



Appeal Decision

Site visit made on 6 October 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2020

Appeal Ref: APP/G2815/D/20/3251753

5 Manor Gardens, Stanwick NN9 6PL

- 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 Neil Thompson against the decision of East Northamptonshire Council.
 - The application Ref: 19/01939/FUL, dated 11 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is first floor extension over garage and adjoining two storey side extension.
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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.

Main Issue

- The impact of the proposed development upon the living conditions of the occupiers of No.4 Manor Gardens with regard to overlooking.

Reasons for the Recommendation

3. No.5 is a detached dwelling located at the end of a cul-de-sac. No.4 is located in front of but also to the side of No.5. The flank elevation of the garage connected to No.5 is located close to the boundary between the two properties and runs alongside the garden fence for No.4. The proposed extension would be located above the garage. As a result of this arrangement the proposed first floor window would face the rear elevation of No.4 and the patio area at the back of the house at close proximity, albeit at an angle.
4. The first floor of No.5 is already clearly visible from the garden of No.4, but the windows are set sufficiently in from the boundary to avoid a sense of direct overlooking. However, the proposal would draw the first floor of the building closer towards the side boundary of this property and the positioning of the proposed dormer window would afford direct views, at a much less acute angle than present windows, to a small section of the garden around the single storey side extension and indirect views of the rear patio area as well as the ground floor windows serving the kitchen. The limited separation distance between the front elevation of the proposed extension and the rear elevation of

No.4 would lead to an unduly uncomfortable sense of actual and perceived overlooking. The window would relate to a bedroom and would be elevated and prominent in views from the neighbouring garden and ground floor rooms and notwithstanding the angle of the dormer window, nor the inclusion of an inset windowsill, there would be a harmful degree of overlooking relative to the existing standards of privacy. That harm would be concentrated directly to the rear of the dwelling in an area where residents may reasonably expect a greater degree of privacy.

5. The Residential Extensions and Alternations Design Guide (DG) (Published 2008) notes that mutual overlooking is inevitable from first floor rear windows. In this instance, the proposal would be a first-floor window on the front elevation of the dwelling and because of this, the proposal would be contrary to the advice contained within the DG. The DG also notes that planning permission would not normally be granted for proposals that would result in direct overlooking of a neighbouring property from a habitable room such as a bedroom.
6. The proposal would cause harm to the living conditions of the occupiers of No.4 through a loss of privacy. Therefore, the proposed development would conflict with policy 8 of North Northamptonshire Joint Core Strategy 2011 – 2031 (Adopted 2016) which requires development to protect amenity by not resulting in an unacceptable impact upon the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. The proposal would also be contrary to the advice contained within the DG.

Other Matters

7. The appellant has referred to an extension to a dwelling near to the site. In that instance the window faced towards the front elevation of a dwelling on the opposite side of a road and because of this, the scheme is not entirely comparable to the proposal before me because the proposed dormer window, in this instance, would overlook a rear garden and rear habitable rooms which should be afforded greater protection from overlooking. Consequently, reference to other development does not lead me to alter my recommendation.

Conclusion and Recommendation

8. 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

9. 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.

Chris Preston

INSPECTOR