

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/23/3320838

47 Spinney Hill Crescent, Northampton NN3 6DL

- 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 Keith Hayhoe against the decision of West Northamptonshire Council.
 - The application ref. WNN/2023/0011, dated 28 December 2022, was refused by notice dated 3 March 2023.
 - The development proposed is: Single storey extension over existing adjoined garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension over existing adjoined garage at 47 Spinney Hill Crescent, Northampton NN3 6DL in accordance with the terms of the application ref. WNN/2023/0011, dated 28 December 2022, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev. P2; 02 Rev. P1; Location Plan; and Block Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows or doors shall be installed in the side elevation of the extension hereby permitted.

Preliminary matters

2. As suggested by the Council in its questionnaire, in addition to visiting the appeal property I also assessed the appeal proposal from the adjacent property to the north known as 59 Spinney Hill Road.
 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. With its
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Questionnaire, the Council has provided a copy of Policies Q1 and Q2 from the LPP2 which cover virtually the same ground as the content of Policies 2 and 4 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 extension upon the amenity and living conditions of the neighbours at 59 Spinney Hill Road with regard to the potential for overshadowing and loss of light.

Reasons

5. Spinney Hill Crescent consists mainly of bungalows, but no. 47 is a 2-storey, 3-bedroom detached house situated at the northern end of the crescent near to the junction with Spinney Hill Road. It has a hipped roof, a rear ground floor extension and a single storey side wing which abuts the boundary with the neighbouring property on the northern side, 59 Spinney Hill Road, an extended 2-storey detached house. The front part of the side wing contains a garage and this adjoins a similar garage in the back garden of 59 Spinney Hill Road.
6. The appeal extension would be built over the single storey side wing on the northern side. It would provide a bedroom with an en suite bathroom. The house would remain with 3 bedrooms. The smallest of the 3 existing bedrooms would be converted to a home office. The proposed extension would follow the hipped roof design of the house and be set back from the original front elevation.
7. The side of the proposed extension would face the rear elevation and back garden of 59 Spinney Hill Road. There is guidance on overshadowing and outlook and recommended separation distances between neighbouring properties in the Supplementary Planning Document titled Residential Extensions and Alterations Design Guide December 2011 (SPD). The SPD suggests a separation distance for directly opposing back to side elevations on 2-storey dwellings of 13 m.
8. Such standards are recommendations as opposed to planning policy and should not be applied prescriptively to the exclusion of all other factors and the context of the site. Indeed, this is recognised in the SPD itself where it acknowledges that most extensions are likely to cause some degree of shadowing, that the separation distances cannot always be applied successfully and that careful consideration should be given to individual circumstances.
9. From measurements taken at my site visit, the relevant separation distance would in fact be closer to 11 m than 10 m, falling short of the recommended distance by only about 2 m. This shortfall is not determinative in itself.
10. The proposed addition would not result in the overall outline or silhouette of the northern flank wall and roof of the host property undergoing any dramatic physical change as perceived in the outlook from 59 Spinney Hill Road. The extension would be viewed from there very much in the context of the existing

dwelling. It would be relatively narrow and bring the first floor flank wall closer to 59 Spinney Hill Road by no more than the width of the single garage at the appeal property. The neighbours' garage building would still be the closest structure to the garden and rear elevation of 59 Spinney Hill Road.

11. The height and massing of the extension would not be excessive for any reason. Given the hipped roof shape, its opposing roof would slope abruptly away from the common boundary with 59 Spinney Hill Road, thus minimizing any unneighbourly physical impacts. Even allowing for the extension's siting on the southern side of that neighbouring house, I share the appellant's view that any overshadowing or loss of light that might be experienced by the neighbours would not be so significant as to justify refusing planning permission.
12. That finding is bolstered by the layout and positioning of 59 Spinney Hill Road itself. When viewing its rear elevation, to the right the dining area/kitchen and bedroom above are in an extended part of the property that has uninterrupted views down Spinney Hill Crescent. There is also a window to the front of the dining area/kitchen which provides additional light and an alternative outlook. The windows towards the centre serve a bathroom above a utility room, both of which are non-habitable rooms. To the left, there is the back lounge/play room below another bedroom. The principal lounge is at the front of the house.
13. The occupiers of 59 Spinney Hill Road did not raise objections to the appeal proposal. This is a further material consideration in its favour. To the extent that the roof verge and associated guttering may encroach over the assumed boundary line, this is primarily a private matter between the respective parties. It does not alter my conclusion on the planning merits of the proposal.
14. Drawing these threads together, whilst there could be said to be conflict with the guidance set down in the SPD, I find on the main issue that the proposed extension would avoid any unacceptably harmful impacts on the amenity and living conditions of the neighbours at 59 Spinney Hill Road with regard to the potential for overshadowing and loss of light. Therefore, there would be respect for the aims of LPP1 Policy S10 and LPP2 Policies Q1 and Q2 which require new developments to achieve the highest standards of sustainable design, be designed to ensure residents' privacy and adequate levels of sunlight and daylight and protect a high standard of amenity for occupiers. There would be compliance with the National Planning Policy Framework because the scheme would create a well-designed place with a sufficiently high standard of amenity for existing and future users.
15. Whilst the Council's householder delegated report pointed to a potential loss of openness to the side of the house with a resultant harmful impact upon the character of the area, this matter did not appear in the Council's decision notice which I have taken to represent the settled view of the Council. In any event, I find that the extension would be exceptionally well designed so as to be in keeping with the scale, proportions and appearance of the original dwelling and respectful of the spatial setting of the site and its surroundings. That the scheme would offer the appellant and his family a much-needed additional bedroom lends further support in favour of the appeal.
16. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in

accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed a condition requiring the use of external materials that match those of the existing building to ensure that the development would safeguard the character and appearance of the area. The 4th condition suggested by the Council in its questionnaire seeks to prevent windows being installed in the side elevation of the proposed extension. This is necessary in the interests of privacy and that condition should also refer to doors which can sometimes be glazed and fitted with a Juliet-style balcony.

17. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR