

BOROUGH OF KETTERING

Committee	Full Planning Committee - 18/11/2014	Item No: 5.10
Report Originator	Alison Riches Development Officer	Application No: KET/2014/0724
Wards Affected	Desborough St. Giles	
Location	120 Dunkirk Avenue, Desborough	
Proposal	Full Application: Single storey rear extension	
Applicant	Mr & Mrs E Mills	

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 there being no objections raised on or before 26th November 2014 that have not already been considered, and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be cream render with a soldier course in bricks which match in type, colour and texture those on the existing building, unless the materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

3. 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 in the northeast and southwest elevations of the building.

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

Officers Report for KET/2014/0724

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

3.0 Information

Relevant Planning History

KET/2014/0551. First floor side extension, first floor balcony to rear and single storey rear extension. Withdrawn 10/09/2014.

Site Description

Officer's site inspection was carried out on 28/10/2014 and 30/10/14.

The application site is located in an established residential area in the centre of Desborough close to the junctions with Breakleys Road and Princess Avenue.

The dwellinghouse is a two-storey detached brown brick dwellinghouse with a hipped concrete tile roof built in the 1950s. There is an off-centre recessed front door and a ground floor bay window. The rear elevation has a double height curved bay window under a hip roofed projection and a ground floor squared bay window. All windows and doors have been replaced with white PVCu. A single storey flat roofed outbuilding, and a garage with office behind, has been added to the west elevation.

There is a small front garden bounded by a low wall with parking spaces for two vehicles clear of the highway. The rear garden slopes downwards from north to south and is accessed by a set of steps from the patio area immediately behind the dwellinghouse.

Due to the change in levels at the rear, there is lower ground floor accommodation beneath the square bay window.

Surrounding properties comprise two-storey detached dwellinghouses in Dunkirk Avenue in relatively large plots of land which have been built in a piecemeal fashion since the early 1900s. The adjacent dwellinghouse to the west on the corner of Dunkirk Avenue and Breakleys Road is single storey, the rear plot of which has been developed for two further bungalows.

Proposed Development

The proposal is for a single storey flat roofed extension to the rear of the dwellinghouse, tiered planting beds and 2 no. sets of steps, one to the rear patio area and one to the east side of the dwellinghouse.

An amended plan was received as some elements of the proposal were not shown on all elevations/floor plans. The amendments did not show any new items not previously considered during the initial consultation process and therefore no further consultation exercise was carried out.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

Desborough Town Council

- No comments received.

Neighbours

122 Dunkirk Avenue

- Objection.
- The extension will overshadow the rear main living area windows and will also affect the kitchen window.
- Breeze blocks and ivory rendering out of keeping with the existing building.
- From the plans and application form it appears that my cement corrugated fence is to be removed. This fence is on my land as per the deeds.
- Concerned about damage to my boundary fence when the soil is dug out to a lower level when the new steps near the gate are created.
- Where is the surface water going from the flat roof as the rainwater hopper is showing on the plans on the East side.

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 9. Distribution & Location of Development

Policy 10. Distribution of Housing

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

The application site is in an established residential area to the northeast of Kettering.

Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development. The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area where Policy 35 is supportive of proposals for residential development in principle.

Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

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 proposal is to the rear of the dwellinghouse and will only be glimpsed in views in the public realm in Breakleys Avenue due to the change in ground levels.

Due to the significant changes in levels in the rear garden and the proximity of neighbouring properties, particularly the 2 no. infill bungalows at Nos. 9 and 11 Breakleys Road and No.122 Dunkirk Avenue, the proposal has been designed so as to not to significantly impact on the amenities of surrounding neighbours which has had some impact on the design.

The design is flat roofed which reflects the existing single storey addition on the west elevation and, due to the different heights of the internal floor levels, the windows on the rear elevation are at slightly different levels depending on which room they serve. This does not detract significantly from the overall appearance of the proposed

extension as the windows are proportionate to those in the existing dwellinghouse.

The applicant also proposes using cream render which is a new material and to which the neighbour to the east at No.122 Dunkirk Avenue has commented. In respect to this, the proposal is to the rear of the existing dwellinghouse and barely visible in the street scene, and as such, this is not considered to significantly impact on the character and appearance of the dwellinghouse. Render has also been proposed in order to overcome potential neighbour amenity issues with the adjacent neighbour at No.122 Dunkirk Avenue to the east, and this is discussed in the next section.

The existing dwellinghouse is not in a Conservation Area, is not Listed, and is surrounded by dwellinghouses built of a variety of materials, and it is considered that the use of render would not significantly impact on the character of the dwellinghouse, surrounding development and the wider street scene, and therefore it is not appropriate to control the use of materials other than requiring any brick used to match that on the existing dwellinghouse. A condition will be added reflecting this.

As such, subject to the imposition of a condition regarding matching brickwork, It is considered that the proposal is in accordance with policy 13(h) of the North Northamptonshire Core Spatial Strategy in that it does not adversely impact on the character and appearance of the existing dwellinghouse, surrounding development and the wider street scene.

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.

Due to the significant changes in ground levels at the rear of the site, resulting in the existing dwellinghouse being at a higher level than the 2 no. bungalows to the southwest at Nos. 9 and 11 Breakleys Road, the proposal has been designed to try to address any potential amenity issues which may arise.

Although the proposal extends between 2.7 metres and 3.7 metres from the rear elevation it does not extend behind the garage and is no further from the rear of the existing dwellinghouse than the existing patio. Instead of having a patio beyond the proposed extension, the area is to be landscaped using tiered planting beds and a new set of steps which will lead down to an existing low level patio area accessed from the lower ground level. As such, there will be no more of an adverse impact on the amenities of the neighbouring occupiers at Nos. 9 and 11 Breakleys Road than currently exists and which was the prevailing condition when the bungalows were built in the mid 1990s. It is therefore considered that the adverse amenity issues of overlooking,

perceived overbearing and overshadowing have been addressed.

It is considered that the proposed extension will have no impact on the amenities of the occupiers of No.118A Dunkirk Avenue by virtue of the relationship of the two dwellinghouses to each other and the small size of the garden at No.118A. To avoid any potential for overlooking, a condition will be added to prevent any further openings in the west elevation of the proposal.

With respect to No.122 Dunkirk Avenue, the adjacent neighbour to the east, the proposal will be located 1 metre from the boundary with this property, which is in line with the east elevation of the existing dwellinghouse.

This neighbour has raised issues with respect to the proximity of the proposal causing a loss of light to the rear main living area and the kitchen. The rear elevation at No.122 Dunkirk Avenue is stepped. Nearest to the application site is a single attached garage containing a window and a door in the rear elevation. In the main dwellinghouse, the lounge is nearest to the application site and has a main window on the rear elevation and a secondary window on the west elevation facing the application site. The kitchen and a utility room are contained in a single storey rear projection from the main dwellinghouse with windows facing west towards the application site.

With respect to a loss of light to the lounge, the relationship of the proposal in relation to this neighbouring property means that there may be a negligible loss to of sunlight to the secondary window on the west elevation due to the orientation in relation to the path of the sun, however due to the flat roof design and single storey height of the proposed extension, any loss of light will only occur in the winter months when the sun is significantly lower in the sky. Ordinarily, the height of the sun in the sky will be above the level of the proposed roof and will allow sunlight and daylight to these windows. With respect to the kitchen window, this is located in excess of 8 metres to the west of the proposed extension and due to the distance and the orientation in relation to the path of the sun will not be adversely impacted by the proposal.

To address the potential loss of light issues to this neighbour, the applicants have designed the proposal to be flat roofed and covered with cream render in order to allow reflected light into the neighbour's window. It is considered that, as the window mainly affected is a secondary one, the proposed design and materials, together with the fact that the proposed extension will cause no loss of light to the main lounge or kitchen windows, will lead to no significant adverse impact on the amenities of this neighbour. A condition will be added to prevent any further openings in the east elevation of the proposal

As such, subject to the imposition of conditions relating to further

openings in the side elevations, the proposal accords with policy 13(l) of the North Northamptonshire Core Spatial Strategy and will not adversely impact on the amenities of surrounding occupiers.

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.

The proposal is to the rear of the dwellinghouse and will not impact on the existing access and parking arrangements at the site therefore there will be no conflict with the highway network or highway safety in accordance with policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy.

5. Other Issues Raised by the Proposal

Boundary Fence Removal. If the boundary fence is not within the ownership or control of the applicant, then permission of the owner will have to be sought before any action is taken in relation to the boundary fence. Ownership issues are not material planning considerations and cannot be dealt with through the planning process.

Boundary Fence Damage. Boundary disputes are dealt with outside of the planning process by means of among other things the Party Wall etc. Act 1996 (The Act). The Act provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings and needs to be complied with in addition to gaining planning permission.

The neighbour at No.122 Dunkirk Avenue has been given a copy of the Party Wall etc. Act 1996 booklet and the applicants will be informed of the Act by way of an informative added to the decision notice and a copy of the booklet sent out with the decision notice.

Surface Water. A new rainwater hopper and downpipe is shown at the southeast end of the proposed extension near to the boundary with the adjacent neighbour to the east at No.122 Dunkirk Avenue. This neighbour has asked where the water is going to drain. Building Control has advised that the rainwater will drain to a soak away within the application site and this is controlled through building regulations.

Conclusion

Subject to the imposition of conditions relating to materials and no further openings, the proposal will comply with policies in the Development Plan and is recommended for approval.

**Background
Papers**

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Alison Riches, Development Officer on 01536 534316