



Appeal Decision

Site visit made on 4 June 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/W2845/W/24/3358485
251 Abington Avenue, Northampton NN3 2BU

- 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 James Doran against the decision of West Northamptonshire Council.
 - The application Ref is 2024/1646/FULL.
 - The development proposed is changing flat roof to pitch roof structure that extends from the original house pitch roof built with same materials as original. Create a new first floor external staircase in metal with metal balustrade, fabricated steel and to be part of a landing structure fixed to the rear wall at first floor level, with a new access created in the rear house wall to enable access to the ground floor and garden as with old stairs. To fit a new dormer roof window (in style of existing dormer in rear house aspect) to enable head height to be increased in a roof void adjacent to the second floor bedroom for use as a dressing room and en-suite bathroom.
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a new first floor external metal staircase with metal balustrade, fabricated steel and to be part of a landing structure fixed to rear wall at first floor level, with new access created in the rear house wall to enable access to ground floor and garden.
2. The appeal is allowed and planning permission is granted for changing flat roof to pitch roof structure that extends from the original house pitch roof built with same materials as original and fit a new dormer roof window (in style of existing dormer in rear house aspect) to enable head height to be increased in a roof void adjacent to the second floor bedroom for use as a dressing room and en-suite bathroom at 251 Abington Avenue, Northampton NN3 2BU in accordance with the terms of the application, Ref 2024/1646/FULL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, which for the avoidance of doubt relates to the new pitch roof over existing flat roof and new dormer roof window only, shall be carried out in accordance with the following approved plans: 1:1250 OS Location Plan, Drawing 02 (section and elevations as existing), Drawing 03A (floor plans as proposed), Drawing 04A (sections and elevations as proposed), Drawing 05 (south elevation as existing), Drawing 06A (south and east elevations as proposed).

- 3) Details of all external facing materials to be used in the construction of the dormer window hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the approved details.

Main Issues

3. The Council has clarified that it does not object to the pitch roof over the existing flat roof and I concur that this element would enhance the appearance of the building and would be acceptable.
4. Therefore, the main issues are the effect of the remaining proposed elements on:
 - the character and appearance of the area including the Abington Park Conservation Area
 - the living conditions of the occupiers of adjoining properties

Reasons

5. The appeal site comprises the upper floors of a grand, distinctive looking semi-detached Victorian property which is located on the northern edge of the Abington Park Conservation Area. It is one of a number of similar properties which front the main Abington Avenue close to its junction with Wellingborough Road, opposite Abington Park.

Character and appearance

6. The building on the appeal site is set back from the main Abington Avenue behind the front garden of the property and is screened to an extent by mature trees within the highway verge and those located on the large 'island' within the centre of the road junction to the front of the appeal site.
7. The Abington Park Conservation Area derives its significance, as the name implies, from the large public open space of Abington Park which comprises the majority of the conservation area. It is characterised by its mature tree cover and pleasant parkland character, within which there are some Grade 1 and Grade II listed buildings. A number of buildings which lie on the perimeter of the Conservation Area and which front the main roads around it add to its significance due to their built form with architectural features typical of the era in which they were built.
8. The Abington Park Conservation Area Assessment (2005) (CAA) notes that the park, although ostensibly dating from the turn of the 20th Century, overlies remnants of a much earlier 18th century parkland landscape. The residential properties surrounding the park are noted as being equally significant and whilst varying in design, their complementary styles and materials have produced a range of buildings whose quality and consistency are unique for Northampton for that date.
9. The building on the appeal site is not listed nor is it identified as a 'building making a positive contribution' but it nevertheless contributes to the significance of the conservation as highlighted in the CAA above. The CAA notes that the houses in this part of the conservation area were largely developed in the first quarter of the 20th century and are almost all semi-detached villas with a degree of conformity.

10. The proposed roof dormer would be sited in the side hip of the roof just above the hipped roof of the projecting front bay. Although it would be visible in views from Abington Avenue it would be set back from the main front elevation of the semi-detached pair behind one of two existing chimneys on the property. Due to its modest size and flat-roofed design it would be seen as a relatively small and discrete addition to the roofscape. The imposing front elevation of the semi-detached pair, with deep hipped roofs and matching projecting bays at either end would remain as the dominant element and overall, the roof dormer would not disrupt the symmetrical appearance of the semi-detached pair to an unacceptable degree.
11. The flat-roofed design would be similar to an existing rear dormer on the property, and I note that there is also a similar one on the front of another nearby property. In my view its design and appearance would not be unsympathetic nor detract from the character of the host building.
12. In respect of the proposed rear staircase I concur with the Council's view that it would have a neutral impact on the conservation area.
13. Overall the proposal would not harm the character or appearance of the Abington Park Conservation Area and would accord with Policies ENV6 and Q1 of the Northampton Local Plan Part 2 (2023) (NLP2) and Policies S10 and BN5 of the West Northants Joint Core Strategy (2014) (JCS) which require development proposals to conserve and enhance the historic environment, that support high quality proposals that positively consider Northampton's local distinctiveness, respond to and enhance historic environment characteristics and have regard to safeguarding or enhancing locally distinct places including those found in Conservation Area Appraisals.
14. Regard has been had to the duty under S72 of the Planning (Listed Buildings and Conservations Areas) Act and I find that the character and appearance of the Abington Park Conservation Area would be preserved. The proposal would also satisfy the policies of the National Planning Policy Framework (the Framework) which seek to ensure that heritage assets are conserved in a manner appropriate to their significance.

Living conditions

15. The proposed rear staircase would be positioned towards the western boundary shared with No. 249 Abington Avenue. The boundary is marked by a wall of approximately 2 metres height, but the staircase would extend above this up to first floor level. Thus, its use would allow views into the rear garden area of this neighbouring property and in particular the patio area located just to the rear of the dwelling. Whilst persons using the staircase may not stop and deliberately look towards the property, it would nevertheless enable direct overlooking of this private part of the adjoining property's garden area. The current occupiers do not appear to object, but there is a need to protect privacy for future occupiers and ensure a good standard of amenity overall.
16. In respect of the courtyard area serving the ground floor flat at number 251a, the staircase would be sited on the far side of the rear elevation relative to this area such that only an acute angle of view would be possible, if at all. In any event, this

amenity area is already overlooked by a first floor side window in the upper floor flat thus the level of privacy would not be materially affected.

17. The Appellant has provided examples of a number of other similar staircases which have been erected to the rear of flatted buildings within the local area. It is unclear from the information provided how long they have been in situ nor whether they are necessary for fire escape purposes. In this instance, whilst the Appellant has referred to the proposed staircase as providing a means of escape, no evidence has been provided to show that it would be essential for this purpose. Furthermore, whilst it would provide a convenient way to access the rear garden of the property, there would remain the alternative, albeit longer, route via the front door.
18. I find that the proposed staircase would result in an unacceptable level of overlooking and thus loss of privacy to occupiers of the adjoining property. This would be contrary to NLP2 Policies Q1 and Q2 which seek good placemaking through ensuring residents' privacy and a high standard of amenity for occupiers.

Summary

19. Overall, whilst the proposal would preserve the character and appearance of the Abington Park Conservation Area, the proposed staircase would have an unacceptably harmful impact on the living conditions of the occupiers of the neighbouring property. However, as this element is physically separate and severable from the other parts of the proposal, I intend to issue a split decision.
20. With regard to conditions, in respect of those elements to be allowed, in addition to the standard time condition and one to refer to the approved plans in the interest of proper planning, given that the pitched roof over the existing flat roof to the rear has already been completed in matching materials, there is no need for a condition in this respect. However, a condition to require samples of the materials to be used in the external faces of the proposed dormer window is necessary to ensure these are appropriate to its conservation area location and sympathetic to the host building.

Conclusion

21. I therefore conclude that the appeal should be dismissed in part and allowed in part.

P B Jarvis

INSPECTOR