



Appeal Decision

Site visit made on 15 August 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/W2845/D/22/3312934

12 Fengate Close, Northampton NN3 5BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Radu Istrate against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/1151, dated 13 October 2022, was refused by notice dated 24 November 2022.
 - The development proposed is additional storey to existing detached bungalow. Pitch to remain as existing, ridge to increase by 2550mm, materials to match the existing house.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for additional storey to existing detached bungalow. Pitch to remain as existing, ridge to increase by 2550mm, materials to match the existing house at 12 Fengate Close, Northampton NN3 5BP in accordance with the application, Ref WNN/2022/1151, dated 13 October 2022 and the plans submitted with it, including plan references: 022-064-003 (Location and Block Plan) and 022-064-002 (Proposed Plans and Elevations), and subject to the standard conditions set out in sub-paragraphs AA.2.(2) and AA.2.(3) of the GPDO.

Preliminary Matter

2. The decision notice includes references to policies of the development plan for the area. The principle of development is established through the grant of permission by the GPDO, and I am required to assess the proposal as a prior approval application as set out within the parameters of the GPDO. Regard can be given to development plan policies insofar as they are material considerations, however they are not in themselves determinative.

Main Issue

3. Under Article 3(1) and Class AA of Part 1 of Schedule 2 of the GPDO, planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys. The Council refused to grant prior approval in relation to paragraph AA.2, and in particular, the impact of the proposal on the amenity of adjoining premises. The officer report makes it clear that the Council's concerns primarily relate to the potential of the proposal to have adverse impacts on privacy for occupiers of No 11 Fengate Close and No 6 Jasmine Road.

4. The Council has not argued that the proposal fails to comply with any other conditions, limitations or restrictions under Class AA, and I have no compelling reasons to find otherwise.
5. As such, the main issue in this appeal is whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the effect of the proposal on the amenity of adjoining premises with particular regard to privacy.

Reasons

6. The first floor rear facing windows of the proposal would facilitate a greater appreciation of the rear gardens serving No 11 Fengate Close and No 6 Jasmine Road from the host dwelling than is presently the case. In the latter instance, the rear windows of No 6 would also likely be appreciable from the development. However, an appreciation of neighbouring gardens and windows is not necessarily harmful or indeed unexpected within a close-knit residential setting.
7. The appeal dwelling is set forward in relation to the dwelling at No 11 Fengate Close. Even accounting for the slight variance in ground levels between these properties, the distance and oblique angle between the proposed first floor windows and this neighbouring garden would be sufficient to ensure that there would not be unacceptable levels of actual or perceived overlooking and that adequate levels of privacy would be provided.
8. In the case of No 6 Jasmine Road, the boundary fencing and planting along the shared boundary, together with the intervening distance between the proposed first floor windows and the windows and garden area serving this neighbour would also be sufficient to ensure there would be no harmful overlooking impacts. Indeed, the separation distances provided would be similar to others in the area such as between No 12 Fengate Close and No 8 Jasmine Road.
9. Given the intervening distances, I am also satisfied that the proposal would not materially affect the privacy of occupiers of other properties in the area, including but not limited to those on the opposite side of Fengate Close.
10. Overall, the views of neighbouring properties facilitated by the proposal would be typical of relationships often seen within a residential estate. I am satisfied that in this particular instance the proposals would not be materially harmful to the amenity of adjoining premises with particular regard to privacy.
11. Given my findings, I am also satisfied that the proposal would comply with Policies H18 and E20 of the Northampton Borough Council Local Plan (Adopted 1997 Saved Policies 2007) and Policies 1, 2 and 3 of the Northampton Local Plan Part 2 Submission Version (2020). These policies include requirements to consider the effect on adjoining properties and for development to ensure adequate standards of privacy and so are material in these respects.

Other Matters

12. With regards to concerns raised within third party representations, the form, layout and position of the proposal relative to other dwellings in the area would ensure that an acceptable outlook would be retained for all neighbouring properties.

13. There is no objective evidence before me to suggest that the proposal or the associated construction works would result in highway safety issues. Any existing issues in terms of large vehicles overhanging the public footpath would be a matter for the highway authority to investigate.
14. Any noise associated with construction works would be likely to be short-lived. In the event of any unreasonable levels of noise and disturbance emanating from the site, this would be a separate environmental health matter for the Council to consider.
15. The Council has not raised any design concerns. From my own observations the proposal would have an acceptable effect on the external appearance of the dwellinghouse and would assimilate into the street scene.

Conditions

16. Planning permission granted for development under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO is subject to the conditions set out under Paragraphs AA.2(2) and (3). Furthermore, a condition specifying the plans is not necessary given that they are referred to earlier in this decision.

Conclusion

17. For the reasons given above, the appeal is allowed and prior approval is granted.

M Russell

INSPECTOR