
Appeal Decision

Site visit made on 9 March 2021 by A J Sutton BA (Hons) DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/V2825/D/20/3263376

21 Mapperley Drive, Northampton, NN3 9UF

- 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 Mrs D Patel-Sarma against the decision of Northampton Borough Council.
 - The application Ref N/2020/1077, dated 4 September 2020, was refused by notice dated 2 November 2020.
 - The development is proposed two storey rear extension with alteration to front.
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Decision

1. The appeal is allowed, and planning permission is granted for a proposed two storey rear extension with alteration to front, at 21 Mapperley Drive, Northampton, NN3 9UF, in accordance with the terms of application Ref N/2020/1077, dated 4 September 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan and Proposed Plans and Elevations DRWG NO A972-1.
 - 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 dwelling.
 - 4) Prior to their first use, the bathroom and en suite rooms, as shown on the approved plans, shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent and shall be non-opening before 1.7m height from the finished floor levels of the bathroom/en suite, and shall be retained in that form thereafter.

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

3. The main issue is the effect of the proposed development on the living conditions of the occupants of No 20 Beeston Avenue (No 20), with regards to privacy of rear habitable rooms and the rear garden.

Reasons for Recommendation

4. The appeal property forms part of a modern residential estate where dwellings have modestly sized rear gardens. The pattern of development is relatively close knit with rear gardens and habitable rooms being overlooked, to varying degrees, by first floor windows of nearby properties.
5. No 20 is located to the rear of the host property and its rear garden adjoins that of the host dwelling. The Council has calculated that the separation distance between the rear elevation of the respective properties falls just short of the recommended 21 metres set out within its Supplementary Planning Document¹.
6. I observed on my visit that although the first floor windows on the rear of the host property were visible from the rear garden and rear windows of No 20, along with those of nearby properties in Mapperley Drive, the ground floor rear windows were not visible from the rear garden or ground floor windows because the rear boundary fence provided a screen to such views. This relationship appeared to provide a reasonable level of privacy to the occupiers of No 20, both in the rear rooms of their dwelling and rear garden area.
7. The proposed rear extension, although two storeys, would be shallow in depth, and would result in only a small reduction in the distance between the rear elevations of the appeal dwelling and No 20. Although the number of windows at first floor level would increase from 2 to 3, one would serve a bathroom and its glazing could be controlled by condition.
8. Having regard to these matters, I find that the proposal would not result in overlooking from the first floor windows of the extension to the rear of No 20, to the degree that would erode the current level of privacy enjoyed by its occupants, when using rear habitable rooms and the rear garden. The level of mutual overlooking between the respective properties would not be harmfully exacerbated by the proposal.
9. It is therefore concluded that the proposed development would provide a suitable level of privacy to and would not have a harmful effect on the living conditions of the occupants of No 20 Beeston Avenue. Accordingly, the proposal complies with Policy S10 of the West Northamptonshire Joint Core Strategy 2014 and saved Policies H18 and E20 of the Northampton Local Plan 1997, which collectively require that development should be designed, located and used in a manner which ensures adequate standards of privacy, amongst other matters. Moreover, the proposal accords with the National Planning Policy Framework which seek developments to create places with a high standard of amenity for existing and future users.

¹ Residential Extensions and Alteration Design Guide Supplementary Planning Document 2011

Conditions

10. The development should accord with the approved plans and be constructed in materials to match the existing dwelling in the interest of certainty and to protect the character and appearance of the area. A condition requiring obscure glazing in windows serving bathrooms and en suite rooms is necessary to safeguard the privacy of the occupants of the appeal property and neighbouring properties.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and concur that the appeal should be allowed with the suggested conditions.

RC Kirby

INSPECTOR