



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: 06 December 2024

Appeal Ref: APP/M2840/D/24/3353989

36 Cottesmore Avenue, Barton Seagrave, Northants NN15 6QX

- 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 Craig Jones against the decision of North Northamptonshire Council.
 - The application Ref is NK/2024/0316.
 - The development proposed is proposed first floor side extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed first floor side extension on the living conditions of the occupiers of the neighbouring property at No. 38 Cottesmore Avenue with particular regard to outlook and privacy.

Reasons

3. The appeal property at No. 36 Cottesmore Avenue (No. 36) is a two storey detached dwelling with a single storey pitched roof extension, set back at the side and a detached garage at the rear. The proposal would entail the construction of a first floor extension over the side extension with a hipped pitched roof and a single storey pitched roof extension at the rear.
4. The proposed first floor side extension would be set back from the front elevation of the appeal property and would be built up to the common shared boundary with the adjacent semi-detached bungalow at No. 38 Cottesmore Avenue (No. 38). The adjacent property at No. 38 has a conservatory at the side, leading out to a patio area and an enclosed garden area at the rear. The proposed first floor extension would be separated from the garden area at the rear of No. 38 by a high close boarded fence and some mature vegetation.
5. Whilst I accept that there would some impact from the development, given the proposed design and layout of the development, set back, together with the boundary treatment and the separation distance between the properties, I consider that the proposed first floor side extension would not result in a significant loss of privacy or overlooking to the conservatory at the side and the garden at the rear of No. 38, nor significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure in the conservatory at the side of No. 38. The rear garden of No. 38 is already overlooked by the appeal property and a number of the surrounding properties. The outlook from

the conservatory at No. 38, with its obscured glazed roof, is primarily focused at ground floor level and is already toward the side elevation of the appeal property and the garden at the front and side of No. 36, that would remain open and undeveloped as part of the appeal scheme. However, this is not a determinative factor on its own.

6. The proposed first floor side extension would result in a long two storey projection running parallel with the common shared boundary and enclosed garden area, including a small patio area, at the rear of No. 38. The occupants of No. 38 would use this area to carry out leisure and household activities when relaxing and sitting out, particularly in the summer months.
7. Given the overall scale, siting and design of the proposed extension and the separation distance between the properties, I consider that the proposed first floor side extension would introduce a dominant and enclosing structure in close proximity to the common shared boundary and the garden area at the rear of No. 38. This, in my view, would dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 38. 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.
8. Consequently, I conclude that the proposed first floor side extension would result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 38 Cottessmore Avenue with particular regard to outlook. It would be contrary to Policy 8 of the North Northamptonshire Joint Core Strategy 2016 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 National Planning Policy 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

9. I have considered the appellant's statement on the fall-back position on the appeal site and the appellant's options to build the roof extension with rooflight to the side of the appeal property using permitted development rights and the Lawful Development Certificate issued by the Council in August 2024¹. Based on the evidence before me, there is a reasonable likelihood that the roof extension would be built if this appeal is dismissed. Be that as it may, in my view, the scale and form of such a development would not be as substantial as the proposal now before me and would have more limited impact on the living conditions of the occupiers of the neighbouring property. I therefore accord these matters moderate weight in making this decision.
10. I note the appellant's reference to the guidance in the Former East Northants Council Householder Extensions Supplementary Planning Document. However, this relates to development in a different local planning authority area and does not apply in this particular location.
11. I have considered the appellant's comments regarding the lack of formal objections from the neighbours or third parties to the appeal proposal. Whilst

¹ NK/2024/0513

this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the living conditions of the occupiers of the neighbouring property and is not a determinative factor on its own.

12. I have noted the issues raised by the appellant regarding the way in which the application was dealt by the Council. However, these are a material consideration to which I can attach only limited weight in making this decision.
13. I note the appellant's willingness to reconsider the appeal scheme and accept a split decision relating to the single storey rear extension. This, however, would result in material changes to the proposal before me and in any event, I am required to consider the proposal on the basis of the same details that were before the Council when it made its decision.
14. I note the appellant's comments regarding the various benefits arising from the proposal including the scheme's high quality design and providing additional accommodation to meet the needs of the appellant. While I have given them some weight, 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. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

