



Appeal Decision

Site visit made on 7 March 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2023

Appeal Ref: APP/M2840/D/23/3314403

15 Orlingbury Road, Little Harrowden, Northamptonshire NN9 5BH

- 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 & Mrs Coates against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00727/FUL, dated 12 October 2022, was refused by notice dated 7 December 2022.
 - The development proposed is the addition of a single storey glass room located on the rear elevation of the property in the private garden.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of a single storey glass room located on the rear elevation of the property in the private garden, at 15 Orlingbury Road, Little Harrowden, Northamptonshire NN9 5BH in accordance with the terms of the application, Ref NW/22/00727/FUL, dated 12 October 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The external surfaces of the development hereby permitted shall be constructed in the materials as shown on plan no. 35587-04 and 35587-03.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, site plan, 35587-01, 35587-02, 35587-03, 35587-04 and 35587-05.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 13 Orlingbury Road, with particular regard to daylight, sunlight, outlook and noise.

Reasons

3. The appeal property is a semi-detached dwelling adjoining 13 Orlingbury Road (No.13). The appeal property has a large patio area to the rear between an existing single-storey outrigger and the timber fence on the boundary with No.13.
4. The Borough Council of Wellingborough, Residential Extensions – A Guide to Good Design, Supplementary Planning Guidance II, 2002 (SPG), paragraph 4.1 sets guidelines on how far an extension can project in relation to windows in

neighbouring properties. For single storey extensions the SPG advises that proposals should not project beyond a line drawn at 60 degrees from the middle of the nearest ground floor window of a habitable room of an adjacent property.

5. Drawing 35587-05 shows that the proposal would conflict with the 60-degree line from the mid-point of the ground floor window of No.13. Therefore, the proposal would be contrary to the guidelines within the SPG. The purpose of this part of the SPG is to ensure that extensions would not adversely affect the outlook of, or daylight available to, the occupiers of the neighbouring property. Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy 2011-2031, adopted 2016 (JCS) seeks to ensure that the living conditions of the occupiers of neighbouring properties are not unacceptably affected.
6. The existing tall timber fence already restricts the outlook from the window of No.13 to within their own garden. Due to its position, attached to the appeal property, the proposal would only be seen above the fence and at an angle. As such it would not significantly alter the outlook and not be overbearing or oppressive to the occupiers of No.13.
7. Only a small part of the end of the proposed structure would conflict with the 60-degree line. Moreover, the proposal is a metal framed glass structure rather than a solid building. The proposed materials would allow sunlight and daylight to pass through the structure towards the window of No.13. Furthermore, the height of the proposal is not substantially greater than the height of the fence and the proposal is not immediately adjacent to the shared boundary. These factors, taken together, would ensure that daylight and sunlight to the window of No.13 would not be significantly restricted.
8. Notwithstanding the objection received, there is no substantive evidence before me to show that the proposal would cause unacceptable levels of light reflection. Furthermore, as the proposal is on part of the garden which can already be used by the occupants of the appeal property there is no greater risk of noise from the use of the building.
9. Consequently, whilst there is a technical breach of the 60-degree line, the proposal would still accord with the purpose of the SPG which is to safeguard the amenity of neighbours. The proposal would not result in an unacceptable effect on the living conditions of the occupiers of No.13, with particular regard to daylight, sunlight, outlook and noise. Therefore, I find that the proposal does not conflict with Policy 8(e)(i) of the JCS, which, amongst other matters seeks to ensure that the living conditions of the occupiers of neighbouring properties are not unacceptably affected.

Conditions

10. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have also imposed a condition specifying materials are to be as detailed on the plans in order to safeguard the living conditions of the occupiers of the neighbouring property.

Conclusion

11. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should succeed, and planning permission should be granted subject to conditions.

K Townsend

INSPECTOR