



Appeal Decision

Site visit made on 29 October 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/W2845/W/24/3343440

4 Heath Green, Northampton, West Northamptonshire NN5 7HS

- 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 David Kabuthia against the decision of West Northamptonshire Council.
 - The application Ref is 2024/0602/FULL.
The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the host property and the area,
 - (ii) the living conditions of the occupiers of the existing property at No. 4 Heath Green and neighbouring property at No. 1a Oval Way with particular regard to privacy and outlook; and
 - (iii) the living conditions of the future occupiers of the proposed dwelling with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site forms part of the garden area at the side of No. 4 Heath Green, a two storey semi-detached property with a single storey garage attached at the side. The proposal would involve the demolition of the garage and construction of a two storey end of terrace dwelling set back in line with the adjacent semi-detached properties, with a pitched tiled gabled roof, provision of parking spaces and ancillary works.
4. The surrounding area is characterised by two storey semi-detached and terraced properties set back from the road behind front gardens/driveways. Whilst the properties along Heath Green are relatively evenly spaced, of comparable scale and form with open plan frontages, there is some variation, in the design and style of the surrounding properties. This provides some variety in the design, density and appearance of the residential properties that gives the area a mixed well-established residential character.

5. The appeal site is in a relatively large plot and as such the proposed development would not appear overlarge, relative to the overall plot size. Given the site's location, the proposed dwelling would only be visible over short distances when passing the site and would be viewed in the context of the current varied architectural styles of the surrounding properties.
6. The scale and form of the proposed dwelling would be seen in the context of the adjacent two storey semi-detached and terraced dwellings along Heath Green and Witham Way, the two storey semi-detached properties with hipped roofs set in relatively spacious plots along Heathville immediately to the south-west of the site and to a lesser degree, the more modern two storey terraced properties on the backland development off Oval Way to the north-west of the site. Given this context, to my mind, the proposed development would not be unsympathetic to the streetscene nor would it appear cramped when taking into account the overall character of the area.
7. Against this backdrop, the scale, form and design of the proposed dwelling, set back, would not appear significantly out of place or excessive in relation to the built form of the adjacent properties and the surrounding area. The modest overall scale and layout of the proposed dwelling, together with the control of the use of materials, fenestrations, boundary treatment and landscaping through appropriate planning conditions would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would ensure that the overall proposal would not have a significant impact on the character and appearance of the host property and the surrounding area.
8. Consequently, I conclude that the proposal would not result in significant harm to the host property and the character and appearance of the area. It would be consistent with the overall aims of Policies Q1 and Q2 of the Northampton Local Plan Part 2 that, amongst other things, seeks to ensure that development proposals promote and contribute to good placemaking through a high standard of design which responds to the local character and characteristics of the site's immediate and wider context. The proposal would also accord with the National Planning Policy Framework (the Framework) that developments are sympathetic to the local character (paragraph 135).

Living conditions of the occupiers of the neighbouring properties

9. The proposed dwelling would be located adjacent to the two storey dwellings at No. 4 Heath Green (No. 4) and the neighbouring property at No. 1a Oval Way (No. 1a). The proposed dwelling would entail the construction of a two storey extension across the rear of the new building that would project out beyond the rear wall of No. 4. It would be set back from the ground floor lounge patio door window and the first floor bathroom window on the rear of No. 4.
10. The proposed dwelling would be set back from the ground floor windows and first floor windows on the rear of No. 1a, to the north-west of the appeal site. It would be separated from the rooms and garden at the rear of No. 1a by the high boundary fencing and pedestrian accessway running between the properties.
11. Whilst I accept that there would be some impact from the development, given the proposed design and layout of the proposed dwelling, set back, together with the separation distance between the properties, I consider that the

proposal would not result in significant overlooking or loss of privacy to the rooms and garden at the rear of No. 1a, nor significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear at the No. 1a. However, this is not a determinative factor on its own.

12. The proposed dwelling would result in a two storey projection running parallel with the common shared boundary and the garden area at the rear of No. 4. The ground floor lounge patio door window on the rear elevation of No. 4 and rear garden area, including a small patio area, would be situated in close proximity to the common shared boundary with the new dwelling. The occupants of No. 4 would use the garden to carry out leisure and household activities when relaxing and sitting out, particularly in the summer months.
13. Given the overall scale, siting and design of the proposed dwelling and the separation distance between the properties, I consider that the proposed development would introduce a dominant and enclosing structure in close proximity to the common shared boundary, ground floor lounge patio door window and the garden area at the rear of No. 4. This, in my view, would dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 4. This takes into account the existing occupants and any future occupants of No. 4, that I consider would be adversely affected by this proposal. I therefore consider that the proposal would result in a poor quality living environment and an unacceptable change in the living conditions for the occupiers of the neighbouring property.
14. I have considered the appellant's arguments that the design and layout of the development has been carefully considered in order to minimise any impacts on the occupiers of the adjacent properties. Whilst the hipped roof design on the rear elevation of the proposed dwelling would reduce the impact of the proposal to some degree, these aspects do not overcome the adverse effects outlined above.
15. Consequently, I conclude that the proposal would result in an unacceptable impact on the living conditions of the occupiers of the existing property at No. 4 Heath Green with particular regard to outlook. It would be contrary to Policies Q1 and Q2 of the Northampton Local Plan Part 2 which, amongst other things, seek to ensure that development proposals are well designed for the intended uses and provide a high standard of amenity for occupiers. In addition, it would also not accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for the existing users (paragraph 135).

Living conditions of the future occupiers of the proposed dwelling

16. The proposed dwelling would be located adjacent to the rear elevation of the two storey dwelling at No. 1a Oval Way (No.1a). The first floor level windows at the rear of No.1a, would be set back from the nearest windows to the habitable rooms and garden at the rear of the proposed dwelling and would be separated by the rear garden and boundary fencing at the rear of No. 1a and pedestrian accessway running between the properties.
17. Given the siting and layout of the proposed dwelling together with the boundary treatment and the separation distance between the properties, I consider the proposal would not result in an unacceptable level of overlooking and loss of privacy to the rooms and garden at the rear of the proposed

dwelling from the rear elevation of the adjacent dwelling at No. 1a. I therefore consider that the proposal would result in a satisfactory living environment for the future occupiers of the proposed dwelling.

18. I note the Council's reference to the guidance on separation distances between properties set out in the Residential extensions and alterations Supplementary Planning Document 2011. However, this proposal relates to a new dwelling, as opposed to an extension, and given the site specific circumstances, I conclude that the development would not result in an unacceptable impact on living conditions for the future occupants of the proposed dwelling nor the occupiers of the neighbouring properties, with regard to privacy in this particular case.
19. Consequently, I conclude that the proposed development would not result in an unacceptable impact on the living conditions of the future occupants of the proposed dwelling with particular regard to privacy. It would be consistent with the overall aims of Policies Q1 and Q2 of the Northampton Local Plan Part 2 which, amongst other things, seek to ensure that development proposals are well designed for the intended uses and provide a high standard of amenity for occupiers. In addition, it would also accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for the future users (paragraph 135).

Other Matters

20. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, sustainable construction method and through the effective use of a small site within an accessible location. While I have given them some weight in favour of the appeal, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

21. Notwithstanding my findings on the lack of significant harm to the character of the host property and the area, together with the living conditions of the future occupiers of the proposed dwelling and the neighbouring property at No. 1a Oval Way, this is significantly outweighed by the harm I have identified to the living conditions on the occupiers of the existing property at No. 4 Heath Green. The development conflicts with the development plan when read as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR