

# East Northamptonshire Council

## DC Appeal Results

For Period from: 26 Mar 2012 to : 25 May 2012

Officer

Procedure

Case Ref. No. Appellant  
Proposal

Location

Appeal Type  
Date Decided Decision

### Carolyn Tait

Householder Appeal

**11/01054/FUL Mr And Mrs N Richards 169 Bedford Road Rushden Northamptonshire** **Against Refusal**  
**Single storey side extension to existing annex (Resubmission of 11/00425/FUL)** **23/05/2012 Dismissed**

The proposal was for a single storey extension to an existing annex. The Council refused the application as it would have been tantamount to the creation of a separate dwelling in the open countryside.

The Inspector stated that the main issue was the acceptability of the proposed development having regard to the planning policies governing development in the countryside. He gave full weight to the North Northamptonshire Core Spatial Strategy as a material consideration. He stated that as Policy RU2 was adopted in 1996 and is less consistent with the National Planning Policy Framework in terms of sustainability, less weight was given to it as a material consideration.

The Inspector did not consider that the existing extension was subservient to the main house. He stated that whilst the extension may be of a relatively small size in its own right, the cumulative effect would have added to the already substantial extension and created a disproportionate addition to the original dwelling. He stated that the annex would not be subservient to the dwelling in terms of size or function and that it was evident from the amount of accommodation provided that the extended annex would be in excess of what would be reasonably expected to be contained in a linked and dependent adjunct to a dwelling.

The Inspector was of the opinion that, in physical terms, the annex and the original dwelling could have easily been separated and that the result would have been tantamount to the creation of a separate unit of accommodation in the countryside. Such development would not be sustainable and would place constraints on infrastructure and undermine the aim of enhancing the well-being of urban areas and is therefore contrary to Policies 1, 9 and 13 of the North Northamptonshire Core Spatial Strategy. It is also contrary to the NPPF as the proposal would not be a form of sustainable development. The Inspector noted that whilst the site is in Bedford Road and can be regarded as loosely within one of the built up areas, it does not satisfy the other criteria of saved policy RU2 of the East Northamptonshire Local Plan.

The Inspector sympathised with the appellant's accommodation needs but these were not sufficient to overcome his concerns. He stated that family situations often change and with them the associated accommodation requirements. Similar arguments could be repeated too often to justify inappropriate additions to dwellings. The appellant's agent indicated a willingness to accept a condition to ensure that the annex remained ancillary to the main dwelling. However, the Inspector considered that such a condition would be difficult to enforce.

An application for costs was made by the appellant against the local planning authority. The Inspector stated that it was the appellant's own decision to make the application following a previous refusal and that the process of making an application for planning permission lies outside the appeals process the appeal for costs regime. The fact that an application has been made does not form an adequate basis for unreasonable behaviour. It the Inspector stated that it was evident that the local planning authority considered all of the information available and arrived at a decision in a proper and reasonable way.

An award of costs was not justified.

**11/01989/FUL Mr And Mrs Reeve 34 Hayway Rushden Northamptonshire NN10** **Against Refusal**  
**First floor extension over existing single storey garage and utility room.** **23/05/2012 Dismissed**

The proposal was for a first floor extension over an existing garage. It was refused because it would have resulted in an overbearing impact and overlooking on neighbouring amenity space.

The Inspector found the main issue to be the impact of the proposal on the amenities of neighbouring residents. He considered that the proposal would not have an unacceptable overbearing impact on the neighbouring amenity space at No.14 Lime Street, because of the difference in land levels.

The Inspector did however, agree with the unacceptable level of overlooking that would be caused by the proposed balcony to the rear of the extension. He stated that neighbouring residents would be affected by overlooking, noise and

## Agenda Item 8

general disturbance. Owing to the prominent nature of the balcony, the Inspector considered that screening would have to be considered carefully and would not address issues arising because of noise. The Inspector was not persuaded that a condition would have addressed these issues.

The Inspector concluded that the proposal was contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy and the Residential Extensions and Alterations Design Guide.

<b>Decided Appeals Dismissed :</b>	<b>2</b>	100.00%	
<b>Decided Appeals Allowed :</b>	<b>0</b>	0.00%	M Denotes Member Decision against Officer advice
<b>Decided Appeals Withdrawn :</b>	<b>0</b>	0.00%	
<b>Decided Appeals Total :</b>	<b>2</b>	100.00%	