

Appeal Decision

Site visit made on 12 July 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2023

Appeal Ref. APP/W2845/D/23/3321222

31 Hocknell Close, Wootton, Northampton NN4 6AZ

- 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 Sonia Simpson against the decision of West Northamptonshire Council.
 - The application ref. WNN/2023/0064, dated 17 January 2023, was refused by notice dated 20 March 2023.
 - The development proposed is described on the application form as "*Proposed rear roof dormer extension.*"
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Some initial confusion arose because application ref. WNN/2022/1269 was entered at section C of the householder planning appeal form. That concerned an earlier refused planning application for a similar but larger rear dormer. I have had regard to the site's planning history, but the appeal is against the refusal of planning permission under application ref. WNN/2023/0064, as clarified in the appellant's planning appeal support statement and as set out in the heading above.
3. The Northampton Local Plan Part 2 2011-2029 (LPP2) was adopted on 23 March 2023. It was clearly at a very advanced stage in its route to adoption when the Council's decision to refuse planning permission was made. The Council has provided a copy of Policy Q1 from the LPP2 which covers virtually the same ground as the combined content of Policies 2 and 3 in the emerging Submission Version of the LPP2 which were listed in the decision notice. I am satisfied that the LPP2 does not depart from the sustainable development principles laid out in Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1) adopted in December 2014. The LPP2 has replaced the saved policies of the Northampton Local Plan 1993-2006, 2 of which (Policies E20 and H18) were also referred to in the decision notice.

Main issue

4. Flowing from the single reason for refusal on the Council's decision notice, the sole main issue is the effect of the proposed rear roof dormer extension upon
-

the amenity and living conditions of the neighbours at nearby residential properties with regard to the potential for overlooking and loss of privacy.

Reasons

5. No. 31 is a 2-storey detached house in a modern residential cul-de-sac of detached and semi-detached houses. There is hardstanding at the front and a raised garden area to the rear beyond a patio and conservatory. The opposing rear elevations and back gardens of 32, 34 and 36 Crossbrooks lie to the north.
6. The proposal is to add a dormer to the rear roof slope of the house in order to provide additional living accommodation (living room/kitchenette, bedroom and wet room en suite with store) on a loft floor for the appellant's mother. This would be accessed by a staircase or by a lift.
7. Although the proposed rear dormer would be set further away from the eaves than in the previous scheme, this would be an exceptionally wide dormer, with only marginal separation from the gable ends and the roof ridge. It would give the house the appearance of having a third storey.
8. The surrounding built environment and back gardens on Hocknell Close and Crossbrooks can be fairly described as close-knit. The open spaces within the rear gardens are modest. Ground floor rear extensions have been added to 32, 34 and 36 Crossbrooks. When viewing from the appeal site, I saw only one other rear dormer; this notably smaller dormer is at 26 Crossbrooks and faces towards the gable end of 27 Hocknell Close which is not a principal elevation.
9. Any future occupiers of the proposed loft floor would have commanding views from an elevated level down into the rear gardens of several nearby properties on Hocknell Close and Crossbrooks and towards the rear-facing habitable room windows of some of the houses on Crossbrooks, especially nos 32, 34 and 36. Some of that overlooking would be across fairly short distances, would take place from any of the 4 windows in the wide dormer that would serve habitable rooms and could be for sustained periods given that the loft floor could be occupied as an annexe. The individual trees close to the common rear boundary fencing would have little mitigating effect.
10. The elevated position and sheer width of the rear dormer and the number of roof-level windows to habitable rooms within it would result in an invasive sense of overlooking, distinct from the mutual intervisibility currently available from the ground floor and first floor windows of the opposing properties on Hocknell Close and Crossbrooks. Sizeable rear roof dormers like this, in a situation where they are not common features, create a much more intrusive feel and the disturbing psychological perception of being overlooked. The actual and perceived loss of privacy for the occupiers of various nearby residential properties on the 2 identified roads would be unacceptable.
11. The guidance on privacy and overlooking and the recommended separation distances between neighbouring properties found in the Supplementary Planning Document titled Residential Extensions and Alterations Design Guide December 2011 (SPD) add weight to the decision I have reached in this case. The SPD recommends a separation distance for directly opposing back elevations on 3-storey properties of 27 m. This is the appropriate standard given that the proposed dormer would effectively produce a third storey. Whilst such standards

should not be applied prescriptively to the exclusion of all other factors and the context of the site, the proposed block plan shows that the rear face of the dormer would fall short of this recommended distance by almost 6 m. This shortfall is significant and would be even greater if the measurements were made to the ground floor rear extensions that have been added to 32, 34 and 36 Crossbrooks. The appeal scheme would allow windows of proposed habitable rooms views into the habitable room windows of neighbouring dwellings or immediate views into their private gardens, in conflict with the guidelines on neighbouring privacy in the SPD.

12. Drawing these threads together, I consider that the surrounding residential environment is not conducive to this roof enlargement in the circumstances of this particular case. I find on the main issue that the proposed rear roof dormer extension would be harmful to the amenity and living conditions of the neighbours at nearby residential properties with regard to the potential for overlooking and loss of privacy. This places the proposal in conflict with the aims of LPP1 Policy S10 and LPP2 Policy Q1 which require new developments to achieve the highest standards of sustainable design and be designed to ensure residents' privacy. There would not be respect for the National Planning Policy Framework because the scheme does not create a place which promotes health and well-being, with a high standard of amenity for existing and future users.

Concluding comments

13. Whilst the Council's householder delegated report pointed to potential conflict with the design guidance in the SPD for dormer extensions and to resultant harmful impacts on the character and appearance of the building and the locality, these matters did not appear in the Council's decision notice which I have taken to represent the settled view of the Council. In any event, my finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be properly mitigated by the imposition of planning conditions and it is not outweighed by other material considerations, including the absence of substantive local objections and the benefits the extra accommodation would provide to the living arrangements of the appellant's family as described in paragraph 6 above.
14. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR