
Appeal Decision

Site visit made on 10 June 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/M2840/D/24/3340887

8 Bilsdon Close, Rushden NN10 9JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ewan McLester against the decision of North Northamptonshire Council.
 - The application Ref is NE/23/01324/FUL.
 - The development proposed is removing attached double garage and erecting a 2-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for removing attached double garage and erecting a 2-storey side extension at 8 Bilsdon Close, Rushden, NN10 9JN in accordance with the terms of the application, Ref NE/23/01324/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 21/12/23, PR1-PL-101 Rev A Block Plan, PR1-PL-002 Rev A Proposed Elevations and PR1-PL-004 Rev A Proposed Floorplans.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of Nos 53 and 55 Lynford Way, with particular regard to outlook.

Reasons

3. The appeal site (No 8) comprises a two-storey dwelling with attached garage located at the end of Bilsdon Close, a residential cul-de-sac. Nos 53 and 55 Lynford Way (Nos 53 and 55) are semi-detached two-storey dwellings, the rear elevations and rear gardens of which are orientated towards the side boundary of No 8.
4. No 53 has a two-storey rear projection which has a similar alignment to the two-storey rear elevation of No 55. Land levels reduce slightly between the appeal site and Nos 53 and 55. As both the rear gardens are enclosed with

close boarded fencing, the outlook from ground level is contained to some degree by this boundary treatment. The outlook from the first-floor rear elevations of Nos 53 and 55 is out across their rear gardens and towards the side boundary of the appeal dwelling. The footprint of No 8 straddles the rear boundary line of No 53 and 55 respectively. An open and spacious outlook exists albeit at slightly oblique angles looking either side of the appeal dwelling.

5. The proposed two-storey side extension would replace the existing attached garage at No 8. The small gap between the side of the extension and the boundary with Nos 53 and 55 would be retained. However, the flank wall of the proposed extension and the rear windows serving No 53 and 55 would be around 9.5 metres and 10.5 metres respectively, which would fall short of the 15 metre separation distance to the rear windows of neighbouring property advised in the Council's Householder Extensions Supplementary Planning Document (2020).
6. The increase in scale and the larger footprint compared with the existing garage would result in the proposed extension being more obvious in views from Nos 53 and 55. Even so, the position of the proposed extension would not fill the entirety of the rear boundary of each garden and the partial spacious outlook to either side of No 8 would be maintained. Even accounting for the relative levels between the respective sites, owing to the garden depths, existing boundary features and relationship to the proposed extension, I am satisfied that the proposed development would not have an overbearing impact or harm to the outlook from Nos 53 or 55.
7. Therefore, even though the proposal would not strictly accord with the guidance in the SPD, given the site-specific relationships described, I am satisfied that the proposed development would not harm the living conditions of the occupiers of Nos 53 and 55 Lynford Way, with regard to outlook.
8. As such, the proposed development would not conflict with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy (2016) which seeks new development to ensure quality of life by not resulting in an unacceptable impact on the amenities of neighbouring properties.
9. Whilst not referred to within the reasons for refusal on the decision notice, the Council has also provided a copy of additional policies from the North Northamptonshire Joint Core Strategy (2016), East Northamptonshire Local Plan (2023) and the Rushden Neighbourhood Plan (2018). Having reviewed these policies, they do not alter my conclusion above.

Other Matters

10. I have taken note of the representations made by interested parties, including in respect of future maintenance, and a potential loss of daylight and sunlight. There are no windows proposed in the first-floor side elevation of the proposed extension and I am therefore satisfied that there would be no harm to neighbours' living conditions resulting from a loss of privacy. The matter of sunlight and daylight were assessed by the Council during the course of the application and did not form part of its reason for refusal. The appellant's case also demonstrates that acceptable levels of light would be retained for neighbouring occupiers and there is no detailed contrary evidence which would lead me to reach a different conclusion. Access rights and maintenance would

be private matters, in any event, the proposed plans show that the side gap between the appeal site and neighbouring boundaries would be retained.

11. I note the comments in the Council's officer report in relation to parking and highways. I saw during my site visit that there is already space within the appeal site to provide off-street parking for at least three vehicles and am therefore content that the proposal would be satisfactory in respect of parking and highways.

Conditions

12. The Council has suggested various conditions in event that the appeal is allowed. Conditions specifying the development date, and requiring the development be carried out in accordance with the approved plans, are necessary in the interest of planning certainty. In the interests of the character and appearance of the area, a condition specifying that the exterior materials to be used shall match the existing dwelling is also necessary. Bearing in mind the relationship between the appeal site and neighbouring properties, as well as the size of windows and location of bathrooms proposed, I do not consider the appeal scheme would cause any harm to the existing occupiers nor neighbours' living conditions as a result of overlooking. It would not therefore be reasonable or necessary to impose a condition requiring bathroom windows be obscured-glazed or non-opening below a certain height.

Conclusion

13. For the reasons given above the appeal should be allowed.

H Marriott

INSPECTOR