

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 08/04/2014</b>	<b>Item No: 5.8</b>
<b>Report Originator</b>	<b>Mark Coleman Assistant Development Officer</b>	<b>Application No: KET/2014/0123</b>
<b>Wards Affected</b>	<b>St. Michaels and Wicksteed</b>	
<b>Location</b>	<b>48 Bishops Drive, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Erection of fencing and raised decking</b>	
<b>Applicant</b>	<b>Miss C Varnam</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 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 decking hereby approved shall not be used until all boundary treatments and fencing shown on drawing no. 89/295/02/A and 89/295/03 received by the Local Planning Authority on 20th February 2014 have been erected. The fencing and boundary treatments shall thereafter be permanently retained.

REASON: In the interests of protecting the amenity of neighbouring properties from loss of privacy resulting from overlooking, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2014/0123**

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

### **3.0 Information**

#### **Relevant Planning History**

KB/65/257 – Development (Approved: 22.07.65)

KB/70/50 – Housing Estate (Approved: 06.03.70)

KB/70/621 – S/D Bungalow Drake (Approved: 16.11.70)

#### **Site Description**

Officer's site inspection was carried out on 3<sup>rd</sup> and 7<sup>th</sup> March 2014. The site is located south of Kettering town. The site is occupied by a semi-detached, single storey, bungalow with driveway to the side leading to a detached, prefabricated single garage. Attached to the northwest is a neighbouring bungalow, beyond which there are 2 storey semi-detached houses. To the southeast is another pair of semi-detached bungalows, with further semi-detached bungalows beyond. Rear gardens in the area slope steeply downhill towards to the East Midlands Mainline which abuts the southwest rear boundary of the site and connects Kettering with St Pancras. Neighbouring rear gardens in the area appear to be terraced to varying degrees dependent on the length of the garden and subsequent work carried out by exiting/previous owners. Within the vicinity of the application site, the degree of terracing is steep as the dwellings are located on higher land than those located further along Bishops Drive. In this instance the rear garden has been partially gravelled and levelled by a large decked structure; an amended version of this decked structure is the subject of this application. The attached adjoining property (no. 46) has a steep garden laid over 3 terraced areas. No 50 which abuts the site the other side is terraced over 2 levels with the highest level extending further back beyond the garage located within the site.

#### **Proposed Development**

The application seeks planning permission for a decked structure to create a level garden area to the rear of the property. An existing unauthorised decked area exists to the rear of the property; this proposal seeks to amend the existing decked area. The proposed decking will provide steps down to a lower garden area, which will be positioned between the existing decking and the boundary fence serving the attached neighbouring property (no. 46 Bishops Drive). Boundary fences are proposed between the site and the attached property, and around the proposed decking.

#### **Any Constraints Affecting The Site**

Nene Valley NIA Boundary

Waste

## **4.0 Consultation and Customer Impact**

### **Environment Agency**

No objection

### **Neighbours**

Objection from occupiers of 46 Bishops Drive Kettering. Summary grounds of objection include loss of privacy, loss of access to natural light, overbearing impact (including loss of outlook) which will adversely contribute to the personal wellbeing of the occupier who suffers from claustrophobia. This will be made worse by the increased height of the fence boundaries proposed to mitigate privacy impacts. Issues relating to the impact on proposed development for which planning permission has been obtained is not a material consideration because the planning permission has not been implemented.

Objection from the occupier of 50 Bishops Drive, Kettering. Summary grounds of objection include the fences creating development which is out of character. Concern is also raised over the finished height of fences and potential impact on loss of light.

Objection from the occupier of 44 Bishops Drive, Kettering on the grounds of loss of privacy through overlooking, due to the height of the raised deck.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 7: Requiring Good 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

### **SPD**

Sustainable Design

## **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 (including personal

wellbeing)

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

#### 1. Principle of Development

As the development is residential in nature, the principle of development has already been established by the granting of planning permission for the original dwelling to which it is related. In addition, the application site is located within the existing settlement boundary of Kettering; development within the site therefore accords with Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy (NNCSS). Policy 13 (NNCSS) sets out the principles for sustainable development which new development should meet. These include: being of a high standard of design which respect and enhances the character of its surroundings; be designed to promote healthier lifestyles and for people to be active outside their homes; not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. These material considerations are discussed in more detail below. Subject to these material considerations being satisfied, the proposal is considered acceptable in principle.

#### 2. Impact on neighbouring amenity (including personal wellbeing)

Three objections have been received against the proposal, from neighbouring properties each side of the site. The occupier of no. 50 Bishops Drive is not attached to the host property; objection is raised on the grounds of the development being out of character owing to the height of the boundary fences. Concern is also raised over the finished height of the fence.

It is noted that the existing boundary fence between the site and no. 50 is similar to the parallel fence with the boundary of no. 50 sought to be retained, albeit with additional trellis on top. In terms of site levels, the proposed decking is level with the main patio area serving no. 50 Bishops Drive which extends beyond the garage serving the application site. Where ground levels have been reduced within the curtilage of 50 Bishops Drive, the proposed decking will sit higher. However, it is considered that this does not significantly worsen the pre-existing relationship between the two properties in terms of privacy, or access to natural light or overbearing. It is observed that similar relationships also exist between no. 50 and 52 Bishops Drive, and 52 and 54 Bishops Drive, owing to low boundary treatments, which create an open appearance to the rear garden layouts with low levels of privacy. As a result, the decking is in keeping with the character of properties located to the south of the site.

The existing dividing fence between the site and the attached property, no. 46 Bishops Drive, follows the gradient of the land which is terraced at no. 46, and previously terraced within the site (prior to the unauthorised decking being erected). The unauthorised decking has been constructed to the same height as the proposed decking, but has

been built right up to all boundaries. The height difference between the decking and natural ground levels varies between 39cm to 180cm. As a result, the existing unauthorised decking sits higher in relation to the existing lower boundary fences dividing to the two properties. There is some overlooking.

To address this issue, the proposal incorporates steps down to the bottom of the garden serving 48 Bishops Drive from the proposed decked area; the steps abut the boundary with no. 46 Bishops Drive and provide a degree of set back (approx 0.9m wide) between no. 46 Bishops Drive and the main decked area. A boundary fence is proposed which follows the line of the staircase, maintaining a height of 2m (above step level).

A secondary fence (topped with trellis) is proposed along the edge of the proposed decking, to a height of 1.54m high (trellis forms to top 30cm of the fence).

Objection received from the occupiers of 46 Bishops Drive, raise concerns over loss of privacy, overbearing design and loss of access to natural light. Additional objection is made on the grounds that the overbearing design will affect the wellbeing of the neighbour who suffers from claustrophobia. A further objection has been received from the occupiers of 44 Bishops Drive on the grounds of loss of privacy through overlooking.

When viewed from no's 44 and 46 Bishops Drive the proposed decking sits behind the proposed boundary treatment which responds to the topography of the site. Although the proposed boundary fence will be higher in places than the existing fence, this is largely as a result of creating a gradated rather than stepped fall. Privacy between users of the steps and the adjoining neighbour (and neighbour beyond) is therefore secured without creating an overbearing impact.

Although the secondary fence exceeds the height of the dividing boundary and will be visible, the trellis design ensures that it will not be overbearing or result in a significant loss of light. Conversely however, it will enable users of the decking to see across to parts of the garden serving no. 46 Bishops Drive, when standing.

Parts of no. 46 Bishops Drive garden closest to the boundary fence will remain private due to site level differences and the presence of the dividing boundary fence.

Whilst the service area at the foot of the garden and far side of no.46's rear garden may be subject to additional overlooking, their principal amenity areas will be screened by the main dividing fence as proposed.

Rear garden areas serving 44 Bishops Drive are obscured by dividing

fences, incidental buildings (Garden sheds and prefabricated garage/workshop), and landscaping, and prevent overlooking from a distance.

Whilst additional privacy can be secured by requiring a solid boundary treatment along the edge of the decking (alongside the steps), this will create a less open appearance to the proposed development which neighbours either side of the site object to (either on overbearing or character and appearance grounds).

A balance therefore needs to be struck between the two opposing issues. It is noted that gardens north of the site, have a less open appearance, with higher levels of privacy due to higher boundary fences; the snap point between the contrasting characters therefore appears to be between the site and its adjoining neighbour. (N.B. Consideration has also been given to what could be done under householder permitted development rights).

Coupled with the open character of the gardens to the south of the site where lower levels of privacy are accepted and characteristic of the area, it is considered that the proposal will have an acceptable impact on privacy within the context of its surroundings.

The perceived overbearing impact of the boundary fences is cited as grounds for objection which will exacerbate claustrophobia suffered by the occupier of no. 46 Bishops Drive. This is a material consideration. It is considered that this condition will give rise to greater sensitivity to enclosure of spaces. Careful consideration has been given to this ground of objection, taking into account the character of the objectors garden which already has relatively high boundary fences to one side (adjacent the application site) and standard 6ft high panels the other (adjacent no.44 Bishops Drive). These existing treatments already result in a degree of enclosure which the proposed development is not considered to significantly increase further. On balance, it is therefore considered that the proposed boundary treatments will not significantly worsen the status quo in terms of overbearing or personal wellbeing.

As a result, subject to condition to secure the boundary treatments the proposal is considered to have an acceptable impact on amenity and accords with the relevant parts of Policy 7 (NPPF) and Policy 13 (CSS).

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

As discussed in section 2 of this report, an objection from the occupier of 50 Bishops Drive has been received on the grounds that the development is out of character. It is noted that the development is not visible from the street, and only intermittently visible from the public realm by commuters of passing trains; the proposal is not considered to be any more detrimental than any other development backing onto a railway land which is often varied in terms of appearance.

The main views of the development are therefore achieved from the private realm of immediate neighbours, with visibility more limited from no. 50 than no. 46 Bishops Drive. Although the decking sits high above natural ground levels, it is noted a number of properties have incorporated different solutions to improving the usability of their steeply sloping gardens, by levelling or terracing their gardens to varying degree. Whilst the proposed development adopts a more holistic approach to levelling the garden, it is not considered to significantly detract from the character and appearance of the area, in part, due to its limited exposure within the public realm. The proposal is therefore considered acceptable and in accordance with the relevant parts of Policy 7 (NPPF) and Policy 13 (CSS).

### **Conclusion**

The proposal is considered acceptable in principle and in terms of its impact on neighbouring amenity, personal wellbeing, and character and appearance of the area. Subject to conditions already discussed, and in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Mark Coleman, Assistant Development Officer on  
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#### **Previous Reports/Minutes**

Ref:

Date: