
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/22/3300696

10 Burystead Rise, Raunds NN9 6RZ

- 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 Alison Bailey against the decision of North Northamptonshire Council.
 - The application Ref NE/21/01807/FUL, dated 15 December 2021, was refused by notice dated 5 May 2022.
 - The development proposed is low garden wall removed and erection of single storey rear extension with two gable end roofs and featuring an internal subdivision into two separate living spaces. Internal reworks throughout.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. At the site visit, I viewed the appeal property from 8 Burystead Rise with the consent of the occupier of this adjacent dwelling and did so unaccompanied.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 8 Burystead Rise with particular regard to visual impact.

Reasons

4. The appeal property is a 2-storey detached house within a predominantly residential area. The proposal is to enlarge No 10 by erecting a single storey extension at the rear of the dwelling. It has been designed to keep a relatively low profile with the new development cut into the raised ground beyond the rear of the house and the inclusion of a double pitched roof with twin gables facing the back garden. The flank wall of the new extension would also be set back 1-metre from the site's boundary, beyond which is the adjacent detached property, 8 Burystead Rise. This 'set back' arrangement would broadly accord with the advice within Council's Householder Extensions Supplementary Planning Document.
5. Nevertheless, the proposal would be a sizeable addition. It would be slightly wider than the host building and extend outwards from the main rear wall by just over 6-metres. Due to the notable difference in local ground levels, the

- lengthy sidewall of the new extension would occupy an elevated position in relation to the rear of No 8.
6. From what I saw, the upper sidewall and roof slope of the proposed extension would be visible from the ground floor rear windows of No 8 and the back garden of this adjacent property. With its long, blank sidewall and roof slope projecting noticeably above the boundary fence between No 8 and the site, I am in little doubt that the presence of the new built form would be so great as to overbear on the occupiers of this neighbouring dwelling.
 7. Compared to the proposal, the appellant considers that a similar sized if not larger extension could come forward in any event through the exercise of permitted development (PD) rights. If that were to be the case, a PD compliant scheme could have similar or worse effects than the appeal scheme. It is, therefore, a relevant consideration to weigh in the planning balance.
 8. A larger single-storey addition, extending beyond the rear of the original dwelling by up to 8 metres of a detached house would be subject to the prior approval process. That route would include a neighbour consultation exercise to assess the impact of the development on the amenity of their property. The local authority is required to take any such objections into account when determining if the proposal's impact on the amenity of all adjoining properties is acceptable and, based on this, whether it can go ahead. Given the concerns raised by neighbours in this case and the Council's decision to withhold planning permission even in the light of a favourable Officer's report to the appellant, the outcome of this process is not necessarily a forgone conclusion. Single-storey extensions that do not extend beyond the rear of the original house by more than 4 metres of a detached house are not subject to the neighbour consultation scheme. However, such an extension would be smaller than the proposal with different consequences for the amenity of others. Against that background, I attach no more than modest weight to the options available under PD in support of the appellant's case.
 9. Reference is made to the Council's decision in 2012 to grant planning permission for a rear extension at 48 Grombold Avenue, which the appellant considers to be similar in its effect on the adjacent occupiers as the proposal. From the information provided, which includes the decision notice, approved plans and a street scene photograph, it is not possible to gauge the effect of that scheme on the rear of neighbouring properties nor the extent to which it directly compares with the appeal scheme. Consequently, I am unable to attach more than limited weight to this decision.
 10. Reference is also made to 9 Burystead Rise where the appellant states that a lawful development certificate (LDC) was issued for a sizeable rear extension that in the appellant's view would have a similar effect on adjacent occupiers as the proposal. From the information provided, it is unclear on what basis the Council reached that decision. Furthermore, it would have only considered whether the proposal in that case complied with relevant limitations and conditions of the General Permitted Development Order as it stood at that time. As that assessment differs to a planning application, which is assessed on its planning merits, it is not directly comparable with the appeal scheme.
 11. On the main issue, I conclude that the proposed development would materially reduce the living conditions of the occupiers of No 8. As such, it conflicts with Policy 8 of the North Northamptonshire Joint Core Strategy 2011 – 2031 and

Policy R2 of the Raunds Neighbourhood Plan 2011 - 2031 insofar as they aim to safeguard residential amenity. It is also at odds with the National Planning Policy Framework, which aims to ensure that developments result in a high standard of amenity for all users.

12. I acknowledge that the Officer's report recommended that planning permission be granted, subject to conditions. However, that does not prevent the Council from reaching a different conclusion. Having assessed the proposal and had regard to all of the submitted evidence, I share the Council's concern.
13. I note that the proposal would not breach a line drawn at 60-degrees from the rear of No 8 and that there would be no additional overlooking of neighbouring gardens if the extension were to come forward. The proposed external materials would be appropriate, and a good-sized back garden would remain with the new built form in place. However, these matters do not outweigh the significant harm that I have identified in relation to the main issue.
14. With regard to consistency in decision-making, in my experience, it is rare that development proposals on different sites are the same or very similar because local circumstances often vary. In any event, each development should be assessed on its own merits, which I have done here.
15. Others raise additional concern with regard to the effect of the proposal on the character of the area, light, ground stability, vehicle parking, highway safety, and whether it would amount to overdevelopment of the site. The future use of the enlarged property is also queried. These are all important matters. However, given my findings on the main issue, these matters have not been critical to my decision.

Conclusion

16. The proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR