

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/01/2016	Item No: 5.1
Report Originator	John Hill Development Officer	Application No: KET/2015/0810
Wards Affected	St. Michaels and Wicksteed	
Location	11 Netherfield Road, Kettering	
Proposal	s.73 Application: Variation of conditions 1, 6 and 7 of KET/2015/0528 in respect of increased depth of conservatory to plot 5, revised landscaping to all plots and erection of timber sheds to plots 3 and 5	
Applicant	KA Development (Kettering) Ltd	

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 landscaping scheme, excluding the new access and gates on the eastern site boundary of Plot 5 which propose access to London Road, shown on approved plan drawing number 1480/04 Rev J received by the Local Planning Authority on 5th October 2015 shall be carried out in the first planting and seeding seasons following the occupation of the dwellings. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site 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 building, structure or other alteration permitted by Class A, B, C and E of Part 1 of Schedule 2 of the Order shall be erected on the application site.

REASON: In the interests of the privacy and amenities of adjoining properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The garages, parking spaces and turning area shown on the approved plans shall be retained at all times only for the parking of motor vehicles.

REASON: To ensure that adequate on-site parking is available to serve the development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Notwithstanding the approved layout plan, the access to the rear of Plot 5 shall be used for pedestrian access only and shall not be used for vehicles at any time.

REASON: To ensure the development does not prejudice highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Within 3 months of the date of this permission the existing double gates to the rear of Plot 5 shall be removed and replaced by a pedestrian gate, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The pedestrian gate shall be retained at all times thereafter unless this is replaced by non-opening boundary treatment.

REASON: To ensure the rear access is used for pedestrians only and the scheme does not prejudice highway safety in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0810

3.0 Information

Relevant Planning History

KET/2015/0528 Variation of condition 2 of KET/2015/0399 in respect of addition of conservatories to plots 3 and 4 Approved.

KET/2015/0399 Variation of condition 2 of KET/2014/0692 in respect of revised conservatory design to Plots 1, 2 and 5 increased size of garages to Plots 1 and 2 Approved.

KET/2015/0145 Variation of condition 2 of KET/2014/0692 in respect of revised conservatory design to Plot 2 and increased size of garages to Plots 1 and 2 Approved.

KET/2014/0692 Redevelopment to provide 5 no. bungalows Approved.

KET/2013/0634 Redevelopment of site for 5 no. dwellings Approved.

KET/2013/0483 Renewal of extant permission (Full) KET/2010/0808 Returned.

KET/2010/0808 Renewal of extant permission (Full) KET/2008/0026 Proposed residential development Approved.

KET/2008/0026 Residential development Approved.

KET/2007/0782 Demolition of existing bungalow and construction of 1 no. bungalow and 4 no. two storey houses – Withdrawn.

KET/2005/1135 Outline permission for 3 detached dwellings Refused.

Site Description

Officers have inspected this site on a number of occasions as the development applied for is retrospective. This includes the 1st September 2015, the 3rd November 2015 and the 6th January 2016.

The application site was formerly 11 Netherfield Road which was occupied by a single storey dwelling. As a result of a number of planning permissions for residential development that have been recently built out providing 5 detached bungalows, it is now known as Marlin Rise.

Proposed Development

This application seeks to vary conditions 1, 6 and 7 of KET/2015/0528 in order to regularise the construction of a conservatory being built deeper than originally approved on Plot 5 (3m deep whereas approved at 2.9m), revised landscaping across the whole the site and the erection of timber sheds on Plots 3 and 5.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Northamptonshire Highways

Second access point to Plot 5 is unacceptable for the following reasons:

- Unsafe due to substandard layout.
- Intensification of a substandard access.
- Contrary to adopted County Council policy.
- Contrary to Policy 13 (d and n) of the Core Spatial Strategy.

Neighbours

318 London Road

Object to increasing the width of the conservatory. Conservatory is an eyesore because of its white colour. Not in keeping with the surrounding environment. Making it bigger would make it a bigger eyesore. If changed to brown would not object.

314 London Road

Object

- Use of private vehicle access owned by occupiers of 314 London Road by the occupiers of Plot 5 as a result of double gates being built at the rear of Plot 5. Should be a pedestrian gate only. Gates open onto the private access and trespass onto their property.
- Refuse storage areas are provided within the curtilage of each dwelling together with a hard surfaced collection point. It is proposed to provide a further pedestrian gated access onto this right of way providing an alternative collection point for this plot. The statement re such a possible use is vague and should be clarified. The application should be specific regarding intent over the private lane.
- The shed on plot 5 is sited within one foot of the boundary fence at the bottom of the garden. Blocks a large amount of light from my property at certain times of the day. Drainage is the main concern. An existing shed causes water retention on part of the bottom of the garden in winter. New shed has no guttering and the run off will potentially flood the bottom of the garden. Understand planning regulations require it to be 2m away from the boundary and therefore a flagrant breach of such.
- The area marked Mediterranean garden is 1 foot higher than part of the rear garden. Any drainage may seep through the gravel and fencing and flood part of the garden.
- Guttering has been put up by the builder on the end of a block of garages with a down pipe but no with no means to collect the water. This is approximately 2m from my boundary and the ground in the garden is starting to show signs of becoming boggy during inclement weather which was not the case before the development of plot 5.

5.0 Planning Policy

National Planning Policy Framework

Section 7: Requiring Good Design

Development Plan Policies

North Northamptonshire Core Spatial Strategy (CSS)

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. Principle of Development
2. Design
3. Impact on Neighbouring Amenity
4. Highways

1. Principle of Development

The principle of a conservatory on plot 5 and landscaping of the site as a whole has already been accepted by virtue of the previously approved schemes for both with the exception of a new second access to Plot 5 which is discussed below. The submissions are amendments to the approved details. Sheds can normally be built under permitted development rights in certain circumstances but having regard to this specific development these rights have been taken away by planning condition on previous approvals and applications have to be submitted for approval. The principle of having a shed on the development is acceptable subject to fundamentally the design being acceptable and there being no adverse impact on the neighbouring properties which is discussed below.

2. Design

Policy 7 of the NPPF requires good design and Policy 13 (h) of the CSS looks for development to achieve a high standard of design, architecture and landscaping.

Plot 5 Revised Conservatory

The conservatory on this property has now been built. The approved depth under planning permission KET/2015/0399 was 2.9m but it has been built to a depth of 3m, a difference of 0.1m. In all other respects the design of the conservatory remains the same as the approved scheme and is considered acceptable.

The design of the amended scheme is therefore considered acceptable and compliant with Policy 13(h) of the CSS.

Having regard to a neighbour's objection to the colour of the conservatory this is noted but it does not warrant refusal of the conservatory.

Revised Landscaping Scheme

Again, as with the conservatory, the revised hard and soft landscaping scheme as submitted reflects the works as now implemented. The changes to the approved scheme focus on reducing the amount of area to be laid to grass to hard surfacing in the form of block paving. In terms of soft landscaping the approved scheme had minimal shrub planting and no tree planting, the majority of soft planting being lawns to each plot.

These changes are understood to be on the basis that the new residents of each plot in the main wanted to keep their gardens as low maintenance as possible. These changes are most significant on Plots 1, 2 and 5. Plot 5 also includes on the submitted drawing a 'Mediterranean' garden that has been provided at the bottom of its rear garden where it adjoins a private access serving London Road.

On the basis of what was approved originally the revisions are considered acceptable and compliant with Policy 13(h) of the CSS. It is important to note that the approved landscaping scheme which is controlled by condition only controls the initial landscaping layout to be provided when the scheme is first occupied and it can be altered to a significant degree without any further approvals from the Council with the exception of the shrub planting that has to be replaced if it fails within 5 years from the date of planting.

Sheds

The two sheds that have been erected are on Plots 3 and 5. That on Plot 3 is of a lean-to design and constructed out of shiplap horizontal timber boarding with a felt roof over and sits to the rear of the single block of two garages serving Plots 3 and 4. That on Plot 5 is detached and has the appearance of a store/summerhouse. It is constructed out of what appears to be horizontal tongue and groove type timber boarding with a shallow pitched, hipped ridge roof over covered in tile effect felt. Windows are provided in two elevations facing onto the garden area with a pair of partially glazed doors at one corner of the building and a further pair of solid doors at the other end of the structure. Both sheds are of good quality although they are both relatively new.

In design terms they are both acceptable and in accordance with Policy 13(h) of the CSS.

3. Impact on Neighbouring Amenity

Policy 13 (l) of the CSS states that development should not result in an unacceptable impact on the amenity of neighbouring properties or wider area.

Plot 5 Revised Conservatory

Planning permission has already been granted for more an almost identical conservatory in this location in both design and size terms. As stated above the conservatory as built is only 0.1m deeper than the approved scheme.

The relationship to neighbouring properties is acceptable having no adverse impact and therefore is in accordance with Policy 13(l) of the CSS.

Revised Landscaping Scheme

There is no adverse impact from the revised hard and soft landscaping that has been undertaken on either individual occupiers within the development or neighbouring properties. It has focused totally on replacing some of those areas approved as lawn within each plot to block paving or shingle.

The relationship to neighbouring properties is acceptable having no adverse impact and therefore is in accordance with Policy 13(l) of the CSS.

The objection from the neighbour is noted regarding the change in levels stated to be between their garden and the 'Mediterranean' Garden at the bottom of Plot 5 but such a matter is not controlled by the condition and the issue alleged is not a planning matter relevant to the revised landscaping scheme.

Sheds

Plot 3 – The shed on this plot sits close to the boundary with the bottom of the rear garden of 5 Netherfield Road. The plot this property sits within is very deep measuring some 32m to the rear of the dwelling. The relationship between the shed and this dwelling is considered acceptable.

Plot 5 – The shed on this plot sits close to the rear boundary of 314 London Road which denotes the bottom of what is a long rear garden, the rear of the dwelling itself being some 28m away. In terms of the impact of the shed on the amenities of the persons living in the dwelling itself there will be no impact at all in planning terms. Having regard to the objection raised by 314 London Road relating to the shed blocking large amounts of light to their property at certain times of the day it is considered having regard to the modest height of the shed and it sitting due southwest of the boundary there will be minimal loss of direct sunlight to a small part only of the end of the rear garden and even then occasionally. It is also suggested by the occupier of this property that surface water runoff from the roof of the shed will exacerbate a problem from an existing shed which already drains onto their land and will cause flooding. However the water from the new shed, which it is acknowledged has no guttering, discharges within Plot 5 albeit close to the boundary but which is defined by what is a 2 metres (approx.) high close boarded fence which sits on a concrete plinth. There is no clear evidence that any surface water discharged from the roof of the shed finds its way into the garden of 314 London Road and creates the problems stated by the objector. In these circumstances the relationship between the shed and 314 London Road is considered acceptable in planning terms.

The relationship of the positions of both sheds to the neighbouring properties is considered acceptable and in accordance with Policy 13(l) of the CSS.

4. Highways

Policy 13(d) and (n) of the CSS requires development to have a satisfactory means of access and provide for parking, servicing and manoeuvring and not have an adverse impact on the highways network and not prejudice highway safety.

Plot 5 is served by a single garage which is accessed solely off the private drive serving the remainder of the development which itself comes off Netherfield Road. The approved landscaping scheme detailed a lawn extending up to the rear

boundary of Plot 5 beyond which is a garage/parking area served by a private access stated by the owner of 314 London Road to be in their ownership and which exits onto London Road. This serves a number of other properties on London Road.

The approved plan states a pedestrian gate was to be provided in this location although the annotation on the plan would appear to indicate a double gate. Notwithstanding this a double gate has been provided and is shown on the submitted revised plan as 'New gates to replace existing to provide access to London Road' and the area of lawn immediately adjacent to the boundary has been laid to shingle and whilst annotated on the submitted drawing as a 'Mediterranean Garden with Shingle and Planting', it is capable of accommodating a vehicle being 7m deep. It is also understood the access is being used by the new occupiers of Plot 5 but to what extent is not known.

The main planning consideration is whether the use of this second vehicle access to the rear of Plot 5 is compliant with Policy 13(d) and (n) of the CSS.

The private access not only serves 2 garages that are owned by 314 London Road but there are an additional 4 properties which based on information submitted by the owners of the access are 316, 320, 324 and 326 London Road who also have garages at the end of the access near to the access gates to Plot 5. Consequently the access already is used to a degree by these properties although parking does take place in front of the properties on London Road on the edge of the footway but to what extent is not known and by whom. It is also understood that there is an extant vehicle right of way along the access to what was the rear of 11 Netherfield Road and remains in place today and can be exercised by Plot 5, although previously it was used sporadically.

Northamptonshire Highways have advised that the second access point to Plot 5 is unacceptable for the reasons set out above in the consultation responses section of this report; the objections include that the new second access point would be an intensification of a sub-standard access and would be unsafe due to the layout of the access not meeting the requirements of Northamptonshire Highways for example in terms of width and pedestrian visibility. These reasons are supported and hence a condition will be attached to any permission issued preventing the use of this access for vehicle movements.

Conclusion

The proposed development is considered compliant with the relevant policies of the Development Plan with the exception of the vehicle access to the rear of Plot 5 and planning permission can therefore be granted subject to conditions reflecting this position.

Background Papers

Title of Document:

Date:

Contact Officer:

John Hill, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: