



Appeal Decision

Site visit made on 14 February 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/M2840/D/22/3310211

8 Hares Run, Mawsley, Northamptonshire NN14 1TG

- 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 Leanne Hanson against the decision of North Northamptonshire Council.
 - The application Ref NK/2022/0417, dated 23 June 2022, was refused by notice dated 6 September 2022.
 - The development proposed is loft conversion, including flat roof rear dormer and roof lights to the front elevation. Raising of existing external flue to accommodate proposed dormer.
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Decision

1. The appeal is allowed and planning permission is granted for proposed loft conversion, including flat roof rear dormer and roof lights to the front elevation. Raising of existing external flue to accommodate proposed dormer at 8 Hares Run, Mawsley, Northamptonshire NN14 1TG in accordance with the terms of the application, Ref. NK/2022/0417, dated 23 June 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following drawings: Existing Site Location & Proposed Block Plan 22-0502-07A, Proposed Elevations 22-0502-04A and Proposed Ground, First & Second Floor Plans 22-0502-03.
 - 3) The obscure glazing and non-opening windows below a height of 1.7m above internal floor level to the rear dormer, as per drawing ref. Proposed Elevations 22-0502-04A, shall be maintained as such in perpetuity.

Preliminary Matters

2. During the processing of the application amended plans were submitted to the Council showing the dormer windows to be obscure glazed and non-opening up to a height of 1.7m from internal floor level. I have taken the amended plans into account in coming to my decision.

Main Issue

3. The effect on the living conditions of the occupiers of the neighbouring dwellings at 20 Hares Run and 23 Badgers Lane with particular regard to privacy.

Reasons

Living conditions - privacy

4. 8 Hares Run is a substantial detached two-storey dwelling in an established residential area. The rear garden of the property is enclosed by a close boarded fence and the rear elevation of single storey garages associated with neighbouring dwellings. The dwelling is set slightly lower than its garden which is accessed via a few steps from the patio. Given the positioning of the site surrounded by dwellings and their respective rear gardens a degree of overlooking currently exists between properties. A dormer spanning most of the rear roof slope is proposed and incorporates several windows which are to be in part obscure glazed and fixed, as per the amended plan.
5. 20 Hares Run shares its boundary with the site, formed by a close boarded fence and rear wall of a brick garage. This dwelling has habitable room windows to its rear elevation at ground and first floor level. Both dwellings and their gardens experience a degree of intervisibility from existing windows. The windows to the proposed dormer are to be obscure glazed and of fixed glass, up to a height of 1.7m from the internal floor level, which would prevent overlooking of the garden. Whilst this would not affect any perception of overlooking this would not result in an unacceptable harmful effect on the living conditions of the occupiers of this house and their garden.
6. The site shares a side boundary with 23 Badgers Lane, enclosed by a close boarded fence. This property includes landscaping along its boundary which obscures views into the garden from the site. The proposed dormer would be within close proximity to this shared boundary, albeit at an oblique angle, and therefore would not have a material detrimental impact upon the living conditions of the occupiers of this property by virtue of overlooking or perception of being overlooked.
7. The positioning of both properties in relation to the site is such that their gardens already experience a degree of mutual overlooking from existing windows. I consider that the additional windows proposed to the rear elevation at second floor level would not have an unacceptable impact on privacy, or the perception of privacy, to the occupants of the neighbouring houses and their gardens. As such I find no conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2016 (the development plan) which seeks to ensure quality of life to the occupiers of existing and proposed residents.
8. For these reasons, I conclude that the proposed development would not unacceptably harm the living conditions of the occupiers of the neighbouring dwellings at 20 Hares Run and 23 Badgers Lane with particular regard to privacy.

Other Matters

9. In consideration of other properties in the immediate area, in particular 18 Hares Run and 21 Badgers Lane, there would be no detrimental impact by way of loss of privacy to the occupiers of these dwellings due to separation distances and the orientation of the proposed dormer to their respective gardens and windows.
10. The proposal includes other minor works including the proposed loft conversion, front rooflights and external flue. The Council has not raised

objection to these elements, and I have no reason to disagree with their findings.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
12. In the interests of protecting privacy, I agree with the Council in the inclusion of a condition for the obscure glazing and fixed windows.
13. The Council has suggested a condition for the removal of rights to extend or alter the property under the Town and Country Planning (General Permitted Development) (England) Order 2015. I note that a condition on the original planning permission for the house removes the ability to carry out certain alterations or extensions at the property under these provisions. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this circumstance I do not consider conditions further limiting these rights to be necessary or relevant to the development permitted.

Conclusion

14. The appeal should succeed, and planning permission granted subject to conditions that are necessary in the interests of certainty and safeguarding the living conditions of neighbouring dwellings and their gardens.

R Gee

INSPECTOR