



Appeal Decision

Site visit made on 2 January 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/M2840/D/23/3324831

37 Chapel Street, Warmington, Northamptonshire PE8 6TH

- 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) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr M Thomas against the decision of North Northamptonshire Council.
 - The application Ref NE/23/00145/PDE, dated 7 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is the erection of a first-floor extension over existing dwelling.
-

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) (GPDO) for the erection of a first-floor extension over existing dwelling at 37 Chapel Street, Warmington, Northamptonshire PE8 6TH in accordance with the terms of the application Ref NE/23/00145/PDE, dated 7 February 2023, and the plans submitted with it, subject to the conditions set out in sub-paragraphs AA.2(2) and AA.2(3) of the GPDO.

Preliminary Matter

2. The Council requested that, in addition to the appeal site, I conducted a site visit at the neighbouring property No37a Chapel Street. I was unable to complete this visit to the neighbouring property on the original site visit date as noted above, however I returned to the property and completed the visit on 6 February 2024.
3. The decision notice includes references to a policy 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 and the National Planning Policy Framework (the Framework) insofar as they are material considerations, however they are not in themselves determinative.

Background and Main Issue

4. 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. Development is permitted under Class AA subject to

limitations and conditions and a requirement that the developer applies for prior approval to the local planning authority.

5. Paragraph AA.2.(3)(a)(i) of Class AA requires prior approval to be sought for 'impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light.' The Council's concerns primarily relate to the potential of the proposal to be overbearing and result in the loss of light for occupiers of No37a Chapel Street.
6. As such, the main issue 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 No37a Chapel Street with particular regard to light and outlook.

Reasons

7. The appeal site comprises a single storey dwelling with part flat and part pitched roof, tightly spaced between the neighbouring properties. The appeal dwelling sits behind the adjacent bungalow No37a, with the rear elevation extending to the south. Due to the angle of the dwellings, each property benefits from ample light with open, rear outlooks of their respective gardens and limited views to the side of a tall boundary fence.
8. The proposal would add an additional storey on top of the rear portion of the existing building and alter the flat roof to a pitched roof. The proposal would increase the eaves and ridge height of the dwelling by approximately 1.8m and would be located towards the southeast of No37a.
9. The submitted Daylight and Sunlight Report concludes that the proposal would have little impact on the daylight and sunlight of No37a, with the estimated lighting levels internally and externally in line with industry guidelines. Due to the orientation and separation distance between the properties, I see no reason to disagree with these findings, and conclude that the proposal would not harmfully reduce the light within No37a.
10. The proposal would appear most prominent when viewed from the side window. However, this is a high level, secondary window and does not form the primary outlook from this space. Due to the angle between the dwellings, the open rear outlook from No37a would not be affected. Although the increase in height would be in close proximity to the boundary fence, the proposal incorporates a gable roof which would be at its lowest point adjacent to the boundary. Further, when viewed in comparison to the large scale of the garden the proposal would not appear overbearing even when viewed from within the garden.
11. Overall, the orientation of and the separation distance between the properties as well as the design of the roof, would mitigate the effect of the proposal on light and outlook from No 37a, and as such the proposal would not adversely impact the amenity of adjoining premises.
12. Insofar as it is a material consideration, the proposal would accord with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (July 2016) where it requires development to protect the amenities of future occupiers and neighbouring properties. Similarly, the proposal would accord with the Framework where it seeks to ensure development creates places with a high standard of amenity for existing and future users. Consequently, I find that

the proposal would accord with the requirements of paragraph AA.2.(3)(a)(i) of Class AA.

Other Matters

13. Interested parties have raised further concerns regarding amenity, including privacy and outlook. While the proposal would increase the height of the existing building and introduce first floor windows, it would be set back substantially from the rear boundary. Consequently, the proposal would not result in harmful overlooking, nor the loss of privacy of the occupiers of surrounding properties. Moreover, due to the large scale of gardens and orientation of properties in the area, the proposal would not appear overbearing when viewed from the surrounding properties.
14. Concerns have been raised regarding the proposals effect on the character and appearance of the area. However, the area is mixed, with a variety of ages, heights and designs apparent in the locality. Moreover, the proposal would improve the appearance of the building by incorporating complementary roof pitches throughout and removing the existing UPVC conservatory.
15. The appeal site forms part of the setting of the adjacent Grade II listed property, 31 and 35 Chapel Street. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed building in the determination of this appeal. Insofar as is relevant to this appeal the 17th Century property derives significance from its architectural character and detailing. Despite the proximity of the proposal, due to the intervening boundary treatments there would be no harm to the setting of the listed building.

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). A separate condition specifying the plans is not necessary as they are referred to within the formal decision.

Conclusion

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

K Allen

INSPECTOR