



Appeal Decision

Site visit made on 19 December 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/W2845/D/22/3302819

4 Casterbridge Court, Northampton NN4 6FD

- 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 Mary Van Deventer against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/1170, dated 9 December 2021, was refused by notice dated 22 April 2022.
 - The development proposed is two-storey side and rear extensions and porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appeal form; I have used it in preference to the wording on the planning application form as it provides a more complete description of the proposal.

Main Issue

3. The main issue is the effect of the proposed development on living conditions for neighbouring occupiers, with particular regard to whether it would be overbearing, or cause a loss of daylight or sunlight, in respect of No 3 Casterbridge Court.

Reasons

4. The appeal property is a semi-detached house in a modern housing estate, joined on its west side to No 5 Casterbridge Court. A detached garage, accessed by a driveway at the side of the dwelling, is set behind the rear elevation in the back garden. To the east, Nos 2 and 3 Casterbridge Court area two-storey semi-detached pair of houses set approximately at right angles to No 4. The rear gardens of Nos 2 and 3 bound the garage and driveway of the appeal property; No 3 also has a detached garage alongside the driveway of the appeal property.
5. The proposed development is in two parts. At the front of the house, a two-storey gabled front extension would provide a porch at ground floor level and an ensuite bathroom for an enlarged and remodelled bedroom at first floor level. At the side, a two-storey side extension would infill the driveway space between the existing end wall of the appeal property and the detached garage of No 3. It would provide a new garage, utility room, shower room and link to

- the existing garage (which would be converted to a garden room or playroom) on the ground floor, and two new bedrooms at first floor level.
6. The side extension would continue the gable-ended form of the existing dwelling, albeit that its front would be set a little behind the main front elevation, and the ridge would be very slightly lower than the existing ridge. The extension would project beyond the original rear elevation at first floor level; this part of the extension would have a rear-facing gable. The "link" connecting to the existing garage would be single-storey with a flat roof.
 7. Because of its height and depth, the proposed extension would present a large and unrelieved brick elevation towards No 3, giving the extended side elevation considerable visual presence. No 3's garage would provide a small degree of visual screening, but this would be insufficient to mitigate the dominating and overbearing effect of the extension and the resulting increased sense of enclosure in the rear garden of No 3. The additional depth of the rear two-storey part means that the side extension would also be likely to have a similar impact on living conditions for occupiers of No 2.
 8. As the appellant acknowledges, the appeal property will already cause some overshadowing of No 3 and its garden during later parts of the day. The proposed side extension would increase the extent and duration of overshadowing, and this would be likely to affect the rear rooms of that dwelling as well as just the garden. Given the limited separation distances there is nothing to substantiate the appellant's argument that the effects of this increased overshadowing, and the consequent loss of daylight or sunlight, would be "insignificant". I therefore cannot be satisfied that there would be no harm to living conditions for the occupiers of No 3 in respect of a loss of daylight and sunlight.
 9. The 2011 *Residential Extensions and Alterations Design Guide* Supplementary Planning Document ("the SPD") advises that there should be a minimum of 13m separation between the rear and side elevations of neighbouring two-storey dwellings. The separation between the side elevation of the proposed extension and the main rear elevation of Nos 2 and 3 would fall short of this; the appellant calculates that the separation distance would be around 12.5m, and argues that there is therefore a "technical infringement of the guide rather than a serious breach". I recognise that the SPD sets guidelines rather than strict policy, and I therefore agree with the appellant's view that it is not "a hard and fast set of rules". However, while flexibility in interpreting such advice is often essential, the potential for the side extension to harm neighbours' living conditions is such that it would not be appropriate to apply the guidance flexibly in this case.
 10. No 3 has also at some point had a conservatory attached to its rear elevation; by the Council's estimate this projects a further 3 or 4m towards the appeal property. As the appellant suggests, conservatories tend to be in seasonal rather than regular use; I acknowledge therefore that there may well be a valid argument for applying the guidance of the SPD even more flexibly where separation distances fall short only because of a conservatory. However, as the effects of the proposed side extension would also be likely to be felt within the "main" rooms of No 3, not least in respect of the potential loss of daylight or sunlight, this is not a consideration which would materially alter my conclusion in this appeal.

11. The proposed side extension would be overbearing in respect of both Nos 2 and 3 Casterbridge Court; on the basis of the evidence before me I also cannot be satisfied that there would be no harmful loss of daylight or sunlight for No 3. I therefore conclude that the development would cause significant harm to living conditions for neighbouring occupiers, and as a consequence the proposal conflicts with Saved policies H18 and E20 of the 1997 Northampton Local Plan, which together seek to ensure that development does not have a detrimental effect on adjoining properties. For the same reason, the development would conflict with the provisions of the National Planning Policy Framework which seek to achieve well-designed places, notably the requirements of Paragraph 130 which require developments to provide a high standard of amenity.

Conclusion

12. The proposed extension would be harmful to neighbours' living conditions, and therefore conflicts with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

M Cryan

Inspector