

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 28/06/2016</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2016/0322</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>24 Durban Road (land adj), Kettering</b>	
<b>Proposal</b>	<b>Full Application: 1 no. dwelling</b>	
<b>Applicant</b>	<b>Mr T Bale</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 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. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority. The Statement shall detail the following:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
- design of construction access
- hours of construction work
- measures to control overspill of light from security lighting

The approved method statement shall be adhered to throughout the construction period.

REASON: In the interests of highway safety and residential amenity in accordance with Policy 13 of the Core Spatial Strategy and is required pre-commencement as its acceptability is fundamental to the safe construction of the development.

4. No development shall commence on site until details of the types and colours of the roofing materials to be used, together with samples, and details of the render, its finish and precise extent have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority and shall include details of a lockable gate to the shared access. The dwelling shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: Details for the provision of surface and waste water drainage are necessary prior to commencement of development to prevent pollution of the water environment in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall take place on site until full architectural details of all windows and doors (and their surrounds), verge, eaves, chimney and other brick detailing and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details are required prior to commencement of development in the interests of visual amenity and in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The new brickwork shall match the brickwork to 28 Durban Road in terms of colour and texture and the method of bonding.

REASON: In the interests of the visual amenities and character of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. 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 building, structure or other alteration permitted by Class A-E of Part 1 of Schedule 2 of the Order shall be built on the application site.

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

10. 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 upper floor side elevations or roof planes 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.

11. The hall way window within the shared access corridor shall be glazed with obscured glass and shall also be non-opening as shown in approved drawing 2674/4 Rev. E 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 Spatial Strategy.

12. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised in accordance with policy 11 of the NPPF and 13 of the CSS.

## **Officers Report for KET/2016/0322**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2015/0849 – 1 Dwelling – WITHDRAWN

#### Wider site including 18 and 24 Durban Road

KE/1985/621- Erection of bungalow – APPROVED – 02/10/1985

KE/1986/303 – Reserved Matters for bungalow and garage – APPROVED – 22/05/1986

KE/2008/0073 – Residential development – APPROVED – 28/03/2008

KE/2008/0713 – Removal of conditions 6 and 7 on KET/2008/0073 (residential development) – REFUSED - 03/10/2008. Appeal – ALLOWED 13/05/2009.

Condition 6 limited the development to 8 residential units, the Inspector amended this to 10 units and condition 7 limited the development to two storeys in height and the Inspector amended this to 2 ½ storeys high. The Inspector concluded that the site was of a sufficient size to accommodate 10 units, in the form of a 2 ½ storey development without compromising residential amenity and character and appearance of the area.

KET/2012/0316 – Demolition of existing buildings and new residential development (10 units) – APPROVED 10/08/2012

#### 18 Durban Road

KET/2016/0186 – 3 Dwellings – APPROVED - 27/04/2016

#### **Site Description**

Officer's site inspection was carried out on 27/05/2016 and 10/06/2016

The application site is located within an established residential area consisting primarily of Victorian red-brick terraced properties directly fronting the street together with a similarly aged factory opposite together with a small later row of dwellings. The site is located at the end of a terrace with a bungalow built in the late 1980's to the west and appears to function as an extended area of garden associated with 24 Durban Road with the front area available for off-street parking.

#### **Proposed Development**

The application seeks full planning permission for a single three bed L-shaped dwelling attached to the side/west elevation of 28 Durban Road to be constructed of matching reclaimed brick under a slate roof with a rendered side elevation and including a chimney and dormer windows.

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

None

## 4.0 Consultation and Customer Impact

**KBC Environmental Health: *No objection*** stated subject to the imposition of conditions requiring approval of a Construction Method Statement together with a condition in relation to unexpected contamination and informative(s) with regard working hours for construction sites and radon.

**Neighbours:** Two third-party representations have been received from surrounding residential dwellings including one stating **support** for the proposal, saying that they *feel the design would go a long way toward finishing off the street, at the moment there is just a gap.*

The second third party representation consists of an **objection** letter from the adjacent neighbour at 28 Durban Road, on the following summarised grounds:

- Loss of light to lounge, kitchen, bathroom and second floor bedroom
- Noise and disturbance that would be caused through the provision of the proposed shared alley-way
- Loss of privacy - including to garden
- Devalue property
- Party Wall Act implications
- Disrupt services that are attached to the side wall
- Overdevelopment of the site resulting in harm to the street scene
- Fear of subsidence
- Overbearing impacts
- Loss of views
- Lack of parking provision in an already congested street especially when also considering in the context of other recent approvals in the locality

## 5.0 Planning Policy

### **National Planning Policy Framework:**

Core Planning Principles

Chapter 7 - Requiring good design

### **Development Plan Policies**

#### **North Northamptonshire Core Spatial Strategy (CSS):**

Policy 1 Strengthening the Network of Settlements

Policy 6 Infrastructure Delivery and Developer Contributions

Policy 9 Distribution and Locations of Development

Policy 10 Distribution of Housing

Policy 11 Distribution of jobs

Policy 13 General Sustainable Development Principles

Policy 14 Energy efficiency and sustainable construction

#### **Local Plan:**

Policy 35 (Saved) Within Towns

### **Emerging Joint Core Strategy Policies (JCS):**

Policy 4 – Biodiversity

Policy 6 – Development on brownfield land

Policy 8 – Place Shaping

Policy 9 – Sustainable Buildings

Policy 28 – Housing requirements

Policy 29 – Distribution of new homes

Policy 30 – Housing mix and tenure

### **6.0 Financial/Resource Implications**

None

### **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety and appearance
5. Impact of possible contamination
6. Response to objection

#### 1. Principle of development

The principle of proposing a residential property within the Town confines is consistent with saved Local Plan policy 35, policy 10 of the CSS and also policy 29 of the emerging JCS that seek to focus development in Towns in the interest of sustainability and to safeguard rural areas.

As such, whilst the site is not considered to be brown-field, with garden land excluded from that definition in the NPPF the broad principle of developing the site for housing is considered to be in accordance with the development plan and therefore acceptable.

#### 2. Impact on the character and appearance of the area

Chapter 7 of the National Planning Policy Framework (NPPF) and policy 13(h) of the North Northamptonshire Core Spatial Strategy (CSS) require developments to be of a high standard of design and respect the character of their surroundings. The provision of high quality design is also encouraged through the emerging JCS in Policy 8.

The strong defining character of the area is created by the enclosing rows of Victorian red-brick terraces with interesting lintel, chimney and brick/ coursing details which together with the use of flemish bonding to the brickwork create a pleasing and characterful streetscape.

The proposal would essentially extend the row of terraces and by taking its design cue from the established terraced properties and respecting the drop in land levels the proposal is considered to successfully integrate into the streetscape. Whilst dormers are proposed these are small in scale and would not be the dominant feature to the roof plain or within the street and are consistent with the 2009 appeal decision on the site and the nearby recently granted permission (KET/2016/0186).

Of some concern however is the proposed render to the side elevation which is conspicuous in the street scene as approaching from the west and would effectively replace the existing Flemish bond side elevation to 28 Durban Road. Whilst there are examples of varying external finishes in the area, including stone cladding, pebble-dashing, painted render and black and white-washed brick the covering up of this elevation and replacing with an inferior finish is considered to result in some limited harm to the character and appearance of the area. This harm however is relatively minor and when considering in the context of the significance of the street, with no special designation and that other facing materials are evident in the locality it is not considered that this issue, by itself would sustain a reason for refusal, nevertheless it does result in any positive recommendation being more on-balance than otherwise it might have been.

As such and as a whole the proposal sits relatively comfortably in the street. Suitable conditions will be imposed to ensure that a good standard of finish is delivered including the approval of architectural detailing and render finish and consistent materials including a matching brick bond.

Thereby the proposal is considered to be in accordance with policy 13 of the CSS and policy 7 of the NPPF and therefore the development is considered to be acceptable in this respect.

### 3. Impact on residential amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires that developments do 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 or overlooking.

By reason of the orientation and proximity of the proposed dwelling together with an absence of habitable room windows to the side facing elevation of 24 Durban Road the proposal would only likely result in an impact toward the proposed attached neighbour at 28 Durban Road. As such the impact on this property will be discussed in depth.

28 Durban Road will experience an impact to a number of rear and side facing windows. This would include: a side ground floor obscurely glazed and a rear facing living/dining room window, two side facing kitchen windows, an upper floor side facing obscurely glazed bathroom window and a rear facing first floor bedroom window. The shape of the affected property is essentially a mirror image of the proposed; being L-shaped with a rear projecting two and single storey element set off the proposed shared boundary.



Firstly with respect to impact on privacy; the application does not propose any upper floor side facing windows and as such any overlooking would be prevented by boundary treatment. Details of boundary treatment will be required by condition. A side hall window is proposed within the covered way which would directly face the side obscurely glazed window to 28 Durban Road. Any overlooking of this window, given its close relationship would be prevented through the imposition of a condition requiring the window to be obscurely glazed and non-opening below an internal height floor height of 1.7m and remain in that state thereafter. A condition could also be imposed to prevent the prospect of any future upper floor side facing windows being inserted; thereby safeguarding the future privacy levels of 24 and 28 Durban Road. Any proposed rear facing upper level windows will either be obscured in relation to a bathroom window or be at such an obtuse angle to the affected property so as not to have a harmful overlooking impact.

With respect to overshadowing and overbearing; the rear facing dining/living room window to 28 Durban Road would be the most affected especially given the orientation of it directly facing southwards and therefore in the arc of the sun for most of the day. However given that the room has a double aspect and that the two storey rear element projects only 2.8m from the rear wall of 28 Durban Road the amount of light and outlook that would be experienced and remain through this window is considered to be acceptable. Similarly the proposal would not result in significant harm to the rear facing upper floor bedroom window.

The kitchen windows would directly face the proposal at a separation distance of 3.7m. Given that kitchens are generally not considered to be habitable rooms and in light of the rear projecting element only extending 2.8m from the rear wall and with such arrangements common of terraced streets the proposal is not considered to result in significant adverse harm to the residential amenities of 28 Durban Road.

It should be noted that the proposal would have some negative impacts toward 28 Durban Road and it should be acknowledged that its residents will experience change; in particular with respect to the light and outlook currently experienced from the rear facing lounge/dining room window. These impacts however are not considered to be so detrimental to the quality of life of the occupiers to justify refusal of the application on those grounds especially when taking into account the circumstances of the affected rooms and through the imposition of safeguarding conditions.

There is no reason to believe that the use of the covered way for occasional domestic purposes in association with one dwelling would give rise to such disturbances as a result of noise to be considered detrimental. It is however important to impose a condition requiring the provision of a lockable gate at the entrance to the covered way in the interests of security.

Any significant impacts towards residential amenity arising from the construction of the proposed property would be prevented through the imposition of a condition requiring the approval of a construction method statement.

As such and with no objection from the Council's Environmental Health Officer the proposal is considered to be acceptable in this regard and in accordance with policy 13 (l) of the CSS.

#### 4. Impact on highway safety and appearance

Policy 13(d) and 13(m) of the North Northamptonshire Core Spatial Strategy respectively require that developments have a satisfactory means of access and provide for satisfactory parking, servicing and manoeuvring and do not have any adverse impact on the highway network and will not prejudice highway safety.

Whilst the proposal does not make provision for off-street parking, on-street parking is common in the street and the locality with no net loss of parking provision with the addition of vehicles associated with one new dwelling not likely to compromise highway safety with the street coping well with this on-street approach to car parking. It is important to add that whilst this approach to on-street parking is reasonable here for only one additional property there would be a cumulative impact that should be considered in the event of the redevelopment of the wider site or nearby sites and the banking of permissions. In any event the impact on highway safety shall be considered on a case by case basis and judged on the merits of the application, which in this case is considered to be acceptable.

As such the proposal is considered to maintain the safety and convenience of the local highway network.

#### 5. Impact of possible contamination

As Northamptonshire comprises a strata of naturally occurring arsenic there is potential for site contamination to harm health. As such a safeguarding condition is included to protect against this harm in the event that unexpected contamination is discovered. This approach is consistent with the advice of the Environmental Protection Officer.

#### 6. Response to objection

The objectors concerns with regard the impact of the proposal to highway safety, impact on residential amenity and the character and appearance of the area have been discussed above and considered to be acceptable in those regards subject to the imposition of certain safeguarding conditions.

The other issues arising from the objection with respect to devaluation of property, loss of view, stability of the property and party wall act implications are not considered to be material planning considerations and therefore are not discussed.

### **Conclusion**

In light of the above the proposal is considered to be in accordance with adopted and emerging development plan policies and consistent with the NPPF and as such is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

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

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316

