

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/03/2014	Item No: 5.8
Report Originator	Alison Riches Development Officer	Application No: KET/2014/0043
Wards Affected	St. Michaels and Wicksteed	
Location	113 Headlands, Kettering	
Proposal	Full Application: Two storey front and rear extensions	
Applicant	Mr B Lotay	

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 APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans 11302 received by the Local Planning Authority on 22nd January 2014 and 11301A and 11303A, received by the Local Planning Authority on 13th February 2014.

REASON: In the interests of the amenities of adjacent neighbours in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

REASON: In the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The window at first floor level in the north elevation shall be 1350mm by 1350mm and obscure glazed with a top hung top light and a top hung bottom light. The bottom light is to have restricted opening. Details of the level of obscurity and means of restricting the opening are to be submitted to and

approved in writing by the Local Planning Authority. The window shall be inserted as approved and shall thereafter be retained in that form.

REASON: In the interests of the amenities of future occupiers and the occupiers of the adjacent property at No.111 Headlands in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Class A shall be made at first floor level in the north or south elevations of the building.

REASON: To protect the amenity and privacy of the occupiers of adjacent properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0043

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

3.0 Information

Relevant Planning History

None.

Site Description

Officer's site inspection was carried out on 31/01/2014.

The application site is located to the south of Kettering town centre in an established residential area.

The application site is a large two-storey hip-roofed dwellinghouse built of red/brown brick with terracotta concrete roof tiles in the 1920s/1930s. The property is symmetrical about a central front door with tall chimneys at each side extending from the eaves. The original crittall windows were replaced by multi-paned PVCu in excess of 20 years ago. There is a small flat-roofed canopy above the front door.

The dwellinghouse is set back from the highway in a large plot of land which is almost triangular in shape and has a large rear garden. The front garden is bounded by a low wooden close-boarded fence with a hedge above to the front (west), the north boundary is a low post and rail wooden fence and the south boundary is enclosed by extensive hedging and planting in places in excess of 2 metres in height. There is vehicle access to the front garden but this is not used.

The rear garden is large and surrounded on all sides by 1.8 metre high wooden panel fencing inside which is extensive planting with trees and hedging exceeding 3 metres in height in some places along the side boundaries. The planting is most extensive along the side boundaries closest to the dwellinghouse and the adjacent neighbour at No.115 Headlands.

Surrounding properties are large either detached or semi-detached and set in large plots of land. The ages and styles range from Victorian/Edwardian to 1980s and have been built on a piecemeal basis.

Proposed Development

The proposal is for two-storey front and rear extensions.

Amended plans were received amending the specifications of a proposed window at first floor level in the north elevation of the existing dwellinghouse.

Any Constraints Affecting the Site

Within the Nene Valley Nature Improvement Area Boundary

4.0 Consultation and Customer Impact

Neighbours

Two letters of objection have been received detailing the following material planning considerations:

- Objection.
- The development expands the number of bedrooms in an area of Headlands where parking is an issue. Permit parking and Community Centre have made this worse
- Applicant parking 3 cars on road which more than covers the frontage of the house and is less than 30 feet (9.1 metres) from the turning into The Close.
- Council should use planning powers to insist sufficient parking provided within site for the number of bedrooms in the house. Parked cars have in past blocked the road to the fire service.
- Proposal will significantly reduce light and impair sunlight to No.111 Headlands. The hall and breakfast room windows will be extensively overshadowed. Two bedroom windows will also be overshadowed.
- New window is to be placed on the existing wall of the house directly opposite a bedroom window in No.111 Headlands. This will result in a loss of privacy.

The objectors provided other comments regarding the accuracy of submitted plans and details, site visit photographs, website details, pre-application neighbour consultation by the applicant and Party Wall Act issues regarding the digging of foundations. These issues are dealt with at the end of the planning considerations part of the report.

Reconsultation following amended plans

One neighbour letter received.

- Objection.
- Further to the change of plans we still maintain our objection as submitted previously with regard to the curtailment of light and being placed in the shadow by the two-storey extension.

5.0 Planning Policy

National Planning Policy Framework

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 13. General Sustainable Development Principles

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety
5. Other Issues Raised by the Proposal

1. The Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this regard the proposed development is strongly supported by the aims and objectives of the Development Plan policies listed in the report, and there are no material considerations which would outweigh the Development Plan subject to the imposition of the recommended planning conditions.

The application site is in an established residential area to the south of Kettering Town Centre. Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of extensions to residential properties provided there is no adverse impact on character and appearance, residential amenity and the highway network. The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2. Character and Appearance

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings.

The proposed two-storey front extension will be visible in the public realm in Headlands and has been designed to reflect the character and appearance of the existing dwellinghouse in terms of the roof style and pitch, proportions, fenestration design, materials, and by the retention of the existing central front door and first floor windows. Although front projections are not a common feature in the surrounding street scene, surrounding development consists of a variety of ages and styles of development, and the fact that this part of the proposal is reflective of and related to the existing dwellinghouse by having a hipped roof, retaining the style and location of the existing front door and first floor

window and using the same materials, means that it will not look out of character with surrounding development or the wider street scene.

The proposed window in the existing side (north) elevation at first floor level has been designed to reflect the proportions of existing windows and is located in line with the ground floor window below thereby retaining the character and appearance of the south elevation.

The proposed two-storey rear extension will not be visible from the public realm and has also been designed to reflect the character and appearance of the existing dwellinghouse in terms of roof style and pitch, proportions, fenestration design and materials. In order to keep the overall height down, a double hipped roof has been used; the location and style of the windows are generally the same as in the existing rear extension. As such, the proposed rear extension reflects the character and appearance of the existing dwellinghouse and does not impact on the character and appearance of surrounding development or the wider street scene.

A condition will be added to ensure the materials used match those on the existing dwellinghouse in order to further retain the character and appearance of the existing building, surrounding development and the wider street scene.

Subject to the imposition of a materials condition, the proposal accords with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties.

There are three parts to the proposal and the issues relating to each are as follows:

Front Extension

The proposed two-storey front extension will have no impact on the neighbouring occupiers in terms of amenity as it is located in the centre of the front elevation. There will be a small window at ground floor level in both the north and south elevations. As these windows face into the public realm there will be no adverse amenity issues associated with them.

First Floor Side Window

The proposed first floor window in the side (north) elevation will be inserted in a wall in the existing dwellinghouse. There are provisions in Class A, Part 1, Schedule 2, Article 3 of the Town and Country (General Permitted Development) Order 1995, as amended, (the GPDO) for this, subject to the satisfaction of the following conditions and limitations that the window shall 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 to be installed.

Any proposal for a first floor side window in an existing side elevation therefore needs to fall outside of the above parameters and any amenity issues need to be over and above those accepted by the GPDO.

The proposed window will be obscure glazed but is proposed to have a top opening top and bottom light as it will serve a bedroom. The only part of the proposed window falling outside development permitted by the GPDO is the bottom light. The window is proposed to open outwards from the bottom with a restricted opening gap which can be forced to provide a means of escape. As the window is to open from the bottom only and will have a restricted gap, it is considered that this will prevent intervisibility between future users of this room and the occupiers of the adjacent property at No.111 Headlands which has the majority of its ground and first floor windows along the south elevation facing the application site. A condition will be added to ensure obscure glazing and restricted opening.

Further, the two dwellinghouses are orientated such that they are closer together at their front elevations than at their rear elevations with the boundary running parallel to the side elevation of No.111 and approximately 1.5 metres from this elevation. The application site has existing high level planting inside the side boundary with No.111 which will also serve to restrict any intervisibility between the two properties.

To prevent any issues of overlooking, a condition will be added to prevent any further openings at first floor level in the north elevation. It is not necessary to prevent further openings at ground floor level as the existing boundary treatment is sufficiently high to prevent intervisibility between ground floor windows on the north elevation.

Rear Extension

The plot for the application site is generally triangular in shape with the front boundary onto Headlands being less than half the width of the rear boundary. The application property sits parallel in the plot to No.115 Headlands the adjacent neighbour to the south, and each dwellinghouse is in close proximity to the boundary between them. To the north, the adjacent neighbour at No.111 Headlands is at an angle to the application property with the front elevations being closer together than the rear elevations. The boundary between the two properties runs parallel to the side elevation of No.111 and approximately 1.5 metres from this elevation.

The neighbour to the north at No.111 Headlands has objected that this part of the proposal will significantly reduce their light and impair their sunlight, extensively overshadowing the hall and breakfast room

windows on the ground floor and overshadowing two first floor bedroom windows. The proposed rear extension extends straight out from the rear of the existing dwellinghouse which means that it gets further away from No.111 Headlands as it extends.

It is accepted that the orientation of the extension to the south of No.111 in relation to the path of the sun will result in some loss of daylight and sunlight earlier in the day to the windows in the south elevation of No.111, however, the loss will not be significant due to the fact that this elevation already loses some daylight and sunlight later in the day, due to the existing relationship between the two properties. To address this issue, the proposal has a hipped roof, the ridge line of which is lower than the existing ridge, and the resultant building finishes 1.5 metres further from the boundary with No.111 than the existing rear elevation due to the orientation of the application property to the neighbouring property.

In addition, there is existing high level planting, in excess of 4 metres in height, along the north boundary which is closer to the windows in the south elevation of No.111 than the proposed extension would be causing some reduction in the daylight and sunlight entering the south elevation windows in this property.

With respect to the neighbour to the south at No.115 Headlands, the proposed two-storey rear extension is close to the boundary between the two properties. The application form states that no trees or hedges are within falling distance of the proposed development and that no trees or hedges need to be removed or pruned in order to carry out the proposal. A site visit revealed that there is a large hedge along the boundary with No.115, a length of which will need to be removed to accommodate the proposal, but it is not subject to a Tree Preservation Order and is therefore not considered worthy of retention.

There will be no loss of daylight or sunlight to the neighbour at No.115 as the proposal is located to the north of this neighbour and the path of the sun is east to west via the south.

The proposal will be two-storey and 5.2 metres deep close to the boundary with No.115. It is considered that this will not be overbearing to No.115 as the existing dwellinghouse at No.115 already extends approximately 3 metres further than the existing rear elevation of the application site, and the resultant rear elevation at the application site will extend 2.2 metres past the rear elevation of No.115, in line with an existing Conservatory at No.115.

To prevent any issues of overlooking, a condition will be added to prevent any further openings in the south elevation of the proposal. It is not necessary to prevent further openings at ground floor level as the properties are so close together and the existing boundary treatment is sufficiently high to prevent intervisibility between ground floor windows

on the south elevation.

Conclusion

As such, subject to conditions relating to the prevention of further openings at first floor level in the north and south elevations, securing obscure glazing, and restrictions to the opening of the proposed window, the proposal accords with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

Although the proposal includes an increase in the living space of the existing dwellinghouse this will not impact on the existing parking provision at the site, which is provided by a garage and parking space located at the end of the rear garden and accessed from The Close to the south of No.117 Headlands. The site also has a dropped kerb and driveway onto Headlands but the front garden is not laid out for the parking of vehicles. On-street parking is provided in Headlands.

An objection has been received stating that there is an issue with parking along Headlands and that any additional parking requirements caused by the proposal should be accommodated within the site.

In addition to the application site, at least four of the five adjacent properties to the north of the application site have parking to the rear of their properties which is accessed from Glebe Avenue to the north.

As there is a provision for on-street parking in Headlands, it is considered that any increase in the number of vehicles caused by the proposal can be accommodated by the on-street parking provision as it is not considered a significant enough increase to cause any additional issues or conflict with highway users in the vicinity of the application site, than is already caused by other existing users of the highway.

As such, the proposal complies with policy 13(d) and (n) in that the proposal retains satisfactory access and parking and will not have an adverse impact on the highway network nor prejudice highway safety.

5. Other Issues Raised by the Proposal

The items discussed below are not material planning considerations:

Submitted Plans and Details, Photographs and Website

The purpose of the Case Officer's site visit is to establish that the information submitted as plans, maps and in the application form indicates what is on site. Photographs are taken as an aid to the

determination process.

The website details reproduce the details on the Case Officer's file which is available for inspection during the planning process if the plans do not transfer to the website clearly.

Pre-Application Consultation

It is not a legal requirement for an applicant to consult neighbours prior to the submission of an application. Neighbours are notified as part of the planning application process.

The Party Wall Act

The Party Wall etc. Act 1996 deals with issues relating to party walls, party structures, boundary walls and excavations near neighbouring buildings and is separate from and additional to Planning and Building Regulations control. An informative note will be included with the decision notice to remind the applicant of the provisions of the Party Wall etc. Act 1996.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this regard the proposed development is strongly supported by the aims and objectives of the Development Plan policies listed in the report, and there are no material considerations which would outweigh the Development Plan subject to the imposition of the recommended planning conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Alison Riches, Development Officer on 01536 534316