

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 19/11/2013</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Mark Coleman Assistant Development Officer</b>	<b>Application No: KET/2013/0552</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>Millbank, Kettering Road, Broughton</b>	
<b>Proposal</b>	<b>Full Application: 1 no. dwelling</b>	
<b>Applicant</b>	<b>Mr P Hammond</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be REFUSED for the following reason(s):-

1. The proposed dwelling by virtue of its height, proportions and dormer windows and would have a detrimental impact on the street scene. Furthermore, the proposal would result in a cramped form of development arising from the narrow width of the plot, the proportions of the building and the relationships with existing development. It would result in a small rear garden for the proposal, the loss of residential amenity space to the immediate rear of Millbank and impact on the amenity of existing property. The proposed development is not in accordance with Policy 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

2. The proposed development is piecemeal onto a backland site with no direct access to the public highway other than via a long route on an unmade track or a footpath onto Cox's Lane. The length of the proposed means of vehicular access over a track with an unmade surface, a gate across, and the fact that it crosses over a public footpath, is all evidence of being unsatisfactory to serve a new dwelling. The indication on the proposed layout of an off street parking space reserved for the existing dwelling Millbank, but physically separated from it, is further indication of impractical or inconvenient arrangements arising from the proposal. Therefore, this proposal is contrary to Policy 4 of the National Planning Policy Framework and Policy 13 of the Northamptonshire Core Spatial Strategy which states that development should have a satisfactory means of access.

## **Officers Report for KET/2013/0552**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/2012/0350 – Full Application: 1 no. dwelling (Withdrawn: 28.01.13)

PRE/2012/0121 – One new dwelling (Advice given: 19.11.12)

KET/1989/0879 – Dwelling – (Refused - 11/10/1989)

KET/1989/0285 – Dwelling – (Refused - 20/06/1989)

KET/1988/1100 – Dwelling – (Refused - 14/12/1988)

KET/1982/0713 – Dwelling – (Refused - 01/02/1983)

#### **Site Description**

Officer's site inspection was carried out on 24<sup>th</sup> September 2013. The site is located within the settlement boundary of Broughton village to the rear of existing properties facing on to Kettering Road. The site forms part of an existing rear garden serving Millbank, which is stated to have right of access via an unmade grassed track connecting with Crane Close, which in turn is accessed from Cox's Lane to the southwest. Crane Close is a private driveway serving 4 existing properties.

An additional track also services a number of adjacent residential properties and connects with Kettering Road, northeast of the site connecting with the unmade grassed track already referred to. To the north of the site is small parcel of agricultural land used for grazing. The pattern and form of development in the area is mixed, with a range of modern and historic dwellings, including terraced, semi-detached and detached typologies, incorporating a varied palette of materials. The site occupies an elevated position in relation to properties facing on to Kettering Road, and is currently left as untended grassed garden area. Existing site levels are also approximately 45cm higher than adjacent land levels to the east. Towards the rear of Millbank the garden steps downhill in response to the changing topography. A prefabricated metal garage building sits close to the northern end of the site. Existing boundary treatments for the site comprise a mixture of timber close boarded fence (west), featherboard fencing (east) and low level metal fencing to the northern boundary with no existing boundary treatment between Millbank and the site.

#### **Proposed Development**

The application seeks permission for the erection of a 2-storey dormer style dwelling within part of the existing rear garden serving Millbank, Kettering Road, Broughton. The dwelling will have an open plan living area with utility and bedroom to ground floor, and an open plan room (served by en-suite) to first floor which may be used as a second bedroom.

## **Any Constraints Affecting The Site**

None

### **4.0 Consultation and Customer Impact**

#### **Broughton Parish Council**

No comment received.

#### **Environmental Health, Kettering Borough Council**

No objection, subject to contaminated land condition relating to remediation of the site, condition securing acoustic insulation to the external plant, and condition securing construction hours during this phase of the development.

#### **NCC Highways**

No objection subject to condition requiring a bollard/post to be erected at the end of PROW adjoining the proposed access point from Crane Close, and the laying of an additional 5m hard bound surface where the access adjoins the existing driveway on Crane Close.

#### **Third Party Comments**

Objection from 1 Crane Close, Broughton, on the grounds that the development would result in the use of an existing private driveway for construction and domestic vehicles.

Objection from 2 Crane Close, Broughton, on the grounds that the principal access adjoins Crane Close which is a private driveway. The proposal would give rise to an adverse risk to safety due to the sub-standard shared access drive and lack of street lighting, and loss of amenity resulting from noise associated with additional vehicle movements and damage to the existing grass track.

Comment from Little Cransley Cottage, Broughton supporting the development in principle, but raising objection to the roofline which is considered overbearing in design compared to an earlier proposal.

Objection from Meadowbank, Kettering Road, Broughton on the grounds of loss of privacy and adverse impact on the character and appearance of the area due to the proposed dwelling being out of keeping. The proposal will also have an adverse risk on users of the existing private track / driveway.

Objection from 4 Crane Close, Broughton on the grounds that the proposed access would result in a loss of amenity affecting the occupiers of Crane Close, adverse impact on highway safety due to the intensified use of the existing private driveway (Crane Close) which is currently sub-standard. The occupier has no objection to the design or position of the proposed dwelling itself.

Objection from 1 Meadow Close, Broughton on the grounds that the existing access via Crane Close may become a short cut and give rise to safety issues. The occupier has no objection to the proposed dwelling itself.

*\*Issues relating to rights of access are civil matters and not a material consideration.*

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 4: Promote Sustainable Transport

Policy 6: Delivering a wide choice of high quality homes

Policy 7: Requiring Sustainable Design

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy**

Policy 1: Strengthening the Network of Settlements

Policy 9: Distribution and Location of Development

Policy 13: General Sustainable Development Principles.

Policy 14: Energy Efficiency and Sustainable Construction

#### **Local Plan**

RA3: Rural Area: Restricted Infill Village.

#### **SPDs**

Sustainable Design SPD

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Impact on neighbouring amenity
3. Impact on the character and appearance of the area
4. Environmental and Sustainability Issues
5. Impact on Access, Parking and Highway Safety

### **1. Principle of Development**

At a national level, Policy 6 (NPPF) places a presumption in favour of sustainable development with respect of new housing development. In this instance, The site is located within the settlement boundary of

Broughton Village, which is defined as a 'rural area' within Policy 1 (CSS) where new development is supported within existing settlements, subject to criteria set out in other Development Plan Documents being met. Whilst the site does not comprise previously developed land [the re-development of which is prioritised by Policy 9 (CSS)], it remains supported in principle by this policy by virtue of its inclusion with Broughton settlement boundary.

As a 'restricted infill village' as defined by Saved Policy RA3 of the Local Plan for Kettering Borough, support for new housing is offered where the development complies with specified criteria relating to its location, form, character, design, and sustainability; the application site is within the defined settlement boundary; is appropriate in size, form, character, setting of the village; does not result in development of defined 'open land'; and incorporates measures to conserve energy through good building design, etc.

Policy 13 (CSS) also sets out further general sustainable development principles which development should meet. Criteria includes a satisfactory means of access, parking, servicing and manoeuvring; being of a high standard of design; creates a strong sense of place; does not result in an unacceptable impact on neighbouring amenities in terms of noise, vibration, smell, light or other pollution, loss of light or overlooking.

As discussed in detail below, it is considered that the proposed development does not have a satisfactory means of access, and has a cramped form with a design which fails to enhance the character and appearance of the area to the detriment of the street scene. As a result, the proposal is not acceptable in principle.

## 2. Impact on neighbouring amenity

The application site comprises a relatively level section of the existing garden serving Millbank. The remaining private rear garden serving Millbank measures approximately 16m (d) x 3m < 5m (w) which slopes steeply uphill in a northerly direction towards the proposed dwelling away from Millbank. As a result, the proposed dwelling will occupy an elevated position looking down on to Millbank. The rear elevation of the proposed dwelling will be 5m away from the rear garden boundary serving Millbank, with a linear strip of garden measuring approximately 3m (w) x 12.5m (d) running the majority of the depth of the retained rear garden of Millbank. Within this slither of land, rainwater-harvesting equipment is currently proposed to be located, together with the retention of an existing shed. The proposed boundary arrangements appear contrived, and emphasise a cramped form of development.

The rear elevation of Millbank incorporates windows serving two habitable rooms which are a ground floor bedroom and first floor open plan bedroom. The dormer design of the proposed dwelling ensures that the first floor windows are stepped back a further 2m from the rear

building line, creating a separation distance from the nearest rear boundary of 7m, and a separation distance from the rear elevation of Mill Bank of approximately 24m. Subject to condition securing details of proposed and existing site and finished floor levels, boundary treatments and landscaping, it is considered that acceptable levels of privacy between Millbank and the proposed dwelling house can be secured. In addition, separation distance between the two properties together with the dormer design of the dwelling ensures that the proposed dwelling will not give rise to unacceptable impacts in terms of overshadowing, loss of access to natural light or overbearing subject to conditional finished site/floor levels.

It is noted that Cwm Glas located east of the site, has a large window on the flank wall facing on to the site. As confirmed with the owner during the site visit, the window offers light to a bedroom which has a further large window on the north elevation.

The flank walls of the proposed dwelling sit approximately 5m-6m away, and will contain no windows at first floor level other than Velux roof lights to the flat roofed dormers. Restricting proposed openings at the side would preserve the privacy of occupiers of Cwm Glas and the adjoining Meadowbank.

Nevertheless, due to the position of the dwelling adjacent the flank wall of Cwm Glas, the proposal would have an impact on access to natural light serving the main entrance and flank wall window, though it is noted that no objection has been received regarding this from the occupiers of Cwm Glas.

The applicant highlights that land levels within the application site sit 45cm higher than Cwm Glas. Existing and proposed site and finished floor levels are a consideration.

Objection has been received from Little Cransley Cottage raising objection to the overbearing impact of the proposed dwelling. Little Cransley Cottage sits approximately 7m southwest of the proposed dwelling on slightly lower land.

The distance, position and orientation of the outlook of the proposed dwelling in relation to principal windows to Little Cransley Cottage is sufficient to secure a form of development which will not give rise to unacceptable levels of overlooking or loss of access to natural light affecting the habitable rooms within the main house.

It is noted that Rockingham Cottage is no longer in use as a dwelling house; this was confirmed with the Council Tax officers. Despite this the residential use of Rockingham Cottage is not necessarily abandoned. Any reuse of that building would be impacted by the proposal due to its relationship with the windows on the side of Rockingham Cottage. However, in recognition of the current status, little weight has been

given to this impact.

Consultation response received from Environmental Health (KBC) raises no objection on amenity grounds subject to condition securing a scheme for acoustic insulation on all proposed external plant proposed. Whilst objections have been received regarding noise associated with additional vehicle movements using the existing access track connecting with Crane Close, these impacts are not considered to be significant in terms of impact on amenity.

### 3. Impact on the character and appearance of the area

The site lies within an area shown as included in a draft Conservation Area boundary. However, further consultation on this has not yet occurred though is anticipated very soon. Therefore the proposed inclusion of this site within a proposed conservation area is not given great weight at this stage. Nevertheless, Policy 13 (CSS) requires new development to be of a high standard and enhance the character of its surroundings.

The established character of development in the area facing the private track which connects Crane Close with Kettering Road and passes the northwest boundary of the application site is varied in terms of layout, building type and scale with both detached and semi-detached dwellings present, which have been constructed over different periods of time. Victorian terraced properties face onto Kettering Road, and back on to the track; some of these properties have garage buildings positioned to the rear.

This varied character provides flexibility in the design and appearance of new development in the area. In this instance, the proposed dwelling makes some design reference to Cwm Glas and Meadow Bank by adopting a dormer style design which allows for the incorporation of green roofs within the design. Both Cwm Glas and Meadow Bank were constructed circa 1960's. The position of the proposed dwelling house sits slightly forwards (approx 1m) of the building line established by neighbouring properties 'Meadow Bank and Cwm Glas'.

Whilst ridge heights on surrounding development varies within the area, the proposed dwelling sits approximately 64cm higher than its nearest neighbour creating a more contrived relationship when viewed side by side (indicative un-scaled drawings indicate that the variation is greater).

The increased ridge height has been justified on environmental performance grounds in order to secure first floor living accommodation together with the use of integrated solar technologies and an internally fitted heat recovery and ventilation system. The proposed dwelling seeks to achieve a Code Level 5 of the Code for Sustainable Homes standard, which is considered exceptional by current housing standards.

However, the merits of its environmental performance have to be

weighed. The increased height of the proposed dwelling on the rising land, the asymmetrical roof design which is not reflected in existing development, the dormers facing Kettering Road would detract from the character and appearance of the area and the street scene as viewed from Kettering Road through the gap at the side of Millbank.

It is considered that the visual impact would have an adverse affect on the street scene's character and appearance. Therefore, conflicting with the aims of Policy 7 (NPPF) and Policy 13 (CSS).

#### 4. Environmental and Sustainability Issues

The site is not located within a flood risk area, but is located within an area of Northamptonshire where naturally occurring contaminants are found which frequently exceeds the levels at which the risk to human health would be acceptable for residential land use. As a result, consultation response from Environmental Health, KBC, raises no objection subject to standard contaminated land condition.

In support of the application, a 'sustainable design and energy statement' has been submitted which sets out a range of measures to enable the dwelling to achieve the equivalent of a code level 5 performance of the Code for Sustainable Homes. National Policy supports design which is truly outstanding or innovative; in this instance the aim to achieve Code Level 5 is considered exceptional and accords with the aims of Policies 13 and 14 (CSS) with respect of sustainability and environmental performance. A condition would be recommended to secure the proposed environmental performance of the dwelling were it to be approved.

#### 5. Impact on Access, Parking and Highway Safety

The proposed dwelling seeks access via an existing private driveway and unmade track connecting with Cox's Lane. The existing driveway serves 4 properties on Crane Close. A total of 3 parking spaces is to be provided within site which includes one parking space reserved for the existing dwelling (Millbank). It is understood that the applicant intends to maintain a right of access to Millbank over the site; this is a separate legal issue, though the resulting configuration of plot division is awkward.

It is also understood that access from the associated parking space to Millbank can be achieved via the access track and PROW GD15. This is not considered a good layout provision which is disconnected from the existing dwelling and relying upon a substandard form of access.

A number of third party objections have been received relating to rights of access, as well as concerns over safety for the users of the existing access track which would be intensified as a result of the proposed dwelling if it were allowed. Third party objections highlight that the proposed access connects to an existing shared access and will traverse an area of grassed land and unmade track, which is currently



use by pedestrians.

Consultation response from NCC Highways raises no objection to the proposal subject to condition requiring additional 5m section of hard surfacing where the new access adjoins the existing access, and placement of a bollard adjacent public footpath (GD15) which connects the private access with Cox's Lane, Broughton.

It is considered that whilst measures proposed by NCC Highways may be sufficient to overcome the Highway Authority's objection, the proposals remains piecemeal and with poor connection to the public highway. The proposal is therefore considered unacceptable and conflicts with the relevant parts of Policy 4 (NPPF) and Policy 13 (CSS).

### **Conclusion**

The proposed development has a cramped appearance and layout not enhancing the character and appearance of the area. The proposed parking and access arrangements provides only for inconvenient and poor connection to serve the existing and proposed dwelling. As a result, the proposal conflicts with the aims of Policies 4 and 7 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy. The proposal is therefore recommended for refusal.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Mark Coleman, Assistant Development Officer on  
01536 534316

#### **Previous Reports/Minutes**

Ref:

Date: