



Appeal Decision

Site visit made on 26 January 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08.02.2024

Appeal Ref: APP/V2825/D/23/3333196

26 Kealdale Road, Northampton, NN3 6BS

- 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 Hillery against the decision of West Northamptonshire Council.
 - The application Ref WNN/2023/0452, dated 4 May 2023, was refused by notice dated 2 October 2023.
 - The development proposed is described as a proposed two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed two storey rear extension; in accordance with the terms of the application Ref WNN/2023/0452, dated 4 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - Plans and Elevations As Proposed, Drawing No: H113-3A Revision A, Dated 04/07/2023;
 - 2) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 - 3) 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.

Preliminary Matter

2. I note discussion in the Appellant's Statement of Case (SoC) regarding the plans which were refused by the Council, as the Appellant felt that the 'Revision A' plans were not considered and has submitted these with the appeal and requested that I consider these. The Planning Officer's Report at Section 1 details that the revised plan H113-3A which was received on the 22/08/2023 is the plan which the decision was made upon. As such, there is no need to consider the acceptance of the amended plans as these are what the decision was made upon, and for the avoidance of doubt, I shall make my judgement upon the same amended plans.

Main Issues

3. The main issues are the effect of the proposed development upon:

- The character and appearance of the existing dwelling, including the greater locality; and
- The living conditions of the existing dwelling and adjoining dwellings, with particular regard to sense of enclosure and visual appearance.

Reasons

Character and Appearance

4. The appeal site is located along Kealdale Road, a residential cul-de-sac which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the late twentieth century. The dwellings along Kealdale Road which includes the appeal site are laid out in groups of terraced dwellings with narrow, but long rectangular rear gardens. The dwellings on either side of the appeal site have very similar garden dimensions and orientation. There is a paved area to the rear of this dwelling which appears to be utilised for formal dining/entertaining with many of the dwellings having a rear outbuilding which accesses a rear alleyway. The topography along Kealdale Road means that the dwellings step down the road with there being a variance in height from north-east to south west.
5. Dwellings which make up the estate are relatively functional in design and appearance, two storeys tall and having a pitched and gabled roof with the pitch fronting the street. Materials are similar throughout the estate with cream brick frontages with red brick gables and rear facades, with concrete roof tiles. Whilst many of the dwellings have rear extensions, they are predominantly single storey and in scale with the size and proportions of the existing dwellings.
6. In undertaking extensions the Northampton Local Plan Part 2 (LP) Policy Q1 sets a number of placemaking and design principles such as seeking that development is well designed, responds to and enhances townscape, is adaptable to future requirements and is sustainable, amongst others. Additionally, the Residential Extensions and Alterations Design Guide Supplementary Planning Document (SPD) supports the design policy and seeks that extensions respect the form, shape, balance and proportions of the property, and are an appropriate scale, comply with the 45 degree guide, amongst others.
7. The proposal would have its eaves in line with the existing dwelling and its ridge set down from the main ridge of the existing dwelling which provides some subservience. The two storey extension would be relatively functional in design and appearance which would be proportionate to the size of the existing dwelling, in terms of its height, depth and width and would be experienced as a subservient addition to the main dwelling. Whilst I can appreciate that there are no two storey extensions in this terrace, the extension is a typical form of construction for a residential locality such as this, and I therefore disagree with the Council that the extension would be overly large and detrimental to the character and appearance of the locality.

8. In conclusion of this matter, the proposal represents an appropriate design approach that is in keeping with the character and appearance of the existing dwelling, along with the locality. The scheme would therefore be compliant with LP Policy Q1 as described previously.

Living conditions

9. With regards to sense of enclosure, whilst the proposed extension would project past the rear wall of the adjoining properties on both sides, the first floor component would be set back from the boundary with No.28 which would allow the extension not to impact upon the 45 degree plane from the window of this neighbouring property. Whilst there is a two storey wall along the boundary with No.24, the first floor component of the neighbouring dwelling contains opaque glazing to the first floor, with the remaining window at first floor gaining sufficient outlook. The proposed extension would not consume the garden or produce a tunnelling effect for either neighbour who has an adequate level of access to sky from the rear garden. An extension such as this is typical and expected for many rear gardens and would not be out of place in this particular context. Whilst I agree there would be a change to outlook from the neighbouring properties, I disagree that it would be to a level that could be considered to cause 'serious and adverse' detriment to the living conditions of these neighbouring properties.
10. Taking the above into account, I disagree that the proposed rear extension would result in adverse and serious harm to living conditions as a result of sense of enclosure. Consequently, the proposed scheme is made in accordance with LP Policy Q2 which seeks to ensure that proposed extensions do not result in an unacceptable loss of amenity or detriment to living conditions.

Other Matters

11. I note that there is discussion within the planning officers report with regards to the first floor rear window in the dressing room of the appeal property being affected by loss of outlook and loss of light, although this is not utilised within the reason for refusal. The SPD defines habitable spaces as those room where residents would spend a significant amount of time such as bedrooms, living rooms, dining rooms etc. The Council have included the Dressing Room along with the bedroom as one room as there is no door in between, albeit both rooms could relatively be appreciated as individual rooms with their own windows. The window to the Dressing Room is secondary to the main window of the Bedroom and would be where most residents would spend a significant amount of time. As such there would be limited impact upon the residents as a result of the provision of light afforded by the main window where residents would spend most of their time.
12. I note views from interested parties over concerns of overshadowing. Any overshadowing by the extension is made towards No.28 predominantly in the afternoon and limited to the small area at the rear of the dwelling's garden and ground floor. However, this dwelling would receive adequate levels of sunlight during the morning, as well as much of the garden being unaffected. The opposite neighbouring dwelling at No.24 would not be affected by overshadowing caused by the extension. It is also noted that the application was not refused as a result of overshadowing and I have found that whilst there will be a change to current conditions at No.28, it would not be significantly detrimental.

13. I also note discussion with regards to precedence as a result of approving such an application which is also noted in the Reasons for Refusal on the Decision Notice. Whilst each application should be considered on its merits, the approval of this appeal has not hinged on whether it would cause precedent. I am not aware of any proposals in the nearby area which seek to erect similar extensions, however I see no reason as to why similar applications to that as proposed could also be done along the terrace with care and attentive design approaches which ensure that the character, appearance and living conditions are maintained in accordance to the development plan.

Conclusion and Conditions

14. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed previously.
15. The Council in their Appeal Form response detailed that should the appeal be allowed, that conditions regarding time limit, approved plans and materials which match existing be placed on any decision notice. I have considered the conditions as specified in the beginning of this letter in accordance with the Planning Practice Guidance (PPG). Conditions 1 and 2 are standard conditions which set the standard time limit and approved plans which are necessary for the avoidance of doubt and in the interests of proper planning. Condition 3 seeks that the scheme is constructed in matching materials which is necessary as this condition enables the development to fit in with the character and appearance of the existing dwelling and the locality.

J Somers
INSPECTOR