



Appeal Decision

Site visit made on 26 November 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/W2845/D/24/3341316

1 Buckingham Close, Northampton, West Northamptonshire NN4 0RR

- 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 Laurentiu Pinosanu against the decision of West Northamptonshire Council.
 - The application Ref is WNN/2023/0671.
 - The development proposed is first floor side extension and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension and garage conversion at 1 Buckingham Close, Northampton, West Northamptonshire NN4 0RR in accordance with the terms of the application, Ref WNN/2023/0671, 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 external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with drawing no OAK-321-PL0-01.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed on the side elevation.
 - 5) The extension hereby permitted shall not be occupied until the first floor ensuite window in the rear elevation has been fitted with obscured glazing and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once the obscured glazing is installed it shall be retained thereafter.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of 2 Buckingham Close (No 2).

Reasons

4. The appeal dwelling is located in a predominantly residential area of Northampton. 1 Buckingham Close (No 1) is a modern, detached, two storey dwelling. No 2 is sited at 90 degrees from the appeal property and consequently its rear elevation faces the side elevation of No 1. The rear elevation and large garden of No 2 are south facing.
5. The first-floor extension would be set down from the existing main ridge line of the dwelling and would not project past the existing front and rear elevations of No 1.
6. The Residential Extensions and Alterations Design Guide SPD 2011 (READ SPD) outlines a recommended 13m separation distance between a back to side elevation of two storey dwellings. The proposal would achieve a 10m separation distance. However, Appendix 6 of the READ SPD states that the recommended separation distance cannot always be applied successfully, particularly in areas of more modern housing development.
7. Therefore, considering the relationship and orientation between the appeal property and No 2 and their location on a modern housing estate, the distance of 10m in this case is adequate. Consequently, the proposal would not result in significant harm to the overall layout and character of the area.
8. Moreover, the proposal would not result in a significant loss of outlook, daylight or sunlight for the occupants of No 2 when compared to the existing built form given the orientation of the rear elevation and garden of No 2 and the proposed separation distance between Nos 1 and 2.
9. The Council have referred to a previous planning application which was refused permission at 20 Lichfield Drive¹. I do not have the full details of this case before me. However, the decision is dated 2002 and was therefore considered under a different policy context. Accordingly, I cannot be certain that this case is wholly comparable to the proposal before me. Nevertheless, each case is determined on its own merit.
10. In conclusion, the proposed development would not result in significant harm to the living conditions of No 2. It therefore complies with Policy S10 of the West Northamptonshire Joint Core Strategy 2014 and Policies Q1 and Q2 of the Northampton Local Plan Part 2 2023 insofar as they seek to ensure a high standard of design, amenity and layout.

Conditions

11. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). A condition relating to materials is necessary to prevent any erosion of the area's character (3). I have also imposed a condition relating to the obscure glazing of the rear elevation window which is to serve an ensuite in order to maintain privacy (4).

¹ Planning Application reference: N/2002/1022

Conclusion

12. The proposed development would be in accordance with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal is allowed.

B Astley-Serougi

INSPECTOR