

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 July 2023

Appeal Ref. APP/M2840/D/23/3317178

4 Cowslip Close, Rushden NN10 0UD

- 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 Michael Barker against the decision of North Northamptonshire Council.
 - The application ref. NE/22/01366/FUL, dated 28 October 2022, was refused by notice dated 23 December 2022.
 - The development proposed is described on the application form as “*Two-storey Side & Single Storey Rear Extension*”.
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Decision

1. The appeal is allowed and planning permission is granted for a 2-storey side and single-storey rear extension at 4 Cowslip Close, Rushden NN10 0UD in accordance with the terms of the application ref. NE/22/01366/FUL, dated 28 October 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 plan numbered 21-064-02.
 - 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 external windows or doors, other than those indicated on the approved plans, shall be added to the north and east elevations of the 2-storey side extension hereby permitted.

Main issues

2. Flowing from the reasons for refusal on the Council’s decision notice, I consider the main issues to be the effects of the proposal upon the character and appearance of the dwelling and the wider street scene and upon the amenity and living conditions of the neighbours at 5 Cowslip Close with particular regard to the potential for any oppressive and overbearing impacts.
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Reasons

3. Cowslip Close is a cul-de-sac of fairly modern detached 2-storey houses. This includes no. 4, which has an advanced and prominent 2-storey gable at the front, set slightly lower than the main pitched roof, and a large external chimney attached to the eastern side elevation.
4. It is proposed to add a 2-storey side extension 4.65 m wide by extending the existing main roof across eastwards. The rear single-storey part of the extension would span across part of the side extension and part of the original dwelling in lieu of an existing single-storey, canopy-like structure. The Council did not take exception to the rear single-storey part of the extension in itself.
5. The Council's view is that the proposed 2-storey side extension would not be subservient to or respectful of the host property as it would eschew the guidance in the Householder Extensions Supplementary Planning Document (SPD), adopted in June 2020, for such side extensions to be set back 0.9 m from the front elevation of the house, set down slightly from the main ridge and be no wider than half the width of the original front wall. The SPD clearly carries weight as a material consideration in decision making but it contains recommendations as opposed to planning policy and should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site.
6. The proposed 2-storey side extension would exceed half the width of the original dwelling but only by 27.5 mm. Such a trivial breach would not be detectable to any observers. Instead, what they would notice is how the extension would be of a very similar width to the original western half of the house and create a symmetrical appearance to the front elevation around the advanced front gable which would take on a resulting central position and remain as the dominant architectural feature. In such circumstances, I see no reason why the extension cannot be laid out as a simple continuation of the main roof as proposed without being set slightly lower. The scale and form of the original dwelling would remain legible as the first floor and ground floor of the side extension would be set back from the adjacent front wall by 1.41 m and 0.51 m respectively. The development would appear sufficiently subservient to the existing building, when viewed as a whole, in terms of scale.
7. The Council also said that the scheme would be at odds with the open character of the area. Many of the houses have open frontages mainly consisting of a mixture of lawns and hard surfaced forecourts. Open gaps to the sides of the properties are few in number, not extensive in area and not of fundamental importance to the overall quality of this rather diverse street scene. Even so, the scheme would not interfere with the open land in front of the dwelling and would maintain some open land at the side, after the extension, that would be commensurate with the strips of land found at the side of nos 1 and 10 Cowslip Close and no. 55 Clover Drive (which has a return frontage into Cowslip Close). The extension would not produce a visually damaging terracing effect or result in an unduly cramped form of development.
8. Travelling in an easterly direction along Cowslip Close, I am not convinced that the extension would be particularly prominent given the appreciable bend in the carriageway in the vicinity of no. 4, the position and extent of the existing

advanced 2-storey gable at the front and the degree to which the side extension would be set back from the adjoining front wall.

9. I consider overall that the proposed extension would be sufficiently complementary to the parent building in terms of its size, materials and roof design and the style and proportions of the windows and doors, so adhering to the overarching principles of design as set out in the SPD. It would also make a visually positive contribution to its context and location and be respectful of local character and the established street scene along Cowslip Close.
10. I conclude on the first main issue that, whilst there would be conflict with some parts of the SPD, the proposal would cause no material harm to the character and appearance of the dwelling and the wider street scene. It would display the design quality and respect for local character that is required by Policy 8 d) of the North Northamptonshire Joint Core Strategy 2011-2031, July 2016 (JCS) and Policy EN1 of the Rushden Neighbourhood Plan, June 2018 (NP) which are consistent with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed places.
11. Turning to the second main issue, the Council did not identify an excessive loss of amenity for any neighbouring properties, other than at the detached house at 5 Cowslip Close. The Council considered that the proposed extension, by reason of its scale, bulk and position close to the boundary with no. 5, would have a significantly oppressive and overbearing impact on that property. The Council's delegated report also referred to overshadowing given the path of the sun but this concern did not find its way into the decision notice which must be taken to represent the settled view of the Council.
12. No. 5 lies in a corner of the cul-de-sac at a pronounced angle to no. 4. Its principal front elevation looks out over its wide front drive and towards the back garden of no. 4, whilst its front-projecting garage wing, which appears to have been converted to some form of residential accommodation in the very recent past, looks out over the same front drive and out towards the turning head of the cul-de-sac. From my study of the plans and my site visit, it appears to me that the separation distances between the proposed side extension and the 2 front-facing elevations of no. 5, combined with the angled juxtaposition of the 2 houses, would ensure that the proposed side extension would not result in an unduly oppressive and overbearing impact in the outlook from the windows at no. 5. Any overshadowing would also be within tolerable limits.
13. The back corner of the proposed 2-storey side extension would be a noticeable feature when standing on the front drive of no. 5 close to the front boundary of that property but this would not be a sufficient reason to justify refusing planning permission. The occupiers of no. 5 did not raise any objections to the appeal proposal. This is a further material consideration in its favour.
14. I conclude on the second main issue that the proposal would not materially harm the amenity and living conditions of the neighbours at 5 Cowslip Close with particular regard to the potential for any oppressive and overbearing impacts. The scheme would not therefore conflict with Policy 8 e) i of the JCS, Policy EN1 of the NP, the SPD or the Framework, all of which seek to protect residential amenities and the quality of life. Policy 8 d) i of the JCS was also

quoted in the second reason for refusal. This relates to local character, so it has no obvious relevance to the second main issue.

15. The appellant made representations about the extensions the Council has approved at 16 Campion Close and 11 Cowslip Close but it is an established planning principle that each case should be determined on its own merits.
16. In addition to the standard implementation condition, a condition requiring that the development is carried out in accordance with the relevant approved drawing is necessary as this provides certainty. A condition is also necessary to require the use of external materials that match those of the existing building to ensure that the development respects the character and appearance of the dwelling and the area. The 4th condition suggested by the Council in its questionnaire seeks to prevent windows being installed in the north, east or south elevations of the proposed extensions. I agree that such a condition is necessary in the interests of privacy but I have altered it somewhat as I see no need to include the single-storey rear part of the extension or the south (front) elevation of the 2-storey side extension. That condition should also refer to doors which can often be fully glazed 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