



Appeal Decision

Site visit made on 15 December 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/W2845/D/22/3304961

46 Eastern Avenue South, Northampton NN2 7QB

- 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 Ms I Kasak against the decision of Northampton Borough Council.
 - The application Ref: WNN/2022/0499 dated 26 April 2022, was refused by notice dated 20 June 2022.
 - The application is for erection of balcony to rear (retrospective).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a modernist styled mid terrace or link attached property within a row of near identical houses seemingly built in the 1960's. All the buildings within this row are two storey with a single storey link and use contrasting brown and buff brick with flat or partial 'butterfly' roofs where there is a gentle slope between front and back. The orientation of the row is around south west to north east and there appears to have been a modest stagger in the row north of the appeal property which has resulted in the terrace being staggered.
4. Each property has a rear garden but these are typically small and back onto a row of single storey garages where there is footpath access through to a parking court. The garden of number 46, along with some of its neighbours also appeared to have a small brick store along the southern boundary. The appeal site also has a single storey UPVC conservatory to the southern side of the property that appears to have infilled an area between the single storey part of the dwelling and the two storey element. The appeal property has French doors giving access onto the rear garden and a screen fence and trellis between it and the neighbour to the northern side.
5. The scheme before me seeks permission for the retrospective erection of a timber balcony to serve the first floor rooms. This structure has been constructed of robust timber and extends very close to the boundary with

- number 48. Timber steps lead to the first floor level of this structure where there is trellis and plastic screening that is seemingly intended to obscure any direct overlooking into the neighbour's property at number 48.
6. The neighbours house at number 48 has not infilled the small courtyard to the southern end of their garden and as such this area of the plot is somewhat tucked in behind the balcony structure. I also saw on my site visit that there appeared to be a doorway and habitable room window facing into this space.
 7. Policy E20 of the Council's Local Plan requires that such development be designed, located and used in a manner that ensures that adequate privacy, daylight and sunlight are preserved. Similarly, Policy H18 of the same plan pays particular attention to the impact of proposals upon the living of neighbours.
 8. In assessing this appeal, I consider that although the scheme has been undertaken using quality of materials and execution, it does still affect neighbouring properties in two principal ways. Firstly, the scheme offers the increased ability of residents to directly overlook, from a high position, the gardens and potentially the internal rooms of neighbouring houses. Although due to the tight knit nature of this development there would undoubtedly be some opportunity to overlook in a similar manner, I consider that the proposal before me would increase the possibility of such overlooking to a much greater and much more harmful extent.
 9. Secondly, the scheme has resulted in a relatively high structure being built very close to the boundary of number 48 Eastern Avenue South. In some cases, such a physical structure could be accommodated on such a site, but in this particular case the scheme causes harmful overshadowing and loss of light into the rear garden of number 48. This is primarily due to the orientation of these two properties and the proximity of the proposed structure being due south of number 48.
 10. Although the first floor trellis and acrylic screen would go some way to reducing the ability of those using the balcony to overlook, this in turn has greater impacts upon the living conditions of neighbours due to the greatly increased height necessary to mitigate this impact of overlooking. As such, the scheme has an even greater impact upon the living conditions of those residents at 48 through both overdominance of a higher structure and the resultant overshadowing caused through this scheme.
 11. As such the requirements of Policy E20 and H18 of the Northampton Local Plan, would not be demonstrably met and, as a result, the scheme before me would create an unacceptably harmful impact upon the living conditions of neighbours. As such the appeal must fail.

Conclusion

12. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR

