

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 20/10/2015</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2015/0624</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>16 School Lane, Braybrooke</b>	
<b>Proposal</b>	<b>Full Application: First floor front and rear extensions, single storey rear extension forming link lobby between existing house and outbuildings, conversion of outbuildings into habitable accommodation and detached double garage</b>	
<b>Applicant</b>	<b>Snowgold Developments</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 and details, shown on drawing number G.1295.01, received by the Local Planning Authority on 8th September 2015.

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

## **Officers Report for KET/2015/0624**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2012/0685. 2 no. detached dwellings and extension of garden for No.16. Refused 20/12/2012. Allowed at appeal 29/05/2013.

KET/2011/0752. 2 no. detached dwellings and extension of garden for 16 School Lane. Refused 18/01/2012.

#### **Site Description**

Officer's site inspection was carried out on 18/09/2015.

The application site is located in the Conservation Area at the east end of the village of Braybrooke.

The application comprises a two-storey detached dwellinghouse in two two-storey elements with a slate gable roof. The majority of the dwellinghouse is covered in rough surfaced cream render with part of the rear two-storey element constructed of red brick. There is a single storey red brick hipped roof porch at the front which joins the two elements of the dwellinghouse together. The dwellinghouse is set back in a large plot of land and is angled such that the front elevation is not parallel to the highway in School Lane. The windows are all white painted wood and are a mixture of sash windows with some more modern top opening casement windows at the rear. There is a single storey brick barn with a corrugated iron roof to the rear of the dwellinghouse in close proximity to the dwellinghouse.

The land level at the site is higher than that of School Lane and slopes upwards towards the southeast. The houses fronting School Lane at Nos.18, 20 and 22 School Lane, to the northeast of the application site are at the same land level, and the houses to the southwest of the application site at Nos. 12, 12a and 14 School Lane are at a lower level and separated from the application site by vehicular access to garages to the rear of the dwellinghouses and to a paddock behind.

The application site has no boundary treatment to the front and part of the southwest boundary and then has a 1 metre high retaining wall along the access track with 1 metre high wooden panel fence. There is no boundary treatment to the rear as the site leads to a paddock which is currently being developed for the construction of 2 no. detached dwellinghouses. The boundary to the northeast of the site is adjacent to the driveway for the application site and comprises a low brick wall with 1.8 metre high cream painted wooden fencing above. The rear garden of the site extends behind Nos.18, 20 and 22 School Lane and is a rubblestone wall approximately 1.2 metres in height.

The dwellinghouse and garden are in a poor state of repair and are undergoing a complete renovation together with the current application to extend the property and provide a garage.

Surrounding development comprises small terraces of two-storey dwellinghouses either side of the site with detached and semi-detached two-storey dwellinghouses built in a piecemeal fashion located in a variety of plot sizes. This part of School Lane is at the edge of the village which becomes progressively more rural in character as it heads eastwards.

### **Proposed Development**

The proposal is for the following:

First floor front extension.

Single storey and two-storey rear extension.

Conversion of outbuilding to habitable accommodation.

Construction of detached double garage.

Amended plans have been received moving the garage so it is 2 metres from the rear boundary walls of Nos.18 and 20 School Lane and moving it slightly westwards so it is halfway between both Nos.18 and 20. The amended plans were reconsulted on 9<sup>th</sup> October 2015 for 7 days.

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

Within Braybrooke Conservation Area

## **4.0 Consultation and Customer Impact**

### **Braybrooke Parish Council**

Objection.

Serious flooding problem in School Lane caused by run off from the hill to the south which will be exacerbated by the hard landscaping of this development and the development immediately behind to the south.

The garage is out of proportion to the existing cottages in School Lane and street line and is positioned such that it entirely blocks the southern aspect of Nos.18 and 20. There is plenty of space on site for an alternative position away from the small gardens of the cottages.

Comments made regarding the cessation of works already carried out, financial penalties and the felling of trees fall outside the consideration of this application.

### **Neighbours**

No.5 School Lane

No objection.

No.18 School Lane

Objection.

- The proposed garage does not respect the local context and street pattern.

- Other homes do not benefit from garages.
- In this area of School Lane, properties are in the large part semi-detached with large spacing around the proximity of the plots.
- The proposed garage at 16 School Lane would be very close to both Nos.18 and 20. Pedestrian access to the rear of No.20 would be extremely limited.
- Would lead to a loss of existing views from neighbouring properties, adversely affecting the residential amenity of neighbouring occupants.
- Layout and siting, both in itself and in relation to adjoining buildings, spaces and views, is inappropriate and unsympathetic to the appearance and character of the local environment.
- Following the recent approval of plans to build 2 larger homes at the rear of school lane (KET/2012/0685), the proposed garage would significantly add to the cramming of dwellings in the conservation area.
- The garage would not benefit in environmental and landscape terms, it would lead to a loss of valuable green and open space that the village currently benefits from.
- The amenities of our garden and patio area would be severely affected.
- The proximity of the garage would mean our privacy and use of the garden would be affected, having a visually overbearing impact
- Consider the responsibilities under the Human Rights Act, Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions.
- Believe the proposed development would have a domineering impact on us and our right to the quiet enjoyment of our garden.
- Serious concerns in terms of drainage and ground stability. The parking area floods every year.

No.20 School Lane  
Objection.

- Overshadowing, overlooking and loss of privacy for my property.
- Detrimental effect on surroundings in a Conservation Area.

Issues regarding a right of access to the rear of this property are a civil matter between the applicants and the occupiers of No.20, and do not fall to be considered within this application.

## **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

Policy 12. Conserving and enhancing the historic environment

### **Development Plan Policies**

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

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution & Location of Development  
Policy 10. Distribution of Housing  
Policy 13. General Sustainable Development Principles

### **Local Plan**

RA3. Rural Area: Restricted Infill Villages

## **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. Flooding
6. Other Issues raised by the Proposal

### **1. The Principle of Development**

The application site is in an established residential area in the Conservation Area to the east of Braybrooke village

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 Braybrooke village boundary which is defined as a restricted infill village by policy RA3 of the Local Plan for Kettering Borough. Policy RA3 is supportive of proposals for residential development in principle in established residential areas.

Section 72(1) of the Act requires Local Planning Authorities have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

Policy 12 of the National Planning Policy Framework requires new development in Conservation Areas to look for opportunities to make a positive contribution to and better reveal the significance of that area.

Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development to existing urban areas and indicate that Braybrooke as part of Kettering rural is a tertiary focal point for limited development, such as extensions, after the growth town of Kettering and the smaller towns of Burton Latimer, Desborough and Rothwell.

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 12 of the National Planning Policy Framework requires new development in Conservation Areas to look for opportunities to make a positive contribution to and better reveal the significance of that area.

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings.

Policy 13(o) of the North Northamptonshire Core Spatial Strategy requires new development to conserve and enhance historic designated built environmental assets and their settings.

The proposed first floor front extension will be visible from the public realm in School Lane and is located above the existing front porch. The proposal has been designed to reflect the existing front porch and will be brick and render as on the existing building. The proposed extension will be set back from the front elevation and will be subservient in the street scene. It is therefore considered that subject to the use of matching materials, this part of the proposal is reflective of the character and appearance of the existing dwellinghouse and will not have an adverse impact on the character and appearance of surrounding development or the wider street scene.

With respect to the single storey and two-storey rear extensions, these will not be visible from the public realm as they are located behind the rear elevation and partly shielded by the existing rear two-storey projection. As they will not be visible in the public realm, the design chosen is still reflective of the proportions and style of the existing dwellinghouse but it is proposed to use Cedar cladding on the first floor element. As the proposal is not visible in the public realm, it is considered the use of Cedar cladding would not be unacceptable and would not have an adverse impact on surrounding development or the Conservation Area. The submitted plans detail the proposed materials and this will be secured by condition.

With respect to the conversion of the existing barn, this proposes the insertion of an additional window and bi-fold doors in the east elevation which faces into the rear garden area of the application site. The openings on the west elevation are to remain the same with the windows replaced and the doors replaced with solid walls behind dummy doors. The existing corrugated iron roof is to be replaced with slate to match the existing dwellinghouse.

The replacement of the roof can be done without planning permission as the only changes are to the materials.

The proposed garage is to be located at the end of the existing driveway,

behind the rear gardens of Nos.18 and 20 School Lane and will not be visible in the public realm. The garage is a detached double garage with a pyramidal roof and is set away from the boundary with Nos.18 to 20 by a right of access. Its design is reflective of its use as a garage and the roof has been designed so that its bulk is located away from the rear boundaries of Nos.18 and 20 to address any potential amenity issues (these are discussed in the next section of the report). As the garage is not visible in the public realm, it is considered that the need to overcome any amenity issues outweighs any design constraints, and this part of the proposal is therefore considered acceptable.

It is considered that the proposed extensions and alterations will not adversely impact on the character and appearance of the existing dwellinghouse, surrounding development, the wider street scene or the Conservation Area and therefore comply with policy 13(h) and (o) of the North Northamptonshire Core Spatial Strategy in that the development respects the character of its surroundings and preserves the character and appearance of the Conservation Area.

### 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.

The proposed first floor front extension is located above the existing porch and is set back from the highway. It is not in close proximity to any of the neighbours and has an obscure glazed window at first floor level in the north elevation which looks out over the front garden and serves an en-suite bathroom. As such, it will not have any adverse impact on the amenities of surrounding neighbours.

The rear extensions are located behind the rear elevation of the existing dwellinghouse between the house and the existing outbuilding and are partly shielded by the existing rear two-storey projection. The dwellinghouse is set back in the plot, behind the dwellinghouses in School Lane, and the proposal does not extend beyond the side elevation of the existing dwellinghouse. No windows are proposed at first floor level in the east elevation of the proposal, and as such, this elevation faces out into the rear garden of the application site and will not have any adverse impact on the amenities of surrounding occupiers.

The conversion of the outbuilding to habitable accommodation will result in new openings being created in the east elevation of the existing building. These openings comprise a window and bi-fold doors and will face into the rear amenity space of the application site and will be at an oblique angle from the rear amenity space of Nos.18 and 20 which is in excess of 15 metres away.

The proposed double garage has given rise to a number of objections relating to the flooding of the surrounding land, limitation of rear access to surrounding neighbours, loss of views, loss of green space, loss of amenity and privacy to

the rear gardens of Nos.18 and 20, and being visually overbearing and domineering.

The proposed garage was originally located between 1.5 and 1.7 metres away from the rear boundary with No.18 and between 1 and 1.5 metres from the rear boundary of No.20 School Lane with an eaves height of 2.4 metres and a maximum height of 4.846 metres. The roof was pyramid shaped so that its highest point was approximately 4 metres from the rear boundaries of the adjacent neighbours. The average rear garden length of No.18 is 8 metres and of No.20 is 13 metres. This combined with the fact that the roof of the garage is pyramid shaped, rising from 2.4 metres at the eaves to 4.846 metres at its centre which is approximately 4 metres from the site boundary, meant that there was limited overbearing of the rear amenity spaces of these properties.

The applicants retained the dimensions and design of the proposed garage but amended its location so that it is now halfway between each dwellinghouse, is parallel to the rear boundaries, and is 2 metres from each with a strip of land to allow access to the rear gardens of each dwellinghouse. It is considered that by moving the garage further from the rear gardens of these dwellinghouse the applicants have addressed significantly the issue of any overbearing impact on these neighbours.

With respect to the issue of overbearing, permitted development under class A of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) allows boundary walls to be up to 2 metres in height where they do not abut a highway. As such, the proposed garage to the eaves is 0.4 metres higher than a permitted boundary wall would be. When this is taken into account along with the fact that the building is single storey, is set back from the rear boundaries of Nos.18 and 20 by 2 metres, and the roof recedes into the site to a maximum height of 4.846 metres, it is considered that the proposed garage would not lead to significantly more issues of loss of light, over and above that which would be experienced by the location of a 2 metre high rear boundary wall in that location.

Objections have been received as to the loss of a view from the rear gardens of the neighbouring properties. The right to a view is not a material planning consideration.

With respect to a loss of green space, the site is currently in a poor state of repair with the house and gardens undergoing complete renovation together with the proposed development. The garden has been left to overgrow and as part of the general works being carried out at the site is being cleared and tidied to provide a garden for the site. A small proportion of the land currently being developed for 2 no. dwellinghouses to the southeast of the site, behind the application site is to be incorporated as part of the garden for the application site. As there is to be an increase in garden land provided for this site, there will be no loss of green space. Land outside the application site does not fall to be considered as part of this application.

As such, the proposal accords with policy 13(l) of the North Northamptonshire Core Spatial Strategy in that the proposed development does not result in an unacceptable impact on the amenities of neighbouring properties.

#### 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 includes the provision of a detached double garage which is located at the end of an area of hardstanding and a long existing driveway. The access and driveway already exist, and it is considered the increase in the size of the planning unit would not lead to an increase in the amount of traffic entering and leaving the site, meaning the proposal will not have an impact on the highway network nor prejudice highway safety in accordance with policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy

#### 5. Flooding

Policy 13(q) of the North Northamptonshire Core Spatial Strategy required new development not to cause a risk to, and where possible enhance, the quality of the underlying groundwater or surface water, or increase the risk of flooding on the site or elsewhere, and where possible incorporate Sustainable Drainage Systems (SuDS) and lead to a reduction in flood risk.

Objections have been received regarding the drainage and ground stability of the site and have stated that run off from the hill to the south causes a serious flooding problem in School Lane, as well as to the parking area at the application site, which would be exacerbated by the hard landscaping of the proposed development and the development immediately behind it to the south.

Issues relating to the approval granted for 2 no. dwellinghouses to the southeast (behind) of the application site do not fall to be considered as part of this application.

With respect to flooding at the site, the access and parking area already exist and are not being amended as part of the proposal. It is considered the proposed garage will not significantly lead to a change in circumstances at the site which the objectors state is caused by surface water run-off from the hill outside the application site and therefore outside the control of the applicants.

#### 6. Other Issues raised by the Proposal

An objection has been received quoting the Protocol 1, Article 1 of the Human Rights Act regarding a person's right to peaceful enjoyment of all their possessions.

With respect to applications for Planning Permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 makes it a legislative

requirement for Local Planning Authorities to ensure that planning applications are determined in accordance with their Development Plan policies unless material considerations indicate otherwise.

**Conclusion**

Subject to a condition requiring the development to be carried out in accordance with the approved plans to secure the design, location and materials, the proposal accords with policies in the development plan and is recommended for approval

**Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date: