

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/03/2016	Item No: 5.2
Report Originator	Amy Prince Development Officer	Application No: KET/2015/0935
Wards Affected	Welland	
Location	28 Midland Cottages, Rushton	
Proposal	s.73 Application: Variation of condition 11 of KE/03/0771, creation of habitable accommodation within roof space	
Applicant	Mr D Seabourne	

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 shall be begun not later than the expiration of five years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. No gates shall be erected between the boundary with the access track adjacent and the front elevation of the proposed garage.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation apart from that hereby approved, there shall be no development under Schedule 2 Part 1 Class A, B, C, D, E, Part 2 Class A, B, unless consent has first been granted in the form of a separate planning permission.

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.

4. The first floor south facing rear bedroom window should be obscurely glazed and restricted opening to 100mm in accordance with the details submitted on KET/2015/0935/8 and KET/2015/0935/9 received on 17/02/16 and to a level of obscurity of at least level 3 within the Pilkington Range of Textured Glass or equivalent. The window shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2015/0935

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

3.0 Information

Relevant Planning History

KET/2003/0771

Erection of 1 new bungalow with garage (Approved with conditions 25/09/2003)

Site Description

The application site is a residential dwelling located within a curved corner plot on the northern part of Rushton within the designated village boundary. The area is predominantly residential and plot is located close to the junction of Midland Cottages and Station Road.

The dwelling sits on a small plot with an attached garage with hardstanding in front to accommodate on plot parking. The land level of the site reflects the lower level along Station Road and as such sits at a lower level than that of Midland Cottages. The south-eastern part of the site is within the boundary of the Rushton Conservation Area.

Proposed Development

This application proposes the removal of condition 11 of KET/2003/0071 which states.

No habitable accommodation is permitted within the roof space of the proposed dwelling

The applicant has converted the first floor and subsequently added two additional windows to the first floor level (one to the front north-facing elevation and one to the rear south facing elevation) and two sun tunnels. This required consent due to condition 8 of permission KET/2003/0071 which states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation apart from that hereby approved, there shall be no development under Schedule 2 Part 1 Class A, B, C, D, E, Part 2 Class A, B, unless consent has first been granted in the form of a separate planning permission.

During the application the applicant has submitted additional information in regard to the obscuring and restricted opening of the rear window in response to concerns regarding the loss of privacy to neighbouring properties.

Any Constraints Affecting The Site

In Rushden Conservation Area.

4.0 Consultation and Customer Impact

Rushden Parish Council

Raised concerns in regard to the rear window overlooking the rear elevation of No13 Station Road. Request that the window be frosted, or removed and rooflights installed. Subject to this issue being resolved no objection is raised.

Neighbours

Comments received from 13 Station Road raising concerns in relation to the window in the rear elevation due to short distance between the window and the rear elevation of 13 Station Road. The neighbour suggests the replacement of this window with roof lights or in the worst case scenario the window being frosted.

Further Consultation

At the time of writing this report an additional consultation is underway in relation to additional details the applicant has submitted in regard to obscurely glazing the rear window and restricted opening. Further comments will be provided to Members via the Planning Committee Update.

5.0 Planning Policy

National Planning Policy Framework

Para 14 - Presumption in Favour of Sustainable Development

Para 17 - Core Planning Principles

Policy 6 – Delivering a wide choice of high quality housing

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 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. Principle of the development.
2. Neighbouring amenity.
3. Design and impact on the character of the area.
4. Parking and Highways

1. Principle of the development

The principle of the development has already been established through the granting of permission KET/2003/0771 and the subsequent occupation of the site as a residential dwelling.

In the interests of prudence, the planning conditions attached to KET/2003/0771 should be reapplied to any new consent where relevant.

Policies in the development plan support extensions and 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. Neighbouring amenity

Paragraph 17 of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 13(l) of the CSS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light, overbearing or overlooking.

The conversion of the first floor roof space in itself has limited impact on the neighbouring amenity in the local area. The installation of the openings within the first floor and roof are considered below.

The two sun tunnels are located within the south and south-west planes of the roof, are small in scale and are not visible from ground floor level and as such are not considered to have any impact on neighbouring amenity.

The front first floor window faces north out onto Midland Cottages. There are a number of dwellings opposite however they are separated by the road and it is considered that the orientation of windows, the lower land level of the application site and the existing built form that the addition of a further window is not considered to affect the privacy of any of these neighbouring properties.

The rear window faces to the south and is approximately 15m from the rear elevation of a two storey rear extension on No.13 Station Road and approximately 12m from rear of No.17. The introduction of the window does not increase the built form and does therefore not impact level of light or bearing the existing dwelling has on the neighbouring properties. Comments have been raised by a neighbouring resident and Rushton Parish Council in regard to loss of privacy to the rear of the neighbouring properties.

Through discussion with case officer the applicant has provided additional information in regard to the proposal to obscure the window up to a level of 1.7m from the internal floor level and install a window restrictor to limit the opening to 100mm.

This is the only window servicing this bedroom, as such it is recommended that the top part of the window should remain unobscured to safeguard the amenity of the

future occupants of this bedroom to have some outlook which will be limit to the roof tops, trees and sky.

It is acknowledged that even with the obscure glazing the perception of overlooking will likely remain to some degree however the obscurity and restricted opening will largely remove the overlooking and on balance the impact is not considered to be unacceptable.

A condition has been recommended to secure the above details and for the window to be permanently retained in that form.

The condition to remove permitted development rights has been repeated from the earlier permission of KET/2003/0771.

Bearing the above in mind the proposal is not considered to have an unacceptable impact on amenity in terms of overbearing impact, overshadowing or loss of privacy to neighbouring properties and is therefore considered to be in accordance with Policy 13(i) of the Core Spatial Strategy.

3. Design and impact on the character of the area

The use of the first floor as habitable accommodation and installation of windows are not considered to impact the character and appearance of the dwelling or the area and is considered acceptable.

4. Parking and Highways

The proposal does not alter the existing parking arrangement however a condition has been retained from the earlier permission to restrict the installation of gates.

Conclusion

The proposal is considered to satisfy national and local planning policy. As such it is my recommendation that planning permission should be granted subject to the recommended conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Amy Prince, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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