



Appeal Decision

Site visit made on 26 January 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/W2845/D/23/3334014

71 Ashburnham Road, Northampton, West Northamptonshire NN1 4RA

- 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 and Mrs Cleary against the decision of West Northamptonshire Council.
 - The application, Ref WNN/2023/0714 dated 26 July 2023, was refused by notice dated 28 September 2023.
 - The development proposed is for a first floor extension over an existing ground floor.
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Decision

1. The appeal is allowed, and planning permission is granted for a first floor extension over an existing ground floor at 71 Ashburnham Road, Northampton, West Northamptonshire, NN1 4RA, in accordance with the terms of the application ref WNN/2023/0714, dated 26 July 2023, subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: SiTE1;SITE2;PROP1 and PROP2.
 - iii. 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.

Procedural Matter

2. The National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a material bearing upon the main issue in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupiers of adjoining properties by reason of sunlight, daylight and outlook.

Reasons

4. The appeal property is a mid-terrace dwelling in a residential area. It has a two-storey rear projection with a single attached projection beyond it. The proposal is to extend the single-story extension by approximately 1.5 metres and to erect a first-floor addition above the extended ground floor. The first-floor extension would have a length of some 3.2 metres and when added to the existing two-storey projection, would result in an overall projection of approximately 7.2 metres in length.
5. There would be no change to the width of the rear extension and a void would remain, as now, between it and the boundary with number 69 Ashburnham Rd.
6. No.69 Ashburnham Road has itself a two storey, rear projection, and similar in size to that now proposed in the current application.
7. The proposed development would not accord with the Council's 'Residential Extensions and Alterations Design Guide' (2011) (SPD) and its '45-degree guide' in so far that it would extend beyond a line taken at 45° from the centre of the neighbouring ground floor window to No.69 Ashburnham Road.
8. However, paragraph 7.8 of the SPD states that the guide applies to single storey rear extensions, though I consider that it is reasonable that I consider that its aim is equally pertinent to two-storey extensions. The SPD states that the 45° guide *'should be taken into account'*. It states that its purpose is to avoid a situation where *'poorly designed or overly large extensions can cause a loss of outlook, overshadowing or an overbearing impact to neighbouring properties'*.
9. The rear gardens to the host property and that of 69 Ashburnham Road face northwards. Therefore, the proposed development would not intersect the sun's arc and hence would not cause a significant loss of direct sunlight or daylight to the adjoining property.
10. While the proposed development would add somewhat to the length of the existing ground floor projection and would create a first-floor addition over the extended ground floor, the impact upon the outlook from No.69 Ashburnham Road would be mitigated by the proposed development not being sited on the boundary between the two properties, thus leaving a void between them. In addition, the proposed roof would slope away from the adjoining property, thus reducing its impact in terms of outlook.
11. The occupiers of No. 69 Ashburnham Road have not objected to the proposed development and whilst there could be several reasons why this might be the case, I have afforded limited weight to the lack of any such objection in the decision-making process.
12. While I find that there is conflict with the SPD, I consider that in this case, the proposed development would conform with its aims in relation to sunlighting, daylighting and outlook.
13. I agree with the local planning authority (LPA) when it states in its officer report that *'in respect of the neighbour at no. 73, the extension would project only 1.5m and would not affect light or outlook in respect of the closest window, which is at first floor level, whilst the ground floor windows are level with the rear of the proposed extension. This neighbour would therefore be unaffected'*,

and also *'that to the rear, a separation of over 27m would be provided between facing windows, meaning these neighbours would also not be affected.'*

14. Therefore, the proposed development would accord with policy Q1 of the Northampton Local Plan Part 2 (2023) which requires adequate levels of sunlight and daylight, and with policy Q2 which aims to ensure that new development would not be overbearing with regard to views from existing buildings. It would also conform with policy S10 of the West Northamptonshire Joint Core Strategy (2014) which aims, amongst other things, to maximise the use of natural light.

Conditions

15. I have imposed the standard time condition as well as a condition relating to the approved plans for certainty.
16. I have imposed a condition relating to external materials in the interests of good design.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR