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## Appeal Decision

Site visit made on 14 August 2023

**by T J Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 August 2023**

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**Appeal Ref: APP/W2845/D/23/3324292**

**8 Tollgate Close, Northampton, West Northamptonshire NN2 6RP**

- 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 Rumel Miah against the decision of West Northamptonshire Council.
  - The application Ref WNN/2023/0333, dated 31 March 2023, was refused by notice dated 17 May 2023.
  - The development proposed is two storey front and rear extensions, and single storey rear and side extension.
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### Decision

1. The appeal is allowed. Planning permission is granted for two storey front and rear extensions, and single storey rear and side extension at 8 Tollgate Close, Northampton, West Northamptonshire NN2 6RP in accordance with the terms of the application Ref WNN/2023/0333, dated 31 March 2023 subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 244 OS Map P01, 244-001 P02, 244-002 P02, 244-003 P02, 244-004 P02, 244-010 P02, 244-011 P04, 244-012 P02 & 244-013 P03.
  - 4) The development hereby permitted shall not be occupied until the window within the first floor of the south-west facing side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

3. The appeal property is set close to the head of one section of Tollgate Close which hosts a range of mostly detached modern residential dwellings set at varying angles to the Close. The appeal property occupies a well sized plot, with a good sized private area to the front and a well sized garden to the rear. The existing double garage located closely to the north-east sits well forward of the front elevation of the dwelling.
4. Whilst the forward two storey extensions would increase the prominence of the dwelling when viewed from within the street, the furthest forward part of the elevation would still sit behind the garage. The extensions would respect the rhythm of building on the south-eastern side of this section of Tollgate Close, with properties stepping forward in a north easterly direction along it. There would remain a well sized area to the front of the extensions within the ownership of the boundary of the host dwelling and there would be no significant harm to the established character of the street.
5. The rear two storey extension would extend into the well sized garden and although there would be a notable projection, the impact of this would be off-set by reason of the neighbouring property at 9 Tollgate Close (No.9) being set back from the host dwelling.
6. Whilst well sized, the extensions would remain subordinate to the host dwelling as the two storey front and rear extensions would have their ridgelines set below that on the main body of the dwelling. They would also only relate to partial sections of the front and rear and would not be out of scale with the plot which the dwelling occupies.
7. There would be conflict with the SPD<sup>1</sup> guidance with regard to separation distances between properties to the front and rear. However, in applying these guidelines, the SPD indicates that these separation distances cannot always be applied successfully, particularly in areas of more modern housing development. It suggests a homeowner's privacy should be taken into account. The Council have not raised any concern relating to the living conditions of nearby occupiers and I have no reason to disagree. I have therefore afforded only very limited weight to the conflict with this guidance.
8. There would be no conflict with policies Q1 or Q2 of the Northampton Local Plan Part 2 (2023) nor Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (2014). Amongst other things these require high quality design that encourages the creation of a locally distinctive sense of place which is not overbearing upon existing buildings or open spaces.

## Other Matters

9. Noise and disturbance associated with construction is an inevitable consequence of any development and there is nothing to indicate that this could not be appropriately managed on site amicably between the adjoining parties. I cannot afford this matter significant weight. Further, there is nothing to indicate that the proposed extension would lead to a destabilising effect in nearby property.

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<sup>1</sup> Northampton Borough Council Residential Extensions and Alterations Design Guide Supplementary Planning Document December 2011 (p32).

10. I note the concern over trees close to the boundary, although the most mature trees appear to be located away from location of the rear extension which in itself is set off away from the boundary. The Council have not identified any significant adverse impact with regard to light to No.9 and I have no reason to disagree.

### **Conditions**

11. Planning permission is granted subject to the standard three-year time limit. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
12. Further, details of obscure glazing to the first floor south-west facing side elevation are necessary in the interests of the living conditions of neighbouring occupiers. A condition restricting further window openings is not necessary as this matter is already covered by restrictions imposed within the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

### **Planning Balance and Conclusion**

13. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be allowed.

*T J Burnham*

INSPECTOR