

BOROUGH OF KETTERING

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| Committee | Full Planning Committee - 10/03/2015 | Item No: 5.11 |
| Report Originator | Amy Prince Assistant Development Officer | Application No: KET/2015/0113 |
| Wards Affected | All Saints | |
| Location | 195 Neale Avenue, Kettering | |
| Proposal | Householder Permitted Development: Flat roof extension to extend beyond the rear wall of the original property by 5.1m, with a maximum height of 2.93m and eaves height of 2.71m | |
| Applicant | Mr A Cooke Red Box Developments | |

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 no further issues of amenity being raised during the consultation period, expiring on 16th March 2015. Then the decision is delegated to the Head of Development Services and the Chair and Vice Chair of the Planning Committee.

Officers Report for KET/2015/0113

This application is reported for a Committee decision as the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

None

Site Description

Officer's site inspection was carried out on 26/02/2015.

The application site is located in the north of Kettering, within the designated town boundary. The application is a long regular plot which sits within an established residential area. The plot contains a two storey semi-detached dwelling which is sited close to the front of the plot. The dwelling is separated from the highway by a small enclosed front garden and to the rear of the dwelling is a rear garden which backs onto the rear gardens of similar semi-detached dwellings on Blandford Avenue.

The dwelling is constructed of red brick with a pebbledash render to the first floor with uPVC fenestration and a two storey and single storey gable projections to the rear. The dwelling is covered with tiled hipped roof to the front and tiled gable roof to the rear projections.

At the time of inspection internal works were being completed on the dwelling.

Proposed Development

This application is made under Class A, A.1(ae) of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, and seeks to determine whether the prior approval of the Local Planning Authority is required for a single storey flat roof extension to extend beyond the rear wall of the original property by 5.1m with a maximum height of 2.93m and eaves height of 2.71m.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Neighbours

In accordance with Condition A.4 (3) of Class A of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, the authority has notified occupiers of all premises adjoining the application site.

One adjoining neighbour, Number 197 Neale Avenue, has made a representation at the date of writing this report on the following grounds:

- House is to be used as a 5 bed House of Multiple Occupation (HMO) which is not in keeping with the area of private ownership
- Devaluation of house prices.
- Tenant suitability, no guarantee the letting will go to professional people.
- Sewerage, increase of bathrooms and washing facilities will overload main sewer.
- Property is too small to be a HMO.
- Additional occupiers will increase parking problems in street.
- Detrimental to close, tight knit community.

Further letters of representation have been received from the following addresses:

- No's: 99, 191, 194, 201, 205, 210, 218, 226 Neale Avenue, Kettering.
- 93 Blandford Avenue, Kettering.
- 10 Kingsley Avenue, Kettering.
- 192 Rockingham Road, Kettering.

Their objections were raised on the following grounds:

- HMO is not in keeping with the area of private ownership.
- HMO tenants are unlikely to take care of property.
- Additional occupiers will increase parking problems and safety issues.
- Additional occupier will increase noise levels.
- Additional occupier will increase rubbish and litter.
- Proposed extension would overdevelop site.
- Site opposite was refused for subdivision to two flats for parking reasons.

Consultation Period

At the time of writing this report the consultation period has not ended. The consultation formally closes on 16th March 2015. Any additional consultation responses received prior to the Committee date of 10th March 2015 will be reported to Members as an update at the Committee meeting.

The Regulations for householder permitted development, enlarged extensions state that under Class A, A.1 (ae) applicants are required to make a prior notification application. If representations are received from any adjoining property (material or otherwise) the Local Planning Authority (LPA) is required to consider the application as a Prior Approval. The LPA can only consider the impact of the proposal on adjoining properties in terms of amenity.

Although the formal consultation period will expire after the Planning Committee, as a representation has already been received from an adjoining property, the requirement to consider the application as a Prior Approval, on amenity grounds only has been implemented. The receipt of further representations would not affect Members or Officers considering the application in terms of amenity or making a recommendation on this basis.

5.0 Planning Policy

Legislation

Condition A.4 (5 and 7) of Class A of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, details that when any owner/occupier of any adjoining premises objects to a prior approval, the authority is required to consider the impact of the proposed development on the amenity of any adjoining premises.

Therefore, the following policies are relevant for consideration in regard to amenity:

National Planning Policy Framework

Paragraph 17 – Core Planning Principles

Part 6 – Delivering a wide choice of quality homes

Part 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. Operation of the GPDO
2. Limitation of this application
3. Impact on Neighbouring Amenity

1. Operation of the GPDO

Statutory Instrument 1101 of 2013 amends Class A of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, to allow larger home extensions to be built until 30th May 2016.

The amendments permit single storey rear extensions to semi-detached dwellings which would not extend beyond the rear wall of the original dwellinghouse by 6 metres or exceed 4 metres in height provided the dwellinghouse is not on article 1(5) land (conservation area) or a site of special scientific interest. Development is only permitted provided that the developer notifies the Local Planning Authority of the broad extent of the proposal and provided the prior approval of the Local Planning Authority is not required.

The dwellinghouse is not on article 1(5) land or on a site of special scientific interest. The dwellinghouse in question is a semi-detached dwelling and the proposal involves a single storey extension beyond the rear wall of the original dwellinghouse by no more than 5.1 metres with an eaves height of 2.71 metres and a maximum height 2.93 metres.

This application is not a certificate of lawfulness so a determination as to whether the proposal actually meets the limitations of Class A is not an issue for consideration in this application.

As required the developer has notified the Local Planning Authority of the broad extent of the proposal. Adjoining neighbours have been notified and one objection from those notified has been received at the time of writing this report. Condition A.4.(5) of Class A of Part 1 states that where any owner or occupier of any adjoining premises objects to the proposed extension, the prior approval of the local planning authority is required as to the impact of the proposed development on **the amenity of any adjoining premises**.

2. Limitation of a Prior Notification Application

A letter of objection has been received by an adjoining owner and as such this has triggered the requirement for the prior approval of the authority as mentioned above.

It is noted that a number of the objections raised by the adjoining occupier and other contributors are in regard to the house being converted to a House of Multiple Occupation (HMO). At the time of the officer's site visit internal works had commenced to convert the existing dwelling to 5 rooms with en-suite bathrooms and shared kitchen facilities. This application is not a Lawful Development Certificate and as such does not confirm that these works are lawful. However, a dwellinghouse with C3 use can lawfully be changed to a HMO C4 use for 3-6 occupants under Class I, Part 3, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended. The HMO would still benefit from the permitted development right of a dwellinghouse including Class A, A.1(ae) of Part 1 under which this application for prior notification is sought.

In accordance with the Town and Country Planning (General Permitted Development) Order 1995, as amended, this application as a prior notification of a larger household extension only allows the local authority to assess the impact of the single storey rear extension on amenity grounds on adjoining properties and not the use of the dwellinghouse as a House of Multiple Occupation.

A Prior Notification application must be determined within 42 days of validation, the deadline date for this application being 30th March 2015. In the event that the 42 days expired without the authority notifying the developer as to whether prior approval is given or refused, the development will be given deemed consent and can commence.

3. Impact on Neighbouring Amenity

Policy 13 (l) of the North Northamptonshire Core Spatial Strategy notes that factors to be considered in the assessment of the impact on amenity as noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed extension is a flat roof single storey extension which will sit on one of the rear elevations and act as infill between the main dwelling and the existing two storey gable projection. The existing window and back door on the north-east elevation will be removed and a double patio door is proposed facing north west into the rear garden, no windows are proposed in the extension along the new north facing elevation toward No.197. No. 197 is also separated by 2m high close boarded fence and a car port structure. Bearing in mind the position of the single storey extension, its height and the removal of the existing door and window on the north-east elevation is not considered that the proposal will negatively impact the amenity of No 197.

No.195 sits to the south-west of the application site. The proposed extension will be shielded from 195 by the existing two storey rear extension and is not considered to impact the amenity of this property.

204 Blandford Avenue is the adjoining property to the rear (north-west). The application site's garden backs onto No.204's garden, the proposed extension's rear elevation is separated from the dwelling at No. 204 by approximately 30 metres. Therefore, this proposed single storey flat roofed extension will not have a detrimental impact on neighbouring amenity.

The use of the extension as an enlarged kitchen with no windows facing the neighbouring property to the north and being 30 metres from the property to the rear is unlikely to create significant additional noise impacts to impact amenity. Also, in use as an enlarged kitchen for residential purposes, it is unlikely to impact the amenity of adjoining neighbouring properties in terms of vibration, smell, light or other pollution.

The proposed extension will not have a detrimental impact on the adjoining neighbouring amenity and as such is in accordance with Policy 13(l) of the North Northamptonshire Core Spatial Strategy.

Conclusion

The proposal does not raise any adverse impacts in respect of neighbouring amenity. Therefore, it is recommended that the prior approval of the Local Planning Authority is granted, subject to no further issues of amenity being raised during the consultation period which expires on 16th March 2015.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Amy Prince, Assistant Development Officer on 01536 534316