



Appeal Decision

Site visit made on 9 November 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/L2820/D/21/3278366

4 Manor Road, Rushton NN14 1RH

- 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 G Newton against the decision of North Northamptonshire Council.
 - The application Ref NK/2021/0389, dated 24 April 2021, was refused by notice dated 24 June 2021.
 - The development proposed is a single 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.

Procedural Matters

3. The Kettering Site Specific Part 2 Local Plan (LP) was adopted on 1st December 2021 and has superseded the saved policies of the Local Plan for Kettering Borough (1995) (LPKB). At the time of the determination of the original application the Council afforded moderate weight to the LP policies given the status of the LP at the time. However, now that the LP has been adopted the LP policies are now afforded full weight and can therefore be taken into consideration in this appeal. However, both parties have been given the opportunity to comment on the new policies and both are of the view that the policies in the LP are not relevant to the main issue of this appeal.
4. The reason for refusal refers twice to the neighbouring property at 35 Manor Road. However, as has been referenced elsewhere in the reason for refusal and throughout the submitted documents, the address of the neighbouring property is 35 High Street. The references to 35 Manor Road are clearly a typographical error and as such I have proceeded on the basis that the address of the neighbouring property is 35 High Street.

Main Issue

5. The main issue is the effect of the development on the living conditions of the of occupiers of 35 High Street with particular regard to whether the proposal would have an overbearing impact.
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Reasons for the Recommendation

6. The appeal property comprises a detached two-storey dwelling set in a generous plot. The existing outbuilding, which is attached to a small section of the south-westernmost elevation of the property, abuts the boundary with No 35. However, due to its limited scale and height, it does not cause any harm to the occupiers of No 35 either in terms of loss of outlook. Although the extension at No 35 may have been built larger than was approved at the time, no evidence has been provided with regards to any enforcement action that has subsequently been taken by the Council in relation to this. The extension appears to have been in place for some time and is an established part of the property at No 35.
7. The proposed side extension would replace the existing outbuilding and would project along the entire width of the elevation closest to No 35. It would be substantially taller than the existing outbuilding, would project considerably above the boundary wall, and would be immediately adjacent to the single-storey rear extension and what appears to be a well-used seating area in the rear garden immediately to the rear of No 35.
8. The rear doors in the extension at No 35 predominantly provide views down the garden and, owing to the oblique angle from the rear doors of No 35, the extension would be unlikely to cause a significant impact when viewed from within the dwelling itself. However, the proposal would add considerable bulk and height to the side of the appeal property, running directly along the shared boundary. Such an expanse of blank wall would be an obtrusive feature and due to its proximity, it would cause a significant overbearing impact and increased sense of enclosure to the users of the area of rear garden nearest to the house at No 35.
9. Overall, the proposal would have an overbearing impact and increased sense of enclosure that would detract from the enjoyment and thereby cause harm to the living conditions of the neighbouring occupiers at 35 High Street. Therefore, the proposal would not accord with policy 8 of the North Northamptonshire Joint Core Strategy (July 2016), which requires, amongst other things, for development to have regard to the amenity of existing properties. The proposal would also conflict with paragraph 130(f) of the National Planning Policy Framework, which requires development to create a high standard of amenity for existing and future users.

Other Matters

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Council has raised no objection to the proposed extension on the grounds of design or the effect on the Conservation Area. Based on the evidence before me, and given the siting, design and materials of the extension, I have no reason to disagree with the Council on this matter. The proposal therefore complies with Section 72(1) of the Act, however this does not outweigh that harm to the living conditions of the neighbours that has been identified above.

Conclusion

11. For the reasons given above and having had regard to all other matters raised, the development conflicts with the development plan and there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR