



Appeal Decision

Site visit made on 14 June 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/W2845/D/22/3298011

100 Westone Avenue, Northampton NN3 3JQ

- 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 A Mukid against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/1081, dated 22 November 2021, was refused by notice dated 18 March 2022.
 - The development proposed is proposed two-storey extension to rear of dwelling together with new hardstanding and dropped kerb to front.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue is the effect of the extension on the living conditions of the occupiers of Nos 98 and 102 Westone Avenue.

Reasons

3. The appeal site is a semi-detached house and the proposed extensions comprise single and two-storey elements. A single storey element would extend close to the boundary with the adjoining house No 98 which has patio doors close to the boundary with No 100. On the other side of the house, a larger single and two-storey element would be closest to the boundary with No 100 Westone Avenue which is separated from No 100 by a narrow passage to the side of each dwelling. No 102 has a single storey lean-to closest to the boundary with the main part of the house set further away. The lean-to window in the rear elevation serves a dining room.
4. Core Strategy¹ Policy S10 seeks to achieve the highest level of sustainable design, amongst other things. Local Plan² policy E20 requires the design of development to ensure adequate standards of privacy, daylight and sunlight and Policy H18 refers to the effect of extensions to dwellings on adjoining properties. The Council SPD³ for residential extensions provides further guidance, in particular, where rear extensions can cause a loss of outlook,

¹ West Northamptonshire Joint Core Strategy Local Plan (Part 1), Adopted – December 2014.

² Northampton Borough Council Northampton Local Plan 1993-2006, Adopted June 1997 Written Statement. Indicating Saved Policies.

³ Northamptonshire Borough Council Residential Extensions and Alterations Design Guide Supplementary Planning Document, Adopted December 2011 (SPD).

overshadowing or have an overbearing impact. The SPD also requires extensions to comply with 'the 45 Degree Code' which is explained in Appendix 7 of the SPD.

5. The proximity of the extension to the boundary shared with No 98 would be such that the length of the projection and its proximity to the boundary would have an adverse effect. It would appear prominent and result in some loss of light as well as presenting an intrusive outlook. It would breach the 45 Degree Code and so conflict with the SPD as well as the policies referred to.
6. In terms of No 102, the proposed development would be set a little way from the boundary due to the space between the houses but it would still present a substantial and intrusive development. It would represent a significant rear projection at single storey level and although the first floor element of the extension would be set back from the single storey part, given the additional height of a two-storey extension, its impact would be substantial. It would result in loss of light to this neighbour as well as appearing intrusive and overbearing. It would breach the 45 Degree Code to a lesser degree than to No 98 but with the added first floor its impact would be exacerbated. In this respect the proposal would conflict with the SPD and the policies referred to.
7. The proposal includes a hardstanding to the front of the house and a dropped kerb. At the time of my site visit there was no boundary wall/fence to the front of the site and the land had been disturbed and was being used to park on. Although this is not referred to in the reasons for refusal, it does have an impact on the character and appearance of the area. However, once surfaced in block paving as shown on the submitted plans is not likely to be sufficiently harmful as to withhold planning permission.
8. I have also considered the National Planning Policy Framework⁴ as well as the emerging Local Plan⁵. The Council indicate that the latter has been before its Full Council (18 January 2021) and submitted to the Secretary of State for examination. No further update has been provided and I consider that I am able to determine the appeal on the basis of the approved development plan documents. No matters have been raised which would contradict this.
9. I have considered all other matters raised but none alter my conclusion. I conclude that the proposed extension would have a harmful effect on the living conditions of the occupiers of Nos 98 and 100 Westone Avenue. It would conflict with policies S10, E20 and H18 and the SPD. The appeal therefore fails.

J D Clark

INSPECTOR

⁴ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

⁵ Northampton Borough Council Northampton Local Plan Part 2 2011 – 2029 Submission Version December 2020.