
Appeal Decision

Site visit made on 5 August 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11TH August 2022

Appeal Ref: APP/M2840/D/22/3300022

355 Windmill Avenue, Kettering, Northants NN15 6PR

- 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 Darren McLoughlin against the decision of North Northamptonshire Council.
 - The application Ref NK/2022/0135, dated 22 February 2022, was refused by notice dated 21 April 2022.
 - The development proposed is the erection of a two storey and single storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey and single storey side extension at 355 Windmill Avenue, Kettering, Northants NN15 6PR in accordance with the terms of the application Ref NK/2022/0135, dated 22 February 2022, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The surname of the appellant is given as McLoughlin on the application form lodged with the Council although the appeal form and decision notice refer to it as McLoughlin. To be consistent with most of the evidence before me, I have proceeded on the basis that the appellant's surname is McLoughlin.
3. While the appellant has described the proposal as in the above heading, the Council has referred to it as a 2-storey side extension with a Juliette balcony; a single storey rear extension with a roof lantern; and a repositioned rear first floor window. From my inspection of the plans, the Council's description more fully reflects the development sought although I note that the new Juliette style balcony would attach to an existing first floor rear window. I have assessed the proposal on that basis.

Main issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 357 Windmill Avenue with particular regard to visual impact and light.

Reasons

5. The Council appears to raise no objection to the proposed development apart from the 2-storey side extension. From the submitted evidence, I, too, find the new single storey rear addition, the relocated rear first floor window and the Juliette balcony to be acceptable. Consequently, I shall focus on the proposed side extension.
6. This element of the appeal scheme would be 2-storey and placed at the side of the appeal property, which is a 2-storey house within a predominantly residential area. The new flank wall would be close to and parallel with the shared boundary between the site and 357 Windmill Avenue, which is a 2-storey semi-detached property just to the south southeast of the site. From what I saw, there are several windows in the side elevation of No 357 facing the site although the Council says that most serve non-habitable rooms. However, the Council states that one such window on the ground floor serves a kitchen and provides the sole external outlook from and natural light to it.
7. The proposal would draw the side elevation of the appeal dwelling nearer to this kitchen window, which is already close to the shared boundary with the site. However, this window already directly faces the 2-storey flank wall of the appeal property, albeit at a greater distance, beyond a boundary fence and a tall hedgerow. These existing features are likely to be evident at close range from the kitchen window of No 357. The foliage of the hedgerow would also heavily filter the light reaching into the kitchen of this adjacent dwelling.
8. The side elevation of the side extension would be noticeably set back from the common boundary with No 357 with the roof slope angling away from view when seen from the side windows of No 357. The plans also indicate that the boundary hedgerow between the site and this neighbouring property would be retained, albeit trimmed. Whilst this vegetation is not permanent, I attach some weight to the presence of a substantial screening feature alongside No 357. This hedgerow would partly shield and visually soften the new built form when seen from the kitchen window of No 357. It would also continue to influence the amount of natural light into the kitchen of this adjacent property.
9. The proposal would be near the side of No 357. However, given the close relationship between Nos 355 and 357 standing side-by-side and the boundary treatment between them, the outlook from and the natural light to its kitchen window would not significantly change if the appeal scheme were to come forward. Consequently, neither the scale, height nor position of the proposed side extension would cause it to overbear nor appreciably reduce the natural light reaching the kitchen of this adjacent property, even during the construction phase. Hence, the living conditions of the occupiers of No 357 would not be materially reduced. As such, there is no conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2011–2031 insofar as it aims to safeguard residential amenity.
10. In reaching this conclusion, I have considered the appellant's spatial analysis of properties in the local area, which amongst other things compares the orientation and separation distances between the windows of buildings that are next to each other. However, it is the precise relationship between the kitchen window of No 357 and the proposal that is at issue here, which I have assessed 'on the ground' and in the light of all the submitted evidence.

11. An interested party raises additional concern that businesses operate from the site and that the proposal would exacerbate highway safety issues. Planning permission is sought for works or an extension to a dwelling. The Council considered the application on that basis and so have I. From the evidence, I share the Council's opinion that the proposal is acceptable in terms of parking and highway safety. There may be some noise and disruption during the construction phase. However, the potential disturbance to residents as a result is likely to occur over a short period of time and is insufficient reason to withhold planning permission.

Conditions

12. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building, as proposed.
13. To safeguard the privacy of the occupiers of No 357, some permitted development rights are removed to ensure that no extra openings are introduced in the elevation and roof of the building facing this adjacent property without the Council's approval beforehand.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of 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: Refs 22/2/1, 22/2/2 and the Site Plan, which shows the site edged red.
- 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.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no openings other than those expressly authorised by this permission shall be constructed on the south southeast elevation at first floor or roof level of the building hereby permitted.