

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/22/3294057

7 Glaisdale Close, Northampton NN2 8UN

- 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 Jan Winniczek against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0426, dated 29 June 2021, was refused by notice dated 10 December 2021.
 - The development proposed is removal of existing conservatory, proposed construction of two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's name differs on the application form and the appeal form but the appellant has clarified this and I have referred to his correct name above.

Main Issues

3. I consider that the main issues are the effect of the proposed extension on (1) the living conditions of the occupiers of No 10 Glaisdale Close; and (2) trees.

Reasons

Living Conditions

4. The appeal site is a detached house and at the time of my site the conservatory had already been demolished and some building work had commenced. The rear garden of No 10 Glaisdale Close adjoins the side boundary of No 7 so the outlook from the rear of No 10 would be directly at the side wall of the proposed extension. No 10's garden is relatively modest in depth so the extension would be prominent.

5. 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, overshadowing or have an overbearing impact. The SPD also provides recommended separation distance between properties.
6. In this case, No 7 is located to the west of No 10 and so any overshadowing is likely to be late in the day and relatively minor given the existing effect of buildings and trees. However, a two storey extension so close to the boundary would appear overbearing and due to the scale and height of the proposal, it would have a detrimental impact on the outlook from No 10's rear windows and garden. It would have a harmful effect on the living conditions of the occupiers of No 10 Glaisdale Close and conflict with the objectives of the policies and SPD referred to.

Trees

7. There are trees to the north and north-west of the appeal site that are protected by a Tree Preservation Order (TPO)⁴. One tree, a mature Sycamore, is located close to the boundary with the appeal site so that its canopy extends over the rear garden area. An Arboricultural Assessment has been submitted but the Council consider that it is lacking in detail in relation to the impact of the proposal on the tree.
8. Core Strategy Policy BN3 broadly relates to woodland enhancement and creation and indicates the Council's support for woodland and trees. The National Planning Policy Framework⁵ also supports conserving and protecting the natural environment. The submitted report indicates that some pruning would be required to the tree and barriers would be required to protect its rooting area. The report concludes that the works are considered acceptable. The Council are clearly dissatisfied with the level of the information submitted.
9. From my observations, the tree is very close to the boundary and its root system is likely to be close to the proposed extension. Work has already taken place which may or may not have affected the tree. In any case, I have no evidence that appropriate measures could not be taken to avoid harmful damage to the tree but to be clear, this matter would need to be further addressed should the scheme be otherwise acceptable.

Conclusion

10. I have found that the two storey extension would have a harmful effect on the living conditions of the occupiers of No 10 Glaisdale Close due to its

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).

⁴ Northampton Borough Council Tree Preservation Order No. 123: Highfield House, Welford Road.

⁵ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

scale, height and proximity. It would conflict with the Council's policies and SPD referred to above. Regarding the TPO tree, it would seem to me that further details are required that clarify exactly what measures could be taken to protect the tree and ensure no long term harm, especially given the work that has already been carried out.

11. I note that the Council refer to the emerging Local Plan⁶ and indicate that it 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. I have considered all other matters raised but none alter my conclusion.
12. I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of No 10 Glaisdale Close and therefore the appeal fails.

J D Clark

INSPECTOR

⁶ Northampton Borough Council Northampton Local Plan Part 2 2011 – 2029 Submission Version December 2020.