

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/12/2014	Item No: 5.8
Report Originator	Alison Riches Development Officer	Application No: KET/2014/0714
Wards Affected	St. Peters	
Location	42 Windermere Road, Kettering	
Proposal	s.73A Retrospective Application: Detached summer house/store room to rear	
Applicant	Mr S Barlow	

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 materials used on the external surfaces of the summerhouse and storage building hereby approved shall be:
 - Feather edge boarding on the walls and on the false gable.
 - Cedar shingles on the roof and on the vertical back section of the summerhouse.

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

2. 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 E shall be made in the northeast elevation 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.

3. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details submitted with the application, received by the Local Planning Authority on 16th October 2014, as shown in the accompanying plan list.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0714

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 23/09/2014.

The application site is located in an established residential area to the west of Kettering and is a two-storey semi-detached orange brick dwellinghouse with a brown concrete tile hipped roof, built in the 1950s. There is a double height bay window on the front elevation which has a pebbledash rendered panel between the two bays. All windows and doors have been replaced with white PVCu.

Single storey hip-roofed extensions comprising a porch, side and rear extensions wrap round the dwellinghouse and abut both side boundaries.

There is a small block paved front garden surrounded by a low front boundary wall with space for the parking of two vehicles clear of the highway. Parking is permitted on the highway but is subject to a residents parking scheme.

To the rear there is a large garden bounded on all sides by 1.8 metre high close boarded fencing. The applicants have partially erected a detached summerhouse and store at the top end of the rear garden close to the rear and side boundaries of the application site, which is the subject of this application.

Surrounding properties form part of the same development.

Proposed Development

The proposal has come forward as the result of an enforcement investigation.

The applicant erected, without planning permission, a detached rectangular summerhouse with a mono-pitched roof, with a flat roofed triangular shaped store attached to it in the rear garden of the dwellinghouse. The building is located close to the rear and side boundaries of the application site.

Class E of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO), grants planning permission for buildings within the curtilage of a dwellinghouse incidental to the enjoyment of the

dwellinghouse, subject to :-

- (a) The height of the building not exceeding 2.5 metres within 2 metres of the boundary of the curtilage of the dwellinghouse.
- (b) The height of the eaves being 2.5 metres or less.
- (c) The scheme not including the construction or provision of a raised platform.

The interpretation of Part 1 of the GPDO, defines 'raised' in relation to a platform as a platform with a height no greater than 300 millimetres.

On a site visit on 23rd September 2014, the eaves measured 2.5 metres from ground level and the maximum height measured 3.7 metres. The platform the structure stands on measured 230mm from ground level. The structure is within 2 metres of the rear (north) and side (southeast) boundary of the site.

As the structure falls outside the conditions and limitations of Class E of Part 1 of the GPDO in terms of its overall height, an application for planning permission was requested to regularise the building. Some modifications to the southeast elevation were requested due to the character and appearance of the proposal in relation to the adjacent neighbour at No. 40 Windermere Road.

The resultant proposal is therefore for retrospective planning permission for the erection of a detached rectangular summerhouse with a mono-pitched roof with a flat roofed triangular shaped store attached to it.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Neighbours

2 letters of **objection** from No's 21 and 23 Coniston Road received:

- Height of the building excessive and significantly higher than any other garden structure in vicinity.
- Roof extends well above surrounding greenery and is out of character with nearby buildings.
- Overlooks all gardens.
- If permission is granted it will set a worrying precedent.
- If lower height would be more reasonable.

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

1. The Principle of Development

The application site is in an established residential area to the west 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 or alterations 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 for retrospective planning permission for an incidental building located at the top end of the garden of the application site.

The rear garden of the application site measures 20 metres in length to its nearest point which is of a size relative to the rear plot lengths of surrounding properties in Windermere Road and Coniston Road.

The building is not visible in the public realm in Windermere Road or Coniston Road due to the location of the dwellinghouses at the front of each plot and due to the long rear plot lengths.

Objections have been received from residents in Coniston Road regarding the appearance of the building. The rear garden of the application site does not have a straight rear boundary due to the laying out of the plots in Coniston Road and this has resulted in the applicant erecting a rectangular summerhouse with a mono-pitched roof behind which is an attached triangular shaped flat roofed storage area. The highest point of the summerhouse roof measures 3.7 metres from ground level.

Views from the rear gardens of Coniston Road, and in particular Nos. 21 and 23, will be limited to the rear elevation of the summerhouse. The summerhouse is not yet finished and the applicant proposes to clad the walls with feather edge wooden panelling to reflect the boundary fence materials, and the roof with cedar shingles. The vertical back section of the summerhouse, leading up to the ridge, will also be clad with cedar shingles to give the appearance of a roof structure, and to reduce the impact of the building within its setting.

Although no objection has been received from the neighbour to the southeast at No.40 Windermere Road, it was considered that the appearance of the southeast elevation of the proposal was incongruous with the flank wall of the summerhouse and the store both visible above the boundary fence between the two properties. To address this, a false gable end has been proposed to give the appearance of a dual pitched roof which will improve the appearance of this elevation.

As the building is already in situ, it is not considered expedient to require the building to be demolished as the applicant could have erected a building in this location of the same design with a maximum and eaves height of 2.5 metres which would have complied with the limitations and conditions of Class E of the GPDO and been out of the control of the Local Planning Authority.

The height of the flat roof, at 2.5 metres, falls within the limitations of Class E, and the ridge height, due to the angle of the rear boundary is only within 2 metres of the boundary in a few places. If the building had been more than 2 metres from all boundaries, the maximum height permissible by Class E of the GPDO for a dual pitched roof is 4 metres or 3 metres in any other case, and would have been outside the control of the Local Planning Authority.

Given the shape of the rear part of the plot, it is considered the ridge height of the building at 3.7 metres and the eaves at 2.5 metres, are acceptable subject to the inclusion of the false gable and the use of feather edge cladding and cedar tiling, the resultant building will not be out of character with other garden buildings.

As such, subject to conditions relating to materials, the proposal will comply with policy 13(h) 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.

Objections have been received from neighbours regarding the height of the building being excessive and significantly higher than any other garden structure in vicinity, and the roof extending well above surrounding greenery, overlooking all gardens.

The proposal is discussed as follows in relation to the neighbouring properties:

Nos.21, 23, 25, 27, 29 Coniston Drive

The rear elevation of the summerhouse faces the gardens in Coniston Drive but only the rear boundaries of Nos.27 and 29 abut the rear boundary of the application site.

Due to the shape of the rear boundary, the highest point of the ridge is closest to the rear boundary of No.29 Coniston Drive, however, the orientation of the summerhouse in relation to this rear boundary means that only the corner of the summerhouse faces this boundary. As the rear garden of No.29 Coniston Road is in excess of 30 metres in length, it is considered there is no impact on the amenities of this neighbour in terms of overlooking or overbearing.

With respect to the other properties in Coniston Road, No.27 shares a rear boundary with the application site but is closest to the flat roofed triangular store, which had it been built on its own would have been permitted development under Class E of the GPDO, due to the eaves and maximum height being 2.5 metres. The ridge of the summerhouse is 2 metres from the rear boundary with No.27 and due to the rear garden of this neighbour being in excess of 29 metres from the application site it is considered there is no adverse impact on the amenities of this neighbour in terms of overlooking or overbearing.

The other properties in Coniston Drive do not share a boundary with the application site but Nos. 21 and 23 have commented that the building is highly visible and overlooks all gardens.

It is accepted that part of the structure is in excess of that which would be granted planning permission by Class E of the GPDO, but a structure up to 4 metres in height could be built out under permitted development provided it is not within 2 metres of any boundary. In terms of overlooking, It is considered that a building with a height of 3.7 metres to the ridge will not adversely impact on the amenities of surrounding neighbours, but a condition can be added to ensure no openings in the rear vertical back section of the summerhouse to overcome this issue.

As the structure is not finished, it is considered that once the walls have been clad with feather edge wooden panelling to reflect the boundary fence materials, the roof has been clad with cedar shingles, and the vertical back section of the summerhouse leading up to the ridge, also clad with cedar shingles to give the appearance of a roof structure, the impact of the building within its setting will be reduced.

Nos.40 and 44 Windermere Road

The summerhouse is located in excess of 2 metres from the boundary with the adjacent neighbour to the northwest at No.44 Windermere Road. As such, due to the rear plot lengths of this neighbour at approximately 35 metres from the application site, there is no adverse impact on the amenities of this neighbour.

With respect to the neighbour at No.40 Windermere Road, the building is close to the boundary with this neighbour; however, the building is more than 15 metres away from the rear elevation of this neighbour. A false gable is to be added to the elevation nearest to this neighbour which will improve the visual amenity of the proposal in relation to this neighbour. Due to the separation distance between the dwellinghouse and the building, and the fact that there is a decrease in height the nearer the building is to the dwellinghouse, it is not considered there is an adverse impact on the amenities of this neighbour.

Conclusion

It is not expedient to enforce the demolition of the building, but subject to the imposition of conditions controlling the use materials and openings, it is considered the building will have a negligible impact on the amenities of surrounding neighbours, not over and above the impact which would be expected from any other garden structure in the locality. Furthermore the proposed building, if set 2 metres or more from the boundary with neighbour properties, would be considered permitted development.

The proposal is therefore in line with the aims and objectives of policy 13(l) 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.

The building is located at the northeast end of the rear garden, will have no impact on the existing parking arrangements at the site and will therefore not have an adverse impact on the highway network or highway safety in accordance with policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy.

Conclusion

Subject to the imposition of conditions for the use of materials and no further openings, it is considered that this will regularise the appearance and impact of the proposal to the satisfaction of the policies in the Development Plan. The proposal is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Alison Riches, Development Officer on 01536 534316