
Appeal Decision

Site visit made on 5 November 2025

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/M2840/W/25/3371072

37 Ise Road, Kettering, NN15 7DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr A Kumar against the decision of North Northamptonshire Council.
 - The application Ref NK/2025/0041 was approved on 19 March 2025 and planning permission was granted subject to conditions.
 - The development permitted is retention of single storey rear extension.
 - The condition in dispute is No 2 which states that: Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the roof plane of the building.
 - The reasons given for the condition is: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
-

Decision

1. The appeal is allowed and the planning permission Ref NK/2025/0041 for single storey rear extension at 37 Ise Road, Kettering, NN15 7DT granted on 19 March 2025 by North Northamptonshire Council, is varied by deleting condition 2 and substituting for it the following condition:
 - 2) 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 shall be located on any roof slope of the approved extension that forms a side elevation of the dwellinghouse.

Applications for costs

2. Mr A Kumar has submitted an application for costs against the council. This application is the subject of a separate decision.

Preliminary Matters

3. At the time of my visit a further extension was being built to the rear of that previously approved. For the sake of clarity, consideration of that extension does not form part of this appeal.

Main Issue

4. The main issue is the effect of removing or varying the condition on the living conditions of the occupiers of 35 and 39 Ise Road and 85 Cheyne Walk, with particular regard for privacy.

Reasons

5. The extension for which permission was originally granted is to the rear of 37 Ise Road. The property is a bungalow, with attached and detached neighbouring bungalows to either side (Nos 35 and 39 respectively) and a two-storey house at 85 Cheyne Walk that backs onto the rear garden of the appeal property. 39 Ise Road and 85 Cheyne Walk are set at a lower level than the appeal site due to the sloping ground level along Ise Road. The pitched roof to the approved rear extension has roof slopes facing these neighbouring properties and along the rear garden.
6. The condition as written restricts openings in the roof plane of the building. While the condition should only relate to the approved extension, this wording is imprecise as it is not clear whether the building would encompass the original dwellinghouse, or if the roof plane refers to a single pitch or the entire roof.
7. The condition refers to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order). This class allows for the enlargement, improvement or other alteration of a dwellinghouse, but excludes an alteration to any part of the roof of the dwellinghouse. While works carried out under Class A can include the addition of upper-floor windows located in a wall or roof slope as part of a development such as an extension, it does not permit their creation in isolation. This element of the condition is therefore unreasonable.
8. Schedule 2, Part 1, Class C of the Order does permit the insertion of windows in the roof slopes of a dwellinghouse. This is provided that, where located on a roof slope forming a side elevation of the dwellinghouse, these must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. There is no restriction under Class C about windows located on a roof slope forming a rear elevation of a dwellinghouse.
9. National Planning Practice Guidance states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The condition sought to preserve the privacy of neighbouring occupiers, with specific reference to those of the aforementioned properties. There is no evidence that adding windows to the rear roof slope of the extension would be harmful to the living conditions of any neighbouring occupiers. Consequently, it is not reasonable or necessary to prevent their addition.
10. The property at 85 Cheyne Walk is the most distant of the three neighbouring properties and the extension is not so deep that any side-facing windows in the roof slope would directly face No 85. On balance, any effect on the living conditions of the occupiers of that property alone would not be so great that a condition would be reasonable or necessary.
11. However, any windows in the side roof slopes would face directly towards the shared boundaries with Nos 35 and 39 Ise Road. While Class C requires obscure glazing, it does not specify the extent of obscurity nor the size of any such windows. The extension is a substantial addition to the property and any windows could result in a perception of overlooking to those neighbouring properties given the height of the roof slopes, the difference in ground levels between Nos 37 and 39 and the proximity to the boundary with No 35 in particular. Policy 8 of the North

Northamptonshire Joint Core Strategy seeks, amongst other things, to protect amenity by avoiding any unacceptable impact by reason of overlooking. While the perception of overlooking is not referred to in the wording of the policy, I am satisfied that its stated aim of ensuring quality of life encompasses this.

12. There are properties in the wider area with windows to upper floors facing onto the gardens of the neighbouring properties. However, no information has been presented about when these were built. In any case, they are much farther removed from Nos 35 and 39 Ise Road than the appeal property. The addition of windows to the side roof slopes of the extension could result in a perceived loss of privacy to the occupiers of those properties.
13. Given these considerations a condition to restrict the insertion of windows in the side roof slopes is both reasonable and necessary to protect the living conditions of the occupiers of Nos 35 and 39 Ise Road.

Conclusion

14. The condition imposed by the council contains vague and imprecise wording, and its reference to Class A domestic permitted development rights is unreasonable. However, the effect on neighbour living conditions from even obscure glazed windows with restricted openings is such that it is reasonable and necessary to replace rather than completely remove this condition.
15. Therefore, the planning permission is varied as set out in the formal decision above.

M Chalk

INSPECTOR