



Appeal Decision

Site Visit made on 8 December 2020 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: 7 January 2021

Appeal Ref: APP/L2820/D/20/3259892

77 Kipton Field, Rothwell, Northants NN14 6ED

- 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 Graham Garrick against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0409, dated 19 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is 2-storey extension.
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Decision

1. The appeal is allowed, and planning permission is granted for single and two storey rear extension at 77 Kipton Field, Rothwell, NN14 6ED in accordance with the terms of the application, Ref KET/2020/0409, dated 19 June 2020, subject to 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 the location plan and Dwg. Nos 89-337-01A, 89-337-19, 89-337-21, 89-337-22, 89-337-23, and 89-337-25.
 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.

Procedural Matter

3. The description of development in the heading above has been taken from the planning application form. However, the appellant has provided written confirmation that a revised description of development, which reads 'single and two storey rear extension' has been agreed between the parties. The Council dealt with the proposal on this basis and so shall I.
4. The post code on application and appeal form (NN14 3ER) is incorrect. The correct post code NN14 6ED has been obtained from the Royal Mail Post online post code finder.

Main Issues

5. The effect of the proposed development upon: 1) the living conditions of the occupiers of No 75 Kipton Field, with particular regard to outlook, and 2) the character and appearance of the host property and the surrounding area.

Reasons

Living conditions

6. The appeal property sits lower than the neighbouring property at No 75 with a rear garden that rises by a significant amount towards the boundary with open space to the north. The 2 storey element of No 75 is set back from the rear of the 2 storey elevation of the host property, but its single storey extension is largely in line with the rear of No 77.
7. I noted on my site visit that foundations had been laid providing a platform for a previously approved development, which had necessitated the provision of retaining structures close to the western boundary and across the garden. A tall close boarded fence runs along the common boundary between the appeal site and No 75, the top of which is parallel with the rising ground level within the rear garden.
8. In the eastern elevation of No 75 is a door, glazed with obscure glass, and a window, glazed in clear glass, which according to the evidence submitted, and what I saw on site would appear to serve a utility room. I acknowledge that the proposed 2 storey extension would result in the view from it being compromised. However, I do not regard this as a habitable room, and as a result the living conditions of the occupiers of No 75 would not be significantly harmed in this respect.
9. There are several windows in the northern elevation of No 75, including a kitchen window at ground floor level and bedrooms at first floor level. Views from these windows would be largely down the property's rear garden, towards the large area of open space beyond. Moreover, given the distance and juxtaposition between these windows and the proposed development, together with the presence of the existing tall boundary fence, the impact of the proposal on the outlook from these windows would be very limited. Consequently, in this regard, the proposed development would be unlikely to make the rooms that these windows serve less pleasant to use.
10. I acknowledge that the proposed development projects a modest distance beyond the two storey element of No 75, and because of the alignment of Kipton Field, No 73 is also set back from the rear elevation of No 75. However, given the limited scale of the first floor extension, the spatial separation of the respective properties, and the open aspect to the rear, I find that the proposed development would not result in a sense of enclosure to the occupiers of No 75, to the degree that would be harmful to their living conditions.
11. The submitted drawings show that the two-storey rear extension complies with the '45 degree' code. Whilst acknowledging that the Council has not adopted this as an assessment tool, it nonetheless provides a methodology which assists in the assessment of the impact of development on neighbouring properties, with regards to sunlight and daylight. From the analysis undertaken using this methodology, and from what I have seen on site, the effect on sunlight and daylight resulting from the proposed development, on

neighbouring properties, would be limited and would be unlikely to make them less pleasant places within which to live and spend time outdoors.

12. Taking these findings together I conclude that the proposed development would not be harmful to the living conditions of the occupiers of No 75. In this regard the proposed development would not conflict with the aims of Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 or paragraph 127 f) of the National Planning Policy Framework (Framework) which jointly seek to protect the amenity of nearby occupiers.

Character and appearance

13. The appeal site lies in a residential area comprising of a mix of single and two storey detached properties. The individual properties are set back from the highway and have medium sized front gardens. The irregular building line, changes in ground level and the roofscape provides variety and defines the character to the area.
14. The proposed development would sit to the rear of the host property. It would be visible from the neighbouring properties and the public open space to the north. However, as a result of excavations required to provide a level building platform, and associated retaining walls, the building would nestle into its surroundings and views of the lower parts of the proposal would be limited. Existing boundary fences around the proposed development would further restrict the visibility from neighbouring properties and the adjacent open space. Whilst I acknowledge that the upper parts of the proposal would be visible from neighbouring areas, it would be seen in the context of other properties in the street, which provide a backdrop to the proposed development.
15. In light of the above, I conclude that the proposed development would respect the character and appearance of the host building and the surrounding area, in accordance with chapter 12, paragraphs 124 and 127 of the Framework which, amongst other matters, seeks to create high quality buildings and places that are sympathetic to local character.

Conditions

16. 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 Framework and the Planning Practice Guidance.
17. 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.
18. The window to the downstairs toilet on the north elevation is at ground floor level and faces onto a high retaining wall. Moreover, it would not be visible from neighbouring properties and consequently a condition requiring it to be glazed in obscure glazing is not necessary.
19. The additional window on the first floor west side elevation of the existing house, serving the new dressing room, is shown to be glazed with obscured glass on the submitted plans. Any variation to the approved plans would require the permission of the local planning authority and therefore a condition

requiring the provision of obscure glazing and its subsequent retention is not necessary.

20. I consider a condition requiring the removal of permitted development rights relating to windows in the first floor west elevation or ground and first floor roof planes 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

21. 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

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the recommended conditions.

RC Kirby

INSPECTOR