



Appeal Decision

Site visit made on 18 April 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/M2840/D/24/3338760

437 Newton Road, Rushden, Northamptonshire, NN10 0SX

- 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 Chris Layram against the decision of North Northamptonshire Council.
 - The application Ref NE/23/01178/FUL dated 13 November 2023, was refused by notice dated 18 January 2024.
 - The development proposed is front single storey garage extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon i) the street scene and character of the area and ii) neighbouring amenity with regard to loss of light and overbearing impact.

Reasons

Street scene and character of the area

3. The appeal site is a one and a half storey, detached, dwelling which is located within a residential area. The host dwelling benefits from an integral garage and hard surfaced front driveway and the proposal is for a front single storey garage extension. I note, from the documentation before me, that application reference NE/23/00849/FUL approved a single storey front extension to increase the size of the garage to the front elevation. This existing permission is a material consideration as a fallback position and I note that it is similar to the current appeal proposal however, the revised proposals before me seek to add a further metre to the front of the proposal.
4. It is acknowledged that the site has not been designated as part of an area of particular architectural or historic merit, however, a lack of such designation does not dilute the requirement for high quality design which is consistent with the character of the area and visual impact upon the street scene. The appellant has submitted a photo montage demonstrating examples of garages to the front of dwellings in the vicinity on Newton Road. The examples are acknowledged and garages, to the front of properties, are not uncharacteristic for the area. Furthermore, I am mindful of the fallback position which already secures the principle of a front single storey garage extension to the host property. Despite this whilst a number of dwellings in the area (on the south side) do include garages, detached or attached, forward of their host dwellings,

I find from my site visit that there were limited examples of front extensions or garages on the northern side of Newton Road which is the row within which the appeal site stands and would generally be viewed.

5. Whilst an extension, in principle, would not be uncharacteristic, I am mindful that the proposal before me would add a further metre to the front extension already granted permission. I find that this would result in a notable projection from the front of the property which stands within a row which is uniform in terms of principal elevations. To extend the single storey garage further than already proposed I find would introduce an excessively deep front extension which would be a dominant, incongruous intrusion within the street scene in visual terms as well as causing harm to the character of the area on that side of Newton Road. The overall height, depth and bulk of the larger footprint now proposed would be a significant addition widely visible within the street scene.
6. Even taking into account the existing permission as a “baseline” for determining the proposal before me I find that the difference as a result of the additional metre would be sufficient, in this case, to result in a different outcome and whilst I acknowledge the reasoning from the appellant as to the need for the increased depth, I do not find that this overrides the issues which I have found in relation to street scene and the uniform character of that side of Newton Road on this occasion.
7. The proposal would be contrary to Joint Core Strategy 2016 (JCS) Policy 8 which requires development to respond to the local character of the settlement and respond to the site’s immediate and wider context and local character and Local Plan – East Northamptonshire Local Plan 2023 (LP) Policy EN11 which requires development proposals to relate well to and where possible enhance the surrounding environment with support for design which integrates positively with the surrounding area and creates a continuity of street frontage in terms of appearance, layout, massing and scale. The proposal would also be contrary to Rushton Neighbourhood Plan 2018 (NP) which seeks to ensure proposals understand local character. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework 2023 which seeks to ensure that developments function well and add to the overall quality of the area and are sympathetic to local character including the built environment.

Neighbouring amenity

8. The second refusal, relating to neighbouring amenity, relates to both loss of light and overbearing impact. The appellant’s statement of case deals, largely, with a loss of light and I note that the appeal site stands to the northwest of the adjoining property at 439 Newton Road. As a result of this and taking into account the fallback position of the existing planning permission, I find that a refusal reason based upon loss of light is unlikely to be able to be reasonably substantiated.
9. Despite this, the second refusal reason is also clear in its reference to overbearing impact. Image 9, of the appellant’s statement, shows the proposed elevation with the existing close boarded fence and approved elevation factored in, and whilst I take into account the fallback position, the proposal which is before me would result in projection beyond the front elevation of the host dwelling by four metres. The Council’s submission confirms, and the appellant does not dispute that, the front elevation bay window of the adjacent property is a bedroom which is a habitable window.

The proposal would protrude 4 metres in front of the adjacent elevation, and window, which I find would be a form of overbearing development. Again, taking into account the existing permission, whilst this is acknowledged, I find that an additional metre as proposed would result in unacceptable impact and contribute to a sense of overbearingness as a result of the proposal as a result of further depth/projection above the shared boundary fence.

10. I note that the appellant has stated that the current occupier's park a large motorhome immediately in front of the window and indeed that motorhome was present at the time of my site visit. Despite this and taking into account that it is likely that any future occupier would also park a vehicle in that space, the parking of vehicles to the front of the window in question at the neighbouring property is a matter which is entirely within the control of the occupant of that property. The construction of the proposal at the appeal site would be beyond the control of neighbouring occupants as well as being a permanent addition. I do not find the use of the space in front of the bay window, for parking, to mean that neighbouring amenity is not impacted. I find, in this case, that further extension to the already approved plans would result in a material impact which is sufficient, in terms on neighbouring amenity and overbearing impact, to warrant refusal of the proposals.
11. The proposal would be contrary to JCS Policy 8 which seeks to protect amenity by not resulting in an unacceptable impact on the amenities of neighbouring occupiers and the guidance contained within the Householder Extensions Supplementary Planning Document 2020, which seeks to avoid extensions which are too dominant in terms of impact on neighbouring properties. The proposal would also be contrary to NP Policy EN1 which requires that developments should preserve existing neighbouring amenity and should not appear overbearing.

Other Matters

12. Within the first refusal reason conflict is also stated with JCS Policy 2; however, no copy of this policy has been submitted before me as part of this appeal. Even if a copy of this policy had been submitted, I have still, as outlined above, found sufficient conflict with other relevant policies which would still have resulted in the proposal being dismissed as set out.

Conclusion

13. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR