



Appeal Decision

Site visit made on 17 March 2026

by A Fuller BSc (Hons), Dip TP, MA, RTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Appeal Ref: APP/W2845/W/25/3375912

74 Balmoral Road, Northampton, West Northamptonshire NN2 6JZ

- 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 Alex Oblikovs against West Northamptonshire Council.
 - The application Ref is 2025/3499/FULL.
 - The development proposed is described on the application form as the 'change of use from dwellinghouse to HMO for 5 persons to include construction of a single storey flat roof rear extension forming one en-suite bedroom, and the installation of a new access door to the side elevation to suit the new layout.'
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Decision

1. The appeal is dismissed, and planning permission is refused.

Applications for costs

2. An application for costs was made by Alex Oblikovs against West Northamptonshire Council. The application is the subject of a separate decision.

Procedural Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission had it made a decision on the proposal and it has provided a putative reason for refusal. I have had regard to this and the parties' submissions in establishing the main issues which I set out below.
4. The Council considers the change of use to a house of multiple occupation (HMO) to be acceptable in principle. Furthermore, it does not consider the scheme to give rise to any significant material impacts upon the character and appearance of the area, the living conditions of future occupiers, refuse, parking or flood risk. I have no reason to disagree with those conclusions. However, the Council considers that the proposed development would have an unacceptable impact on the living conditions of the adjoining properties, causing loss of daylight and harm to their outlook.
5. The plans submitted also include a number of inaccuracies. Of particular relevance to this appeal is plan reference NN2 6JZ-XX-XX-SU-X-001.2 (Proposed ground & first floor plan) and NN2 6JZ-XX-XX-SU-X-001.4 (Existing and proposed rear elevation). These show the ground floor rear facing habitable room window to the neighbouring property at No 76 Balmoral Road in the incorrect position. On my site visit I saw that this window was flush with the same window in the appeal property. Both windows are within a shallow lean-to structure with that at No 76 set slightly

higher. Despite this inconsistency, I consider the plans before me to be sufficiently accurate to assess the proposal without being prejudicial to interested parties.

Main Issue

6. Having regard to the above, the main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of 72 and 76 Balmoral Road, with particular regard to outlook and daylight.

Reasons

7. The appeal site comprises a two-storey, mid-terrace house in an urban residential area of Northampton. All the houses in the terrace have deep two-storey rear outriggers, with shallow single-storey lean-to additions at the end. These outriggers are constructed in pairs with neighbours, which in the case of the appeal site, is with the neighbouring house at No 72. Both houses have only garden doors and very small high-level windows in the rear elevation of the outrigger separated by a tall privacy wall that drops down to a lower height as it follows the steep fall of the narrow rear gardens.
8. The outrigger forms a side yard area with a pair of ground floor kitchen/utility windows in the side elevation. A single ground floor window, serving a habitable room, overlooks this space from the rear facing main elevation of the house. This layout is reflected at No 76, albeit slightly elevated at a higher floor level and behind high privacy walling and fencing that extends along the boundary and also follows the steep fall of the gardens.
9. Whilst the existing layout of the flanking outriggers does, to an extent, limit the outlook from, and daylight to, the ground floor window at No 76, this is an historic arrangement common throughout this terrace of housing. Historically, this has been mitigated in part by the separation between the outriggers being constant in width, before opening up to a wide and elevated aspect across the gardens beyond. A reasonable and established outlook and levels of daylight have therefore been experienced by the occupants of No 76.
10. The proposed single-storey extension would project into the currently uninterrupted side yard area by approximately half its width, bringing built form considerably closer to the shared boundary. Consequently, from the rear facing, habitable room window of No 76, the proposed extension would create an unacceptable degree of enclosure through the narrowing of the gap between the outriggers, thereby diminishing outlook from and in all likelihood, daylight to this room. This would create gloomy and harmful living conditions for the occupiers of No 76.
11. In making my decision, I have had regard to the Council's Residential Extensions and Alterations Design Guide Supplementary Planning Document (SPD). It requires extensions not to extend beyond a line taken 45 degrees from the centre of the neighbouring ground floor window in order not to have a negative effect on the outlook and daylight of that neighbour. It notes changes in ground level and the presence of boundary screening to be factors that need to be taken into consideration. Whilst the 45-degree line is already breached by the appellants existing outrigger, when viewed from the affected window in No 76, and despite the presence of existing boundary privacy fencing and a slightly increased floor level, the additional depth and proximity of the extension worsen this breach.

12. On my site visit, and as highlighted by the appellant, I saw that there are other single-storey extensions present to the rear of outriggers along Balmoral Road. From those that I could see from the appeal site, they generally did not extend sideways into side yard areas, nor to such a depth as that proposed.
13. It has also been brought to my attention that such extensions are common to similar terrace housing across Northampton, including at 102 Lea Road. The details of that development are not before me. However, on visiting Lea Road, I noted that the gardens were historically more urban and smaller than those at Balmoral Road, with outlook being far more enclosed. Therefore, occupants in Lea Road have a different expectation of outlook and daylight to the houses immediately surrounding the appeal site. Ultimately, the existence of these other extensions has not led me to an alternative conclusion on this main issue.
14. Notwithstanding the harm identified above in respect of No 76, and despite the falling ground levels away from the rear of the appeal site and its neighbour at No 72, the proposal would only affect the access door and a limited area of the garden space of No 72. The absence of habitable room windows to the end of the outrigger does not lead me to find harm to outlook or daylight in connection with this neighbour.
15. Overall, I conclude that the proposed development would harm the living conditions of the neighbouring occupiers of 76 Balmoral Road, with particular regard to outlook and daylight. As such, it conflicts with Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) and Policies Q1 and Q2 of the Northamptonshire Local Plan Part 2 (2023) which require, amongst other matters, for development to protect outlook and ensure residents have adequate levels of daylight,

Other Matters

16. The appellant has brought to my attention that the appeal site falls within an area that is subject to an Article 4 direction. No information concerning the Article 4 direction has been provided within this appeal. Moreover, whilst there is a dispute between the Council and the appellant over the dimensions of the proposed extension, the appellant does not claim that the proposal constitutes 'permitted development'. This matter weighs neither for nor against the scheme.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and that there are no material considerations that indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed, and planning permission is refused.

A Fuller

INSPECTOR