

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/05/2016	Item No: 5.5
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2016/0262
Wards Affected	St. Michaels and Wicksteed	
Location	116 London Road, Kettering	
Proposal	Full Application: Two storey rear extension with attached garage, insertion of French doors and additional door to rear elevation and insertion of door and additional window to side elevation	
Applicant	Mrs D Zhang	

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 submitted with the application and detailed below.

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

3. Prior to occupation of the development hereby permitted the existing vehicular access shall be closed and the proposed new vehicular access provided in accordance with the approved details and shall remain so thereafter.

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

4. Prior to the proposed new vehicular access first being used a scheme to ensure that surface water from the access does not discharge onto the highway shall be provided and the access gradient into the site shall not exceed 1 in 15 for the first 5 metres from the highway boundary shall be provided and retained in perpetuity. Any gates provided shall be set back a distance of 6 metres from the edge of the adjoining highway and shall be hung so as to open inwards into the site only. Pedestrian visibility splays of 2m x 2m with nothing above 0.6m within this splay at the access toward the east shall be installed prior to occupation of the dwellings and retained in perpetuity.

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

5. The materials to be used in the construction of the external surfaces of the development together with the detailing to the eaves and window surrounds hereby permitted shall match, in type, design, colour and texture, those on the existing dwelling.

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

6. The windows on the upper floor north side elevation shall be non-opening below an internal floor height of 1.7m and glazed with obscured glass and thereafter shall be permanently retained in that form.

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

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the north side elevation of the dwelling.

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.

8. The dwelling comprising this extension hereby permitted shall not be occupied and therefore subdivided, other than as part of the single residential use of the dwelling known as 116 London Road, Kettering.

REASON: The unit of accommodation is not of a satisfactory standard to be occupied separately from the main dwelling in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2016/0262

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

3.0 Information

Relevant Planning History

KET/2016/0172 – Demolition of garage and erection of 3 no. detached dwellings – pending a decision at the time of writing this report

KET/2014/0098 – Erection of three 2 -storey detached dwellings and four 2-storey semi-detached dwellings (excluding landscaping) – refused by the Planning Committee 07/07/2014 and subsequently **allowed** on appeal 27/08/2015 and therefore is an extant permission

KET/2012/0449/TPO - T1 Cedar - 20% crown reduction - **Approved** 03/09/2012.

KET/2010/0695 - 3 no. dwellings - **Approved** 13/12/2010

KET/2009/0728 - Conversion to 4 no. flats including two storey side and rear extensions, plus parking and storage facilities - **Approved** 24/03/2010.

KET/2008/0226 – Outline -Demolition of existing house; erection of 2 no. three storey houses; 2 no. two storey semi-detached houses; 3 no. two storey detached houses - **Refused** 23/09/2008 with the subsequent **Appeal dismissed** 12/06/2009.

KE/02/1009 – Outline - 6 no. dwellings – 3 pairs of semi-detached dwellings (Access and siting considered). - **Approved** 04/08/2003.

KE/01/0939 – Outline - Demolish existing house and garages for seven detached dwellings - **Refused** 20/03/2002.

KE/90/0729 - Block of garages for existing dwelling - **Approved** 09/10/1990.

Site Description

Officer's site inspection was carried out on 26/04/2016

The development property is set back from London Road approximately 0.5km to the southeast of Kettering town centre currently within a large plot and comprises a significant detached step-fronted red brick two-storey suburban villa, with a projecting two-storey element containing a ground floor bay window and porch with surviving original door and tiles. The property was originally built in 1886 by local architect J T Blackwell (of Blackwell, Storry and Scott) for Dr John Winter Dryland, a Kettering social reformer and medical doctor. In recognition of its contribution to the local character, in 2009 the property was afforded protection under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

The property is mostly screened from public view by a Victorian red brick front boundary wall approximately 1.8 metres in height along the highway edge and extensive frontage planting. The boundary wall extends into the site along the side boundaries but is replaced with 1.8 metre high wooden panel fencing past the house as it extends into the rear garden.

There is a driveway to the northern edge of the plot which extends past the north elevation of the house finishing at a detached red brick triple garage with a pitched roof which was built in the 1990s.

The character of the surrounding area is made up of large detached and semi-detached Victorian and Edwardian villa's, set back from the highway edge in large curtilages, together with rows of red-brick terraced properties similarly aged opposite on London Road and to the north and south of the site.

An area of garden land associated with the property to its west and south is currently subject to a planning application (KET/2016/0172) for 3 detached dwellings and associated access driveway.

Proposed Development

The application seeks full planning permission for a two storey rear extension with attached garage, the insertion of French doors and additional door to rear elevation and the insertion of a door and additional window to the side elevation together with the removal of a rear chimney.

In addition and in association with the adjacent housing proposal the application also proposes to change the existing vehicular access to a pedestrian access only and to share the access and driveway to serve the proposed development to the rear and this existing property.

Any Constraints Affecting The Site

- Access on to a classified A-Road
- The site includes a Cedar tree that is subject to a TPO
- The property is subject to Article 4 direction – restrictions affecting householder development – issued 05 May 2009

4.0 Consultation and Customer Impact

NCC Local Highway Authority

No objection stated saying that the proposal should make provision for the parking of three cars irrespective of garages and that the internal dimensions of the garage should be no less than 3.3m wide and 11m deep.

Neighbours

One third party **objection** received from the occupiers of 114 London Road, to the north, on the basis of the proposal resulting in harm to their residential amenities as a result of loss of light and privacy.

5.0 Planning Policy

National Planning Policy Framework

Policy 7. Requiring good design

Policy 12. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 13. General Sustainable Development Principles

Emerging North Northamptonshire Core Spatial Strategy Policies

Policy 8. Shaping Places

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on trees
5. Impact on highway safety and convenience
6. Impact on drainage/flooding
7. Response to objector

1. The principle of the development

The development property is located within the defined confines of the Town in association with an existing residential dwelling. As such the principle of a domestic extension is considered to be acceptable in principle.

2. Impact on the character and appearance of the area

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings and is reinforced by policy 8 of the emerging Core Strategy that seeks, amongst other things, for development to respond to the character of an area. The NPPF in Chapter 7 requires development to have good design.

In addition paragraph 135, of the National Planning Policy Framework (NPPF) states that the effect of an application on the significance of a non-designated heritage asset should also be taken into account. Whilst the area is not within a Conservation Area or within the setting of a listed building, due to its local historical and architectural importance 116 London Road has been subject to a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended, since 5th May 2009. As such the property is considered to be a non-heritage asset and therefore the impact of the proposal to it should be

considered.

Firstly and critically the site has extant planning permission under KET/2014/0098 for the demolition of the existing Article 4 property and the construction of seven dwellings which was allowed on appeal in association with the wider site. As such with the implementation of the approved and extant planning permission the Article 4 property would no longer exist.

This proposal and the currently pending application for three dwellings seek to retain the Article 4 property whilst also proposing the three dwellings to the rear and the extension and alterations proposed here. As such this application in retaining the Article 4 property is betterment to what would result through the implementation of an extant planning permission in terms of the impact on a non-designated heritage asset. This is considered to carry significant weight in favour of the proposal.

Furthermore the existing property includes a two storey side element that whilst it was present at the time of the property being subject to Article 4 direction consists of a flat roof that does little to respect and indeed detracts from the historic significance of the property. This proposal, amongst other things, seeks the provision of a roof consistent but subordinate to the existing in place of the flat-roof. As such it is considered that the provision of such a roof is betterment and would enhance the visual appearance of the host property, particularly as seen from its principal streetscene elevation.

The rear extension would effectively be a continuation of the two storey side flat-roofed element to the rear. The proposed garage whilst largely comprising a flat roof would have a front pitched roof. As such and with the proposed fenestration and its surrounds respecting the existing the proposal as a whole is considered to enhance the character and appearance of the existing property and therefore also the area it is located within. The demolition of the relatively recently constructed garage and the removal of the chimney, where two better examples remain, are not considered to have a harmful impact. A condition can be attached to ensure that the materials used and the detailing to the windows and eaves match the existing

It is concluded therefore that the form and design of the proposal would preserve and likely enhance the character and appearance of the property and its surroundings, in compliance with these aspects of CSS policy 13.

3. Impact on residential amenity

Policy 13(I) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties and is reinforced by policy 8 of the emerging Core Strategy that, amongst other things, seeks development to protect amenities.

The greatest impact to neighbours amenities would be toward 114 London Road to the north and specifically towards windows in its facing ground floor elevation and first and ground floor rear facing windows with the ground floor windows serving a kitchen and dining room.

With respect to the impact on the privacy of 114 London Road; the two upper floor windows proposed in the facing elevation of the proposal serve a landing and as such can reasonably be conditioned to be fitted with obscure glaze and non-opening below an internal height of 1.7m from floor level. As a result the proposal would not result in harm to the privacy of the neighbour and as such it is considered that their objection in this regard has been resolved through the imposition of a safeguarding condition.

Turning to the impact of the proposal to 114 London Road with respect to loss of light; whilst the proposal may result in a degree of increased overshadowing this increase will be slight and for a small period of time when compared with the existing overshadowing that is caused by the existing property. The proposal is unlikely to have an impact on the light currently experienced within the enclosed rear garden to 114 London Road. The garage is single storey and would be screened by the garage associated with the affected property. As such it is considered that the proposal would not result in a detrimental impact to the quality of life currently enjoyed by 114 London Road as a result of overshadowing. Given the proximity of the proposal to the closest facing window, in excess of 6m, the proposal is not likely to result in an increased overbearing impact.

It is noted in the submission that through the provision of a side door, a new additional staircase together with some internal changes that the proposed extension and the existing forward element could function as a separate planning unit with little modification. Whilst the creation of a separate planning unit would require planning permission a specific condition preventing this, without planning approval, is also proposed in the interests of residential amenity, amongst other reasons.

Thereby the proposal is considered to comply with the parts of the development plan that seek to protect residential amenity and therefore is considered to be acceptable in this respect.

4. Impact on trees

The site includes a Cedar tree subject to a TPO and will be retained. As such the proposal together with other retained trees is considered to be acceptable in this respect and critically would retain a sylvan quality to the front of the property.

5. Impact on highway safety and convenience

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.

In accordance with highway advice the proposal makes provision for three cars to be able to park off-street and the garage dimension comply with those recommended by the Local Highway Authority (LHA) with an opening of 2.6m in width and therefore is able to accommodate an addition two cars. The new access arrangements have also been considered to be acceptable by the LHA in consideration of the housing application to the rear.

As such, in the absence of a LHA objection together with the safeguarding condition preventing the sub-division of the property without further planning permission the proposal is consistent with policy 13 of the North Northamptonshire Core Spatial Strategy in that the access and parking arrangements would not result in an adverse impact to highway safety and convenience.

6. Impact on drainage and flooding

The areas of the site that are subject to the proposed building predominately comprise of hardstanding and as such its development would not increase the sites surface water run-off. Roof water run-off from the extension would be dealt with by guttering to connect to the existing. The drainage of the flat roof garage could be provided through accepted drainage techniques that may include a scupper drain or standard guttering to the sides of the garage without a parapet or a pitch and to connect to existing infrastructure within the site. As such the proposal is unlikely to result in drainage or flooding concerns and therefore is considered to be acceptable in this respect.

7. Response to objector

The issues raised by the objector with respect to the impact of the proposal to the their residential amenities as a result of loss of light and privacy are discussed above and are considered to be either resolved through the imposition of conditions or otherwise are not considered to be of sufficient detriment, when considering the existing impacts, to justify refusal on that basis.

Conclusion

In light of the above the application is considered to comply with the Development Plan and therefore is recommended for approval subject to the imposition of the conditions stated above.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316