



Appeal Decision

Site visit made on 28 March 2023

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

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/W2845/W/22/3309361

10 Leys Road, Pattishall, West Northamptonshire NN12 8JZ

- 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 Shaun Cummings of TNS Ltd against the decision of West Northamptonshire Council.
 - The application Ref WNS/2022/0586/FUL, dated 11 March 2022, was refused by notice dated 26 September 2022.
 - The development proposed is demolition of existing double garage and new build 3-bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the processing of the application amended plans were submitted to alter the appearance and floor plan of the proposed dwelling. I have determined the appeal based on these plans.

Main Issues

3. The main issues are:
 - i) the effect of the proposed dwelling upon the living conditions of the occupiers of neighbouring dwellings with particular regard to light, outlook and privacy; and
 - ii) the effect of the proposed dwelling upon the character and appearance of the surrounding area.

Reasons

4. 10 Leys Road is a two-storey semi-detached dwelling on a corner plot, set back from the road frontage. The proposed dwelling would be a two-storey detached dwelling positioned on the side garden of no. 10. A detached flat roof double garage is proposed to be removed to facilitate the development.

Living conditions

5. The proposed dwelling would be positioned within close proximity to the shared boundary with 10 Leys Road. From the information available to me the kitchen window on the side elevation of no. 10 faces the appeal site and is the only window to this room. Due to the height and proximity of the proposed

dwelling to this kitchen window the proposal would result in a harmful loss of sunlight, daylight and outlook to the occupiers of this neighbouring property, to the detriment of their living conditions.

6. I understand planning permission has been granted for an extension at 10 Leys Road, which the appellant suggests would negate the impact of the appeal proposal on the occupiers of this neighbouring property. However, I do not have precise details of what is proposed before me or a mechanism for its implementation. I therefore give this little weight.
7. Having regard to the above, I conclude that the proposed dwelling would be contrary to Policy SS2.1.F of the South Northamptonshire Part 2 Local Plan (the local plan) and the South Northampton Design Guide (Design Guide) which seek to protect living conditions of existing and proposed residents.
8. Adjacent to the site at 8 Leys Road is a semi-detached single storey dwelling. It has a glazed door to its side elevation which faces the boundary of the appeal site. From the information available to me the door serves a kitchen, and this room has a window on the rear elevation of the property. Whilst the glazed door allows a degree of light into the room a door is not the main source of daylight to this room. Given the intervening space between the properties, and the presence of an existing outbuilding to the side of no. 8, the proposed dwelling would not result in a significant loss of daylight or sunlight to the occupiers of this neighbouring dwelling.
9. The Council raised concerns of overlooking from the stairwell window of the proposed dwelling to no.8. Consequently, the appellant has advised that they would be agreeable to a condition to obscure glaze the stairwell window to mitigate any overlooking. The window is positioned slightly higher than a ground floor window and serves a stairwell, defined as a non-primary living area in the Design Guide. Any transient views from this window would be in the direction of the side of the neighbouring dwelling where there are no primary living area windows. Consequently, I do not consider there would be a harmful impact upon privacy, and I do not consider it reasonable or necessary to secure obscure glazing to this window.
10. Having regard to the above the proposed dwelling would not adversely affect the living conditions of the occupiers of no. 8 Leys Road by virtue of overlooking or loss of sunlight and daylight. I therefore find no conflict with the local plan or Design Guide.

Character and appearance

11. Dwellings in the surrounding area vary in scale, design and orientation. The proposed dwelling would be a two-storey detached dwelling, incorporating a catslide roof to its front elevation to replicate the adjacent properties at 7 Festival Road and 10 Leys Road. The scale, design, fenestration and materials of the proposed dwelling would be in-keeping with properties within close proximity to the site.
12. The siting and orientation of the existing dwelling at no. 10 reflects its corner position. The neighbouring single storey dwellings sit parallel to Leys Road. The proposed dwelling would be sited back from the road frontage and would follow a similar alignment to the adjacent dwelling at no. 10 and would not appear discordant with the pattern of development in the locality. The proposed

dwelling would have a private garden space to rear of the property and would not represent a cramped, over-development of the site.

13. Existing dwellings in the locality, including properties on the opposite side of the road, have frontage parking. Parking for the existing and proposed dwelling would similarly be to the frontage of the dwellings. Given the distance the proposed dwelling would be positioned back from the highway boundary and landscaping the proposed dwelling would not appear as an incongruous feature in the streetscene.
14. For the above reasons I do not consider the proposed dwelling by reason of its design, siting or orientation would be out of character and appearance with the surrounding area. As such I find no conflict with Policies SS2.1.B and LH1.1.B of the local plan.

Other Matters

15. The Council accepts the principle of residential development in this location, and I have no reason to disagree with this view. The proposal would be well-related to existing built development and services and would make efficient use of land. As a single dwelling the proposal would have limited social and economic benefits through the construction process and a modest contribution to housing supply. These factors weigh in favour of the proposal; however, they do not outweigh the harm I have identified.

Conclusion

16. Whilst I do not find harm to the living conditions to the occupiers of no. 8 Leys Road or the character and appearance of the surrounding area, the absence of harm on these matters is not sufficient to outweigh the harm identified upon the living conditions of the occupiers of the existing dwelling at 10 Leys Road by way of loss of sunlight and daylight and outlook.
17. Taking all the above into account, the proposed dwelling would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

R Gee

INSPECTOR