



Appeal Decision

Site visit made on 20 March 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/W2845/W/22/3309760

306 Wellingborough Road, West Northamptonshire, Northampton NN1 4EP

- 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 Ms Dawn Mabibi against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/0560, dated 8 May 2022, was refused by notice dated 13 September 2022.
 - The development proposed is for a single storey rear extension, second floor rear extension over outrigger, change of use from Office Class B to residential class C3.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Ms Dawn Mabibi against West Northamptonshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has changed, and a different wording has been entered which matches that used in the Councils decision notice. Evidence has been provided that the description change was not agreed with the appellant. Accordingly, I have used the one given on the original application.
4. Between submission of the application and determination there were several complete sets of plans provided to the Council. The appellant has stated that the plan numbers quoted in the Council decision are the original revision numbers. However, the Council decision notice did not include the revision numbers and the report refers to details present in the final set of amendments. Both parties agree on the final set of plans being the subject of this appeal decision. For clarity I have determined the appeal decision based on the final set of plans dated 10th August 2022.
5. Since the Council issued the decision, it has been brought to my attention that the Northampton Local Plan Part 2 2011-2029, (NLPP2) was adopted on March 23rd 2023. The NLPP2 replaces the Northampton Central Area Action Plan and the saved policies of the 1997 Northampton Local Plan. The Council has confirmed that NLPP2 policies are now relevant to this appeal and the appellant has had the opportunity to comment on these policies. It is incumbent on me

to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.

Main Issues

6. The main issues are:

- the effect of the development on the character and appearance of the area; and
- whether future occupiers would have acceptable living conditions having regard to outlook, daylight, sunlight and odour.

Reasons

Character and appearance

7. The appeal property is a terraced three storey property. It is in a row of similar terraced buildings all with rear two storey gable outriggers. From the rear garden I could see that a number of buildings have had additional single storey extensions, one has an infill flat roof 2 storey extension between outriggers at approximately eaves height, however these have had little effect on the simple roofscape of the outriggers which are consistent along the row and contribute positively to the character and appearance of the area. On my site visits I saw no other examples of a dormer on an outrigger or examples of so many roof steps at any of the terraces in the same row.
8. The proposed dormer on the side roof slope of the outrigger would exceed the ridge height of this roof and would fall slightly short of the height of the rear facing dormer, which it would be partly attached to. Consequently, this creates steps between the main roof ridge, the two dormers and then the outrigger. Although the depth of the dormer extends only a little more than half the depth of the outrigger it would still be an incongruous addition unlike any other extensions. Although located to the rear the side dormer would be prominent seen at the rear of this row of buildings, which due to its height and width, visible from the rear gardens of neighbouring houses and from the school, having a significant detrimental effect on the character and appearance of the area.
9. The outrigger dormer, notwithstanding the proposed use of hanging tiles which would be appropriate, has a form and scale which would not be compatible with the existing roof design of the appeal property and would appear disjointed because the roof ridges, roof flats and eaves at the property would all be at different heights.
10. The extensions to the existing rear dormer would not exceed the main roof ridge and would be set back from the main roof eaves, so would be subservient to the original design and similar to what already exists at the appeal property and at the neighbouring houses, compatible with the existing character and appearance of the area.
11. The proposed outrigger dormer roof, by virtue of its form and scale would result in significant harm to the character and appearance of the area. It is therefore contrary to policies S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part1) (JCSLP) adopted December 2014, Policies HO2, Q1 and Q2 of the NLPP2. These policies seek, amongst other things, new

development to promote and contribute to good placemaking through high quality, beautiful and sustainable design which encourages the creation of a strong and locally distinctive sense of place.

Living Conditions

12. The only bedroom window to flat unit 1 would be directly next to a cycle parking area for residents of upper floor flats to use. Beyond the cycle parking area, would be shared bins to all four of the flats. The courtyard itself would be a narrow, enclosed corridor, not of significant depth with a blank single storey wall facing the bedroom window of flat unit 1.
13. The effect of both the narrowness of the corridor and its limited depth, would dominate and be oppressive to the outlook from the bedroom window of future occupants of flat unit 1 which directly adjoins it, resulting in a real sense of enclosure. Additionally, the traffic to and from the courtyard combined with the use of this area for cycle storage would have a detrimental effect on future occupiers outlook from the bedroom windows of unit 1 in particular, the movement of people in close proximity of this window would be distracting and likely result in some mitigation required by occupants, as suggested by the appellant, such as the use of blinds or curtains, however such solutions for long periods would further restrict outlook.
14. I note the appellants suggestion that the shape of the courtyard would not lend itself to people congregating or socialising there, even if I agree, it is unlikely that the cycle storage area would be used only to park cycles. It is reasonable to expect cyclists will want to maintain and clean their cycles outside of their flats and this is a shared area where it would be practical to do this, which would affect the outlook from the windows of flat 1.
15. Any disturbance from users of the cycle parking area would be less severe, but still harmful to future occupants of flat unit 2 due to the relationship between the bedroom window and cycle parking area. In addition, this window faces a shared bin store and blank boundary wall in very close proximity, which would be severely dominant and be oppressive to the outlook of occupants of this room, having a significant detrimental impact to their living conditions. There is also a window to a shower room, however this window would likely be obscurely glazed so an outlook would already be limited.
16. The bedrooms to both flat units 1 and 2 have rooflights as well as windows providing daylight to the rooms they serve. The windows face blank walls, but these are single storey so although they would result in some shading, they would not stop reasonable levels of daylight to windows and would allow sunlight for parts of the day. The proposed roof lights would also provide additional levels of daylight.
17. The Environmental Health Team do not comment on bin storage in their representations and at my site visit other properties had bins outside their front windows without any issues of odour being apparent. There is no evidence to suggest why the bin storage area proposed would result in unacceptable odour for residents. Consequently, I am unable to conclude that there would be significant harm from bin odour to occupants of the flats.
18. Future occupiers would not have acceptable living conditions due to the poor outlook from bedroom windows. It is therefore contrary to Policy H1 of the

JCSLP, and policies Q1, Q2 and HO2 of the NLPP2. These policies and this guidance seek, amongst other things, that the design of new communal garden areas should seek to create spaces that provide opportunities for privacy or seclusion for residents.

Other Matters

19. I note the appellant's comments about the modest contribution additional accommodation would make to maintaining the housing supply with its social and economic benefits. I also note the neutral factors, a lack of any harm to the private amenity of neighbouring occupiers, provision of cycle storage, the adequate ventilation to habitable spaces, that it meets the minimum room sizes described in the governments Nationally Described Space Standards, the Councils in principle support for the use, that there would be no bad neighbour issues, that the outlook for occupiers of flat units 3 & 4 is acceptable, and that there is consultee support for conditioning waste/recycling. However, in reaching my decision I have had regard to these other matters, they do not overcome the adverse impacts.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is contrary to the development plan as a whole and should be dismissed.

S Crossen

INSPECTOR