



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: 23 February 2023

Appeal Ref: APP/G2815/W/22/3304148

31 Montague Street, Rushden NN10 9TS

- 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 Alex Greengrass against the decision of North Northamptonshire Council.
 - The application Ref NE/22/00606/FUL, dated 6 May 2022, was refused by notice dated 29 July 2022.
 - The development proposed is the erection of a workshop/garage in the rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is adapted from that used on the planning application form; I have made minor changes for clarity, although the essential details are unaltered.

Main Issue

3. The main issue is the effect of the proposed development on living conditions for occupiers of neighbouring properties at 36, 38 and 40 Pemberton Street, with particular regard to whether it would be overbearing or would cause unacceptable overshadowing.

Reasons

4. The appeal site is a detached two-storey dwelling within a densely-built, predominantly residential, area of Rushden. The proposed development is the erection of a detached workshop or garage building; this would be constructed of structural insulated panels (with timber cladding on the walls, and felt on the roof), and sited at the far end of the rear garden from the dwelling.
5. The building would be an L-shape, with a maximum width of approximately 10m, extending across more or less the full breadth of the rear garden, and a maximum depth of around 6.2m at its south-west end. It would have a pitched roof with gable ends; the eaves height would be approximately 2.25m, and the ridge height would be around 4m.
6. The back of the building (the long stem of the "L" shape) would adjoin the boundary with the rear gardens of Nos 36, 38 and 40 Pemberton Street to the north-west of the appeal site. The gable end of the stem of the "L" would

directly abut the rear garden of No 36, at a distance from that dwelling (by the Council's estimate, though this has not been disputed by the appellant) of around 8m. The height of the gable means that it would be an overbearing feature when seen from within the rear garden and rooms of the adjoining dwellings, particularly in respect of No 36. Its siting south east of the neighbouring properties means that it would also result in overshadowing of their rear gardens and likely, given the short separation distances, the rear rooms too, leading to a loss of daylight and sunlight. The combined effect of this would be detrimental to living conditions for the occupiers of those houses.

7. The appellant's statement drew my attention to various outbuildings of surrounding properties, many of which appear to be 4m or more in height. I was able to see some of these on my site visit, including the (probably Victorian) outbuildings at the rear of Nos 25 and 27 Montague Street. I also saw the high blank gable wall at the rear of No 71 Moor Road, which directly adjoins the appeal site. I recognise therefore that the area is therefore one where existing buildings, including outbuildings, already cause some overshadowing. The scheme would also increase privacy in the appellant's rear garden, as the existing rear boundary wall does not prevent mutual overlooking between the appeal site and the neighbouring properties on Pemberton Street. However, these considerations do not justify allowing the further harm to neighbours' living conditions which would arise from the appeal scheme.
8. I conclude that, because of the height of the rear gable, the proposed development would be harmful to living conditions for occupiers of the neighbouring properties at 36, 38 and 40 Pemberton Street. The proposal therefore conflicts with Policy 8 of the 2016 North Northamptonshire Joint Core Strategy, and with Policy EN1 of the 2018 Rushden Neighbourhood Plan; together, and among other things, these policies seek to protect neighbours' amenity including by preventing development which is overbearing or which would lead to a harmful loss of daylight or sunlight. The proposal would also conflict with the provisions of the National Planning Policy Framework which seek to achieve well-designed places, notably paragraph 130 which requires that development provides a high standard of amenity for existing and future users.

Other Matters

9. The Council did not raise any "in principle" objections to the proposed development, nor did it consider that the scheme would be harmful to the character and appearance of the area. I see no reason to disagree on either matter, although these considerations are neutral factors rather than points which weigh in favour of the proposal.
10. The appellant's statement also indicated that he would be "happy to compromise on the total height/design of the roof". It may well be that a revised scheme could be prepared which would address the Council's concerns, although this would of course necessitate a new planning application, and it is not a matter for me to consider in determining this appeal.

Conclusion

11. The development would cause harm to neighbours' living conditions, and would therefore conflict with the development plan taken as a whole. I have considered the benefits of the scheme which have been put to me, but 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, the appeal is therefore dismissed.

M Cryan

Inspector