
Appeal Decision

Site visit made on 15 February 2022

by R W Allen B.Sc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/G2815/D/21/3289562

73 Oak Lane, Kings Cliffe, Peterborough, PE8 6YY

- 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 Ms Olga Veidemane against the decision of North Northamptonshire Council.
 - The application Ref NE/21/01532, dated 13 October 2021, was refused by notice dated 6 December 2021.
 - The development proposed is two storey and single storey rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey and single storey rear extensions at 73 Oak Lane, Peterborough, PE8 6YY in accordance with the terms of the application, Ref NE/21/01532, dated 13 October 2021, 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 following approved plans: 101 Location Plan; 102 Site Plan as Existing; Approved Extension and Proposed Site Plan; 103 Existing Floor Plans; 104A Proposed Floor Plans and 105A Proposed Elevations.
 - 3) The development hereby permitted shall be carried out using materials and treatments matching those of the existing building.

Application for Costs

2. An application for costs was made by Ms Olga Veidemane against North Northamptonshire Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No.75 Oak Lane (No.75) having specific regard to loss of light and outlook.

Reasons

4. The appeal concerns a two-storey dwelling located in a residential estate of varying styles but similarly aged properties. It lies at the end of a terrace of three; each being narrow in width. Because of the local topography, each of the three dwellings are on different levels, with the appellant at the lowest.

5. The appellant currently enjoys planning consent¹ for a two-storey and part-width single-storey extension. Contrary to the appellant's assertion, I observed little evidenced that this consent has been implemented. However, I note that the expiry of this consent is still some months away and there is still sufficient time for it to be commenced. As such, I am satisfied that this represents a realistic and likely fallback position should this appeal fail, and I have therefore afforded significant weight to it in my decision.
6. Because of its plot size, I can understand why the Council is concerned about the effects of the appeal proposal on No.75, even if the actual increased depth is only marginally larger than the extant consent. However, it would be set further in and away from the boundary and I am satisfied that this new positioning would be sufficient to offset and negate any additional harm on No.75 caused by the increased depth, such that there would be no significant increase in loss of outlook and light. I am satisfied that the single-storey element would be of a sufficient height which, having regard to the neighbour's higher positioning, would not be intrusive and have no significant effect on outlook.
7. The proposed development would therefore accord with Local Plan² policy 8(e) and Neighbourhood Plan³ policy BE1, which seek to ensure that the quality of life for communities is ensured through protecting amenity in respect to light and overlooking and not be overbearing on neighbouring properties. It would also accord with the Council's guidance documents.

Conditions

8. I have considered the conditions suggested by the Council against paragraph 56 of the Framework⁴ and have made changes, where appropriate, to satisfy those tests. In the interests of certainty and to retain the character and appearance of the existing property and the street scene, conditions are necessary requiring that the development is undertaken in accordance with the approved plans and that the materials must match the existing dwelling.

Conclusion

9. For the reasons given I conclude that the appeal should succeed.

R W Allen

INSPECTOR

¹ Planning reference 19/00391/FUL

² North Northamptonshire Joint Core Strategy 2016

³ Kings Cliffe Neighbourhood Development Plan 2019

⁴ The National Planning Policy Framework 2021