

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 07/04/2015</b>	<b>Item No: 5.10</b>
<b>Report Originator</b>	<b>Andrew Smith Senior Development Officer</b>	<b>Application No: KET/2015/0148</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>37 Cornwall Road, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Demolition of garage and erection of a two storey attached dwelling to side</b>	
<b>Applicant</b>	<b>Mr S Stanley</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 development hereby permitted shall not be carried out other than in accordance with the approved plans referenced as follows: KET2015/0148/3; KET2015/0148/4; 215/001/01 B.

REASON: In the interest of securing an appropriate form of development 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 adjacent building of 37 Cornwall Road.

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

4. The development hereby permitted shall not be occupied until the existing access from the site to Cornwall Road has been permanently closed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The development hereby approved shall be carried out in accordance with the sustainable construction and energy efficiency techniques detailed in the Sustainability Appraisal/Strategy and Energy Statement (KET2015/0148/1).

REASON: In the interests of energy efficiency and sustainable construction in accordance with Policy 14 of the North Northamptonshire Core Spatial Strategy.

6. 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 Classes A, B or C shall be made in the northern or eastern elevations or roof planes of the building.

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

7. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

#### A Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing

immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'(or any model procedures revoking and replacing those model procedures with or without modification.

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in compliance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2015/0148**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2006/0725 - Proposed double storey side extension over (part) existing garage (Approved subject to conditions)

#### **Site Description**

Officer's site inspection was carried out on 03/03/2015.

The site is occupied by a two-storey, red-brick, end-of-terrace property that is orientated to face southwards on to Cornwall Road. Its roof is hipped in design and reduces down to eaves height at the property's eastern end. The site also contains a single garage that abuts and is accessed from Cornwall Road – this is separated from the main dwelling by the presence of a gated pathway that leads to the property's rear amenity area. The site is abutted by the grounds of neighbouring residential properties to both of its sides and to its rear.

#### **Proposed Development**

It is proposed that the existing garage on site be demolished and replaced with a 2-bedroomed, 2no. storey dwelling that would be attached to No.37 Cornwall Road and would continue the existing front building line exhibited by the row of terraced housing that it would be connected to. It is also proposed that the existing eaves and ridge height of No.37 Cornwall Road would be replicated and a hipped roof installed to match existing. A separation distance of 150mm would be maintained between the newly proposed dwelling and a 2.5m high boundary wall that abuts the eastern boundary of the application site and is understood to be in the ownership of the adjoining premise (No.38 Edinburgh Road). To the rear of the site (8m from Cornwall Road) it is proposed that the development reduces to a single-storey in height – a dual-pitched roof structure of 4m in length is proposed.

#### **Any Constraints Affecting the Site**

None.

### **4.0 Consultation and Customer Impact**

**KBC Environmental Health:** No objection subject to a planning condition being applied to ensure that the risks posed by contamination are properly investigated.

**Highway Authority:** Initial objection, a parking review is required to show that

there is capacity for 3no. cars on the highway. The existing access should be returned to footway with the dropper and bull nose kerbs replaced with full height kerbs and surfacing to tie-in with the surroundings. Following the receipt of additional information, no objection subject to the existing access being made redundant prior to the first use of the dwelling.

**Neighbours:** notification letters were sent out to close proximity neighbours. 2no. responses were received from 36 and 38 Edinburgh Road, Kettering and can be summarised as follows:

- There is no justification for the applicant to build a second property on a plot designed and laid out for one house 80-90 years ago.
- The owner of 38 Edinburgh Road has a legal easement to enter on to the application site for the purpose of inspection and repair of the boundary wall. By leaving a 150mm gap between the development and the wall would make this impossible for a distance of 11.9m.
- The passageway that is proposed should instead be located to run alongside the boundary wall of 38 Edinburgh Road.
- The proposals involve two 2-bed dwellings without off-street parking in place of one 2-bed property with off-street parking for one vehicle; this would result in undesirable pressure being placed upon on-street car parking provision within a congested residential area to the detriment of highway safety.
- The proposals would set an unwelcome precedent for similar 'doubling up' development
- The proposals would result in loss of privacy due to overlooking, particularly from first floor windows
- The proposals would block sunlight / daylight due to the bulk, proximity and orientation of the proposed works.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy**

Policy 1: Strengthening the Network of Settlements

Policy 9: Distribution & Location of Development

Policy 13: General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

#### **Local Plan**

Policy 35: Housing Within Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Design & Visual Appearance
3. Residential Amenity
4. Highways & Parking
5. Boundary Maintenance

### 1. Principle of Development

The proposals would provide an additional residential dwelling within the town boundary of Kettering and within a residential area of the town. In compliance with Policy 1 of the Core Spatial Strategy, the development would assist in strengthening Kettering as a designated Growth Town. The scheme is considered to be acceptable in principle subject to the appropriate consideration of scheme based on site-specific considerations.

### 2. Design & Visual Appearance

It is considered that the design and appearance of the proposed dwelling would appropriately reflect the character and appearance of the property to which it would be attached and of the wider area in general. The existing front building line and roof form of No.37 Cornwall Road would be replicated, as would the existing eaves and ridge height of No.37.

The detailed design of the front elevation of the new dwelling would also pick up upon the design cues offered by neighbouring properties. A balanced pattern of window and door openings are proposed which would be articulated by arched, soldier-coursed header features. It is confirmed within the application that red brickwork would be used to the elevations and interlocking concrete tiles would be used to the roof (to match existing). The scheme would suitably respect the character of its surroundings in compliance with Policy 13 (h) of the Core Spatial Strategy.

Furthermore, a condition should be applied to ensure that the development is implemented in accordance with the submitted Sustainability Appraisal, which secures a variety of sustainability measures in accordance with the requirements of Policy 14 of the Core Spatial Strategy.

### 3. Residential Amenity

In the interests of safeguarding surrounding residential amenity, the plans have been amended during the planning application process. The roof design of the two-storey element was amended from gable-ended to hipped whilst the roof design of the single-storey element was amended from mono-pitched to dual-pitched in the interests of dropping its eaves height below the 2.5m height of the adjacent boundary wall to No. 38 Edinburgh Road and dropping its overall ridge height to 50cm above the top of the aforementioned wall.

It is considered that the proposed scheme would be neither overbearing nor overshadowing so as to adversely impact upon the amenities of neighbouring occupiers. An assessment of the proposed scheme's impact has been undertaken from within the curtilage of No.38 Edinburgh Road to the north-east of the site. Notwithstanding the proposed development being positioned to the south-west side of No.38 (i.e. offering the potential to block natural sunlight that emanates from a southern direction), it is not considered that the new development would unduly impact upon the level of natural light that would be able to reach the grounds and dwelling of No.38. This is partly due to the position of a standalone garage block that is sited within the south-west corner of the grounds of No.38. This garage measures 4m to ridge height whilst the eaves height of the newly proposed dwelling would measure 5.5m (merely 1.5m higher than the garage's ridge) and be setback behind where the garage is sited. The full ridge height of the new property would measure 8m, but the hipped roof design of the newly proposed property would assist greatly in softening the visual prominence of the development (particularly when viewed from the grounds of No.38) and would aid in guarding against any overbearing or overshadowing form of development.

The proposed design of the single-storey element, to be sited to the rear of the proposed dwelling, is also considered to be acceptable in the context of protecting the amenities of occupiers at No. 38 Edinburgh Road. Its roof would be barely visible (if at all) when standing behind the intervening 2.5m boundary treatment that is in place.

Directly to the rear of the site is situated the grounds of No.36 Edinburgh Road. The dwelling of No.36 is orientated so as to face the site at an oblique angle. A separation distance of 15m would be maintained between the proposed 2-storey element of the proposals and the built extent of No.36. Whilst a 9m separation distance would be provided between the 2-storey element and the application site's rear boundary. In the context of the relatively small footprint of development that is proposed (a building width of 4m) and the separation distances that would be achieved, it is not felt that an overbearing or overshadowing relationship would ensue should the proposed



development be granted planning permission.

The newly proposed window openings would be sited solely within the south front-facing and north rear-facing elevations of the property. In this context the new window openings would not create views that are not already available from within the adjacent No.37 Cornwall Road. I.e. there is already mutual overlooking (at an oblique angle) available between the rear elevations of Cornwall Road and Edinburgh Road properties. The addition of a further rear-facing opening at first-floor level does not raise amenity concerns in this context, particularly given the 15m separation distance that would be achieved to the rear elevation of No.36 Edinburgh Road. In the interests of safeguarding the amenity of the area, a planning condition should be attached to withdraw permitted development rights related to the installation of any new side-facing or rear-facing window openings.

The amenities of occupiers within 37 Cornwall Road would also be appropriately respected by virtue of only single-storey built form being proposed to the rear (without west-facing openings). A central passageway would be retained that would afford access to individually partitioned rear amenity areas for No.37 and the newly proposed property.

The proposals would acceptably impact upon the amenities of surrounding occupiers in compliance with Policy 13 (l) of the Core Spatial Strategy.

#### 4. Highways & Parking

The Local Highway Authority (LHA) issued an initial objection in response to the original application that was submitted. A car parking review was requested by the LHA to demonstrate that there is sufficient capacity for 3no. cars to park on the highway (i.e. 2no. to serve the new dwelling and 1no. to compensate for the loss of the garage that would be necessitated).

An 'On-Road Parking Review' has been produced by the applicant, within which it is referenced that the loss of the garage would be off-set by the reinstatement of on-road car parking space made available by the removal of the dropped kerb and garage access. An appropriately worded planning condition should be applied to ensure that the existing vehicular access is indeed fully removed in accordance with full details to be submitted. This would provide space on-street equivalent to a full car parking space.

The applicant has also produced a series of photographs to demonstrate the on-street car parking situation in the vicinity of the site. The photographs were taken on a variety of days (Sunday, Monday and Tuesday) and at a variety of times of day (early morning, midday and early evening) and show a plentiful

supply of available car parking opportunities. The LHA has been consulted upon the 'On-Road Parking Review' and have issued no objection to the scheme subject to a number of recommendations and informatives which have been forwarded to the applicant for their information.

In light of the additional on-street car parking that would be supplied by virtue of the removal of the garage access, it is considered that the application would appear acceptable in a car parking and highway safety context. The site is sustainably located within walking distance of the town centre and is therefore accessible via a range of sustainable forms of transportation. The scheme is compliant with Policy 13 (d & n) of the Core Spatial Strategy.

#### 5. Boundary Maintenance

The consultation response received from No.38 Edinburgh Road has stated that a legal easement is in place to enter on to the application site for the purpose of inspection and repair of the boundary wall that is within the ownership of No.38 Edinburgh Road. Members will be aware that issues of encroachment and maintenance are not material considerations in the determination of this application. A note has been added to remind the applicant of his responsibilities under the Party Wall Act.

#### **Conclusion**

The proposed development would respect the character of its surroundings, would safeguard residential amenity and would not prejudice highway safety in compliance with Policies 1, 9 and 13 of the North Northamptonshire Core Spatial Strategy and the policy guidance contained within the National Planning Policy Framework.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Andrew Smith, Senior Development Officer on 01536  
534316

#### **Previous Reports/Minutes**

Ref:

Date: