



Appeal Decision

Site visit made on 11 August 2025

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/W2845/D/25/3369097

Clarks Orchard, Weedon Road, Nether Heyford NN7 3LF

- 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 R Smith against the decision of West Northamptonshire Council.
 - The application Ref is 2025/0742/FULL.
 - The development proposed is two dormer windows on front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for two dormer windows on front roof slope at Clarks Orchard, Weedon Road, Nether Heyford NN7 3LF in accordance with the terms of the application, Ref 2025/0742/FULL, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The dormer window on the northern side of the roof serving bedroom 3 shall be glazed with obscured glass to at least scale 4 on the Pilkington Scale and shall be non-opening below a height of 1.7m above the internal floor level. The window shall thereafter be permanently retained in this form.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 24.10, 25.11A, 24.14 and 25.15.

Application for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Main Issues

3. The main issues in the appeal are the effect of the proposed dormer windows on the character and appearance of the host property and the surrounding area, including whether they would preserve the setting of the Nether Heyford Conservation Area (NHCA) and nearby listed buildings, and their effect on the living conditions of neighbouring occupiers.

Reasons

4. The appeal site is at the edge of the NHCA which adjoins its southeastern boundary. The host property is a large, newly constructed bungalow. It is located to the rear of properties on the road frontage and is at a higher ground level. In this decision I have had regard to the extensive planning history of the appeal site. It includes a 2018 dismissed appeal decision relating to the erection of two one-and-a-half storey houses (APP/Z2830/W/18/3194402) and a series of planning permissions for incremental changes to an approved bungalow scheme.
5. The proposed dormers would be on the front elevation of the bungalow. Although they would not be directly above the ground floor windows, they would be appropriately scaled and sited within the front roof plane. Their pitched roof design would be in keeping with the design of the bungalow, replicating the pitched roof feature over the centralised porch. Accordingly, the dormers would broadly accord with the design advice relating to dormer windows as set out in the Council's 'South Northamptonshire Design Guide' SPD (SPD).
6. In accordance with the statutory duty, I am required to ensure that development proposals sustain the significance of designated heritage assets, including their settings. Within the wider locality and the NHCA buildings have a range of scales and designs. Although uncommon, these include dormer windows on the front elevations of historic buildings within the NHCA and other, more recent developments. I agree with the Council's heritage and conservation advisor that the proposed alterations to the roof of the recently constructed dwelling do not raise any heritage concerns. Within this context, I find that the proposed dormers would not appear incongruous within the surrounding area and would preserve the setting of the NHCA. Due to their distance from the appeal property, the settings of the listed buildings in the locality would also be preserved.
7. Accordingly, I conclude that the proposal complies with Policies SS2, SPD1, SS2, LH1, HE2, HE5, HE6 and HE7 of the South Northamptonshire Local Plan (Part 2) (SNLP), Policy SA of the West Northamptonshire Joint Core Strategy and the design objectives of Chapter 4 of the SPD. In summary, and of relevance to this appeal, these policies and guidance support sustainable and high-quality development which respects its surroundings and therefore accord with the design aims of the National Planning Policy Framework (the Framework). Notwithstanding that additional policies were referred to in the Council's Decision Document, I consider that those I have set out are the most relevant to this main issue.
8. I turn now to the effect of the proposed dormers on the living conditions of the occupiers of Denbrook, a bungalow standing to the front of the appeal property, in an offset position. The circumstances surrounding the historic dismissed appeal are not directly comparable to those of the appeal proposal before me which has been determined upon its own merits and is based on factors including the already approved size and scale of the bungalow. I am not convinced that the addition of the two dormers would create a more imposing dwelling than the already approved bungalow, or that it would appear overbearing to the neighbouring occupiers.
9. In terms of the potential for overlooking, the proposed dormers would be some 24m and 31m from Denbrook's nearest rear window and would therefore exceed the minimum distance separation standard set out in the SPD guidance. Even considering the difference in the ground levels between the two properties, I concur

with the Council that there would be no harmful overlooking, or perceived overlooking, of the rear of Denbrook.

10. Nonetheless, it is also necessary to consider the privacy of its back garden, which is not currently overlooked. In my judgement, when using the garden there would be a perceived sense of overlooking from the proposed dormer window on the northern side of the roof (which serves bedroom 3). This perception would be greater than from the approved rooflights due to the difference in angles between the 2 types of window designs and the availability of more direct views of the frontage, rather than views of the sky alone. As the modest back garden is the main amenity space for Denbrook, the perceived overlooking would unacceptably harm the living conditions of its occupiers.
11. However, this could be addressed by requiring the dormer window to be obscurely glazed and non-openable up to a height of 1.7m above the internal floor level. This conclusion is consistent with the Inspector's observation in the previous appeal decision where it is stated that *'the only window shown on the side elevation for plot 2 would be obscurely glazed and so there would not be any loss of privacy to the occupiers of Denbrook'*. The appellant confirms that such a condition would be acceptable. Furthermore, notwithstanding that the application was subsequently refused planning permission, this approach was considered appropriate in an earlier officer report for a proposal which included dormer windows. Accordingly, I am satisfied that no party would be prejudiced by imposing a condition in these terms. Moreover, as bedroom 3 also has another window, it would still receive sufficient light.
12. Subject to the condition requiring obscured glazing, I conclude that the proposed development would not harm the living conditions of the occupiers of Denbrook. Accordingly, the proposal would not be contrary to Policy SS2 of the SNLP or the SNC Design Guide Chapter 4 or the similar aims of the Framework. In summary, they seek to secure a good standard of amenity for existing and future occupants of land and buildings.
13. I have had regard to all other matters raised, including the objections from Nether Heyford Parish Council. Whilst it is accepted that this site has a long and contentious planning history and that there have been a series of amendments to the approved schemes, I am required to determine only the appeal that is before me. No other matters raised affect my conclusion that the appeal should be allowed, subject to conditions.

Conditions

14. A condition requiring the use of matching materials is required to safeguard the appearance of the host property and the surrounding area. I have set out above why one of the dormer windows should be obscurely glazed to safeguard the amenity of the occupiers of an adjacent property. The approved drawings are identified in a condition, for the avoidance of doubt and in the interest of proper planning.

Elaine Benson

INSPECTOR