



Appeal Decision

Site visit made on 15 November 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2022

Appeal Ref: APP/W2845/W/22/3301150
18 Hillcrest Avenue, Northampton NN3 2AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs H Waremouth against West Northamptonshire Council.
 - The application Ref WNN/2021/0843, is dated 20 September 2021.
 - The development proposed is a two storey side and single storey rear extension and new patio areas.
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Decision

1. The appeal is dismissed and planning permission for a two storey side and single storey rear extension and new patio areas at 18 Hillcrest Avenue, Northampton NN3 2AB is refused.

Preliminary Matters

2. The Council failed to determine the application within the prescribed period. However, following the submission of the appeal, the Council have prepared an appeal statement. This advises that had the Council determined the application, planning permission would have been refused. It identifies that the principal concerns relate to the main issues set out below.
3. Amended plans were submitted to the Council during the planning application process. The proposal as shown on drawing No. (00)05 was the final scheme submitted and on which neighbours were re-consulted. Therefore, it is on the basis of these plans that I have determined the appeal.

Main Issues

4. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of occupiers of 16 Hillcrest Avenue (No 16), having particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal property is a 2 storey semi-detached dwelling located in a predominantly residential area. The property has a single storey flat roof garage to the side elevation which extends up to the side boundary with the neighbouring property at 20 Hillcrest Avenue (No 20), which is at a slightly lower ground level than the appeal site. No 20 in turn benefits from an existing two storey side extension that projects up to the boundary with the appeal site.

6. While the dwellings along this side of the street vary in terms of design, they are set back a similar distance from the highway and are broadly similar in terms of their overall layout, character and scale. The appeal site contributes positively to the existing spacing and positioning of the dwellings, which maintains a degree of separation between each pair of semi-detached properties, particularly at first floor level.
7. The proposed side extension would include a mono pitched roof to the front elevation, with a 2 storey flat roof element to the rear. The proposed rear part, which would be an extension to the existing 2 storey flat roof rear extension, would not be dissimilar to that at No 20. In addition, it would not be readily apparent when viewed from the front given that the side elevation would be screened to a degree by the neighbouring property. Moreover, whilst the pitch of the mono pitched roof would differ from that of the roof of the main dwelling, this would not be readily visible from the street scene.
8. The height of the extension would be greater than the eaves height of both the host dwelling and No 20, albeit with the highest point of the ridge set back from the front elevation of the properties. As a consequence, the proposed side extension would fill in the gap between the dwellings, resulting in a loss of space at first floor level. Whilst it is acknowledged that there are staggered building heights due to the difference in ground levels and that there is at present no gap between the properties at ground floor level, due to the proposal the dwellings would be built up to the boundary at both ground and first floor level. This would result in a loss of spacing between the two sets of semi-detached properties, giving the appearance of one unbroken development of four dwellings which would appear incongruous and would dominate this section of the streetscape.
9. For this reason, I find that the proposal would have an adverse visual effect on the character and appearance of the area. Accordingly, it would fail to comply with the design aims of Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and saved Policies E20 and H18 of the Northampton Local Plan 1997 (the NLP). The proposal would also fail to accord with advice in the Council's Residential Extensions and Alterations Design Guide Supplementary Planning Document (2011) in so far as it seeks to avoid side extensions that do not maintain a visibly adequate gap between neighbouring properties.

Living conditions

10. The Council indicate that there is a 2m high fence on the boundary between the site and the adjoining property at No 16. There is no reason why this would not be sufficient to prevent overlooking from the ground floor windows in the proposed single storey rear extension, even taking account of the design of the extension and the orientation of the window openings. Moreover, despite the fact it would be greater in height than the boundary fence, the timber canopy structure which would extend up to the side boundary is not a solid structure. There is no substantive evidence before me that the structure, or the use of the outdoor space under it, would harm the living conditions of the occupiers of the neighbouring property.
11. Therefore, I conclude that the proposal would not harm the living conditions of the occupiers of No 16, with regards to outlook or privacy. Accordingly, it would

not conflict with saved Policies E20 and H18 of the NLP in so far as they require new development to safeguard living conditions.

Other Matters

12. Whilst I note the emerging Policies in the Northampton Local Plan Part 2 (2011-2029) there is no reason why these would lead me to a different conclusion.
13. I acknowledge the appellant's frustration with the way in which the Council have dealt with the planning application. However, this is not a matter for consideration as part of this appeal which relates to the planning merits of the proposal.

Conclusion

14. For the reasons given, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Emma Worley

INSPECTOR