



Appeal Decision

Site visit made on 28 November 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2024

Appeal Ref: APP/M2840/D/24/3350319

30 Thorn Close, Kettering, North Northamptonshire NN16 9BU

- 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 Mrs Jo Considine against the decision of North Northamptonshire Council.
 - The application Ref is NK/2024/0264.
 - The development proposed is first floor side extension over garage.
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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, and
 - (ii) the living conditions of the occupiers of the neighbouring property at No. 29 Thorn Close with particular regard to light, overshadowing and outlook.

Reasons

Character and appearance

3. The appeal property is a two storey detached dwelling with a single storey attached garage to the side. It is located in a well-established residential area characterised by a mixture of properties of varied styles and design set back from the road behind front gardens/driveways. The surrounding detached properties along Thorn Close are of comparable scale and form with small distinctive projecting two storey bay windows with gabled roofs and part mock Tudor timber style frontages. A number of the dwellings have single and two storey side extensions of varying styles and designs that generally appear as clearly subordinate to the dwellings.
4. The appeal proposal would involve the construction of a first floor side extension over the garage with a small projecting bay window with a gabled roof and mock Tudor timber style fenestrations built in line with the existing bay window on the front elevation of the main house. The proposed first floor extension would be set back from the public highway and would be constructed with a gabled tiled roof to match the existing property.
5. The appeal property is on a relatively spacious plot and as such the extension would not appear overlarge, relative to the overall plot size. Whilst the

proposed first floor side extension would be located in a relatively prominent position, it would be seen in the context of the current varied architectural styles at the host property and the surrounding properties. Against this backdrop, the scale, form and siting of the proposed first floor extension, stepped down, would not look significantly out of place or excessive in relation to the built form of the host property and the adjacent properties.

6. The modest overall scale and form of the extension together with the use of matching materials and fenestrations would ensure that the proposed first floor extension would sit relatively unobtrusively against the built form of the main property. The proposed extension would therefore achieve an appropriate degree of subordination to the host property and as such would limit any significant adverse impacts on the street scene.
7. Consequently, I conclude that the proposed extension would not adversely harm the character and appearance of the host property and the area. It is consistent with Policy 8 of the North Northamptonshire Joint Core Strategy 2016 (JCS) which, amongst other things, seek to ensure that development proposals respond 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 should add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment (paragraph 135).

Living conditions of the occupiers of the neighbouring property

8. The two storey detached properties at Nos. 29 and 30 Thorn Close (Nos. 29 and 30) have a staggered built frontage, with No. 30 set further back than the appeal property. The proposed first floor side extension would be located adjacent to the front elevation of the adjacent property, at No. 29, to the north-east of the site. It would be set back from the ground floor living room window and the first floor bedroom window on the front of No. 29.
9. Whilst I accept the light and views from the rooms and garden at the front of No. 29 are already impacted to some degree by the existing built form and the side elevation at No.30, the proposed extension would result in a long two storey projection running parallel with the common shared boundary and in close proximity to the habitable rooms at the front of No. 29.
10. Given the overall scale, siting and design of the proposed extension together with the separation distance between the properties and the orientation of the buildings, I consider that the proposed first floor extension would introduce a dominant and enclosing structure in close proximity to the common shared boundary and the habitable rooms at the front of No. 29. This, in my view, would result in a loss of light and overshadowing to the rooms at the front of No. 29. It would dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 29. 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.
11. I have considered the appellant's arguments that the design and layout of the extension have been carefully considered in order to minimise any impacts on the occupiers of the adjacent properties. However, whilst the use of matching materials and fenestrations would assist in integrating the proposal with the

host property and the area, these aspects do not overcome the adverse effects outlined above.

12. Consequently, I conclude that the proposed extension would result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 29 Thorn Close with particular regard to light, overshadowing and outlook. It would be contrary to Policy 8 of the JCS which, amongst other things, seek to ensure that development proposals do not result in an unacceptable impact on the amenities of occupiers of nearby properties. In addition, it would 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 existing and future users (paragraph 135).

Other Matters

13. I have considered the appellant's comments regarding the lack of formal objections from the neighbours or third parties to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the area and the neighbouring properties and is not a determinative factor on its own.
14. The appellant considers the proposal would constitute a sustainable form of development in line with the requirements of the Framework. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the contribution to the local economy through additional building work and providing additional habitable accommodation to meet the appellant's needs. 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

15. Notwithstanding my findings on the lack of significant harm to the character of the host property and the area, this is significantly outweighed by the harm I have identified to the living conditions on the occupiers of the neighbouring property. 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