



## Appeal Decision

Site visit made on 14 November 2024

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> December 2024

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**Appeal Ref: APP/M2840/W/24/3340971**

**90 Gipsey Lane, Kettering, Northants NN16 8UA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs T Mead against North Northamptonshire Council.
  - The application Ref is NK/2023/0739.
  - The development proposed is a rear and side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear and side extension at 90 Gipsey Lane, Kettering, Northants NN16 8UA in accordance with the terms of the application, Ref NK/2023/0739, subject to the conditions in the attached schedule.

### Preliminary Matter

2. The description of development in the banner and my decision differs from that given on the application form, to simplify the description and omit reference to elements that do not purely describe the proposed development. This does not alter what is applied for and so, no party would be prejudiced by such.

### Background and Main Issue

3. The Council had not determined the planning application prior to the submission of the appeal. However, the Council has subsequently set out that had it determined the application, it would have refused it on the basis that the proposed two-storey side extension is of poor design and fails to respect the building hierarchy, resulting in an unnecessarily visually dominant form of development, discordant within the street scene, due to its relationship with the neighbouring bungalow at 88 Gipsey Lane. As a result, the Council considers that the proposal would be harmful to the prevailing character and appearance of the area, contrary to Policy 8(d) of the North Northamptonshire Joint Core Strategy (NNJCS).
4. The appeal proposal is a revised scheme, submitted following refusal of a previous planning application, ref NK/2023/0455, for extensions and alterations to the appeal property. This previous application was refused by the Council for two reasons, including in summary, (1) the effect on the amenities of 92 Gipsey Lane with regard to overshadowing, loss of daylight and overbearing impact and, (2) the effect of the development on the character and appearance of the street scene, due to the height of the roof ridge and proximity to the bungalow at 88 Gipsey Lane. The Council sets out in its statement of case that the appeal proposal has overcome its concerns in relation to the previous reason for refusal (1), but not in regard to reason (2).
5. In view of the above, the main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area, in particular regard to the proposed two-storey side extension.

## Reasons

6. Along Gipsey Lane there is a variety of design and scale of dwellings, including two storey dwellings and bungalows. Typically, in the surrounding area, dwellings are large detached or semi-detached properties set within comfortable sized plots, although there is a wide variety of roof designs evident. This includes dwellings with large bulky roofs, some hipped, some with side and/or front gabled roofs. Additionally, there are examples where two storey dwellings extend up to or close to the side boundary with a neighbouring bungalow. One such example I observed during my site visit includes a bungalow at 87 Gipsey Road, which has two-storey dwellings either side of it, situated close to its side boundaries.
7. While the roof of the proposed two-storey side extension would be bulky and have a ridgeline at the same height as the main host dwelling, it would have a degree of subservience to the host property, due to its proposed set back from the main front elevation of the existing dwelling. Also, the bulky roof design of the proposal would not appear out of context per se, in comparison to other examples of dwellings with bulky roof designs in the surrounding area.
8. Even though there would be an obvious change in height between the roof of the proposed side extension and the height of the adjacent bungalow at 88 Gipsey Lane (No 88) visible within the street scene. This would not be incongruous, in view of the surrounding context of the staggered scale of dwellings found along Gipsey Lane. Also, the proposed set back of the two-storey side extension from the main front elevation of the host dwelling, would filter some of the transition of scale between it and the neighbouring bungalow at No 88. As a result, the proposal would not be detrimental to the character and appearance of the surrounding area, nor harmfully affect the existing building hierarchy within the street scene.
9. The design of the front element of the proposed side extension would be unusual, in that the main entrance door to the dwelling would be in the side elevation of the main dwelling, with access gained thereto and garage set underneath the first floor overhang. However, in the context of the mixed design and form of dwellings in the surrounding area, this would not warrant refusal of the proposal.
10. In view of the above, the proposal would not have a harmful effect on the character and appearance of the surrounding area, in particular regard to the proposed two-storey side extension. Therefore, I find no conflict with Policy 8 of the NNJCS, which sets out amongst other matters that, development should create a distinctive local character by responding to the site's immediate and wider context and local character.

## Other Matters

11. I acknowledge the concerns raised by the occupants of 92 Gipsey Lane about the overall scale of the proposed development. However, despite that the proposed extensions and alterations would be large and transform the appearance of the dwelling, particularly at the rear, this would not result in a scale and form of dwelling that would be out of context or harmfully disproportionate compared to the overall appeal plot size and, the scale and form of other dwellings found with the surrounding area. Therefore, in view of such and my findings on the main issue, I find the proposal would be acceptable in terms of its overall scale and form.
12. As asserted by the Council, there is a discrepancy in the proposed plans, between the details shown on the southeast side elevation and the southwest front elevation, with regard to the roof design of the narrow portion of roof of the single storey area which

extends up to the boundary. However, this is not a determinative matter in respect of the main issue of concern in this appeal. Neither design shown on the proposed plans for this small portion of the side extension would cause harm to the character and appearance of the surrounding area. It would be a matter for the appellant, in terms of whether or not the scheme could be implemented in accordance with the approved plans.

### **Conditions**

13. Having regard to the advice contained within the Planning Practice Guidance and the National Planning Policy Framework, I have considered the conditions suggested by the Council and appellant's comments on such, in the event I allow the appeal. I have amended some of the wording of the suggested conditions to be more precise and consistent and, to accord with the aforementioned guidance.
14. In addition to the standard implementation condition, it would be necessary in the interests of certainty to define the plans with which the scheme should accord. In the absence of details on the proposed plans, it would be necessary to include a condition to ensure matching materials are used, to ensure the extensions relate well and are in keeping with the external materials of the host dwelling.
15. In view of the close proximity to neighbours and to prevent undue disturbance and overlooking to neighbouring occupants from the use of the proposed flat roof, access from the proposed first floor French doors at the rear and use of the flat roof area would need to be restricted. Additionally, the large opening in the en-suite bathroom would need to be a fixed non-opening window to prevent access to the flat roof. Also, the proposed new first floor window in the side elevation of the host dwelling would need to be obscure glazed, to ensure no undue overlooking is caused to the occupants of neighbouring properties. Although, because of their position and relationship to neighbouring property, it is not necessary to restrict any proposed openings in the roof, as no undue overlooking would be caused to neighbouring occupants from such.
16. In view of the resultant proposed scale of the dwellinghouse and close proximity to neighbouring dwellings, in order to protect the character and appearance of the host dwelling and surrounding area and the living conditions of neighbouring occupants, it would be necessary and reasonable to remove permitted development rights for any further alterations to the roof of the dwelling and restrict further extensions and other alterations to it.
17. As there are trees in the garden of the neighbouring property, close to the proposed development, it would be necessary to ensure that the development is carried out so it would not harm the integrity of existing trees.

### **Conclusion**

18. The proposal accords with the development plan and there are no material considerations that indicate otherwise. Therefore, for the above reasons, the appeal should be allowed and planning permission is granted.

*C Billings*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the drawings and documents submitted with it, including Existing Ground Floor Plan & Site Location Plan Dwg S01, Existing First Floor Plan Dwg S02, Proposed Ground Floor Plan Dwg SK0, Proposed First Floor Plan Dwg SK02, and Proposed Elevations Dwg SK03.
3. The external materials of the development hereby permitted shall match, in type, colour and texture, those used in the existing dwelling.
4. Before the first use of the master bedroom hereby permitted, the Juliette balcony on the rear opening serving the bedroom shall be installed as a permanently fixed, static balustrade, in order to prevent access on to the flat roof area above the ground floor family open space room or playroom. The aforementioned flat roof shall be only used as a roof covering and shall not be used at any time as a seating or amenity outdoor space area associated with the host dwelling.
5. The full height window serving the proposed ensuite-bathroom in the rear northeast elevation shall be a fixed, non-opening window and shall not be used to provide access at any time to the flat roof area above the ground floor family open space room or playroom.
6. Notwithstanding the details shown on the approved plans, the first floor window serving the family bathroom in the northwest side elevation of the dwellinghouse hereby permitted shall be fitted with obscured glazing.
7. The development hereby permitted shall be carried out in full accordance with BS5837:2012 - Trees in relation to design, demolition, and construction – recommendations, in respect of trees within the rear garden of 92 Gipse Lane, located close to the northwest boundary of the appeal site.
8. 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 development permitted by virtue of Classes A, AA, B or C of Part 1 of Schedule 2 to the Order shall be undertaken.
9. 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 or other openings, other than those expressly authorised by this permission shall be constructed on the northwest and southeast side elevations or roof slopes of the host dwelling and extensions hereby permitted.

### **End of Schedule**