ensure that new development does not cause problems in this regard.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed. In order to ensure that the extension complements the appearance of the rest of the house matching materials need to be used. I have required this by condition.

Ian Radcliffe Inspector