

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 14/02/2017</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Amy Prince Development Officer</b>	<b>Application No: KET/2016/0887</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>1 Crystal Court, Kettering</b>	
<b>Proposal</b>	<b>s.73A Retrospective Application: Detached garage for a temporary period of 2 years</b>	
<b>Applicant</b>	<b>Mr G Millard</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. This permission shall be limited to a period expiring 2 year from the date of this permission. At or before the expiration of this period the garage hereby permitted shall be permanently removed and the land restored to its former condition.

REASON: To enable the Local Planning Authority to re-assess the situation given the temporary nature of the building in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details submitted with the application shown on drawing number KET/2016/0887/1 and KET/2016/0887/2 received 09.12.2016.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. This permission shall enure for the benefit of Mr Gary Millard only and shall not enure for the benefit of the land. When Mr Gary Millard ceases to occupy 1 Crystal Court, Kettering the garage hereby permitted shall be permanently removed and the land restored to its former condition.

REASON: The structure hereby permitted is not considered suitable to allow its retention in perpetuity in the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Core Spatial Strategy.

4. The development shall be only for purposes incidental to the enjoyment of the dwellinghouse of 1 Crystal Court, Kettering.

REASON: In the interests of the visual amenities of the area in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2016/0887**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2004/0063 - 6-28 Cornwall Road, Kettering - 16 new three storey terraced houses with integrated garages (approved 25-05-04)

#### **Site Description**

Officer's site inspection was carried out on 12/01/2017.

The application site is located in the east of Kettering within the designated town boundary. Crystal Court is accessed off Stanford Road close to the roundabout junction with Windmill Avenue. The site is accessed via a private gated road which currently serves a row of 3 terraced properties which face south-west. The northern terrace (No.3) faces out onto the previously vacant plot on which the temporary garage is now sited. Under the original consent for the estate (KET/2004/0063) the plot contained a detached 2½ storey dwelling which has not been constructed.

The Council's aerial photography from 2009 and 2014 show that this land has previously been maintained as an open grassed area with a row of conifer trees along the southern boundary. At the time of the Case Officer's site visit the proposed garage had been partially constructed. It has a metal frame with a membrane floor topped with concrete pavers. The sides were partially covered with a light coloured MDF laminate and the applicant stated the roof would be finished with Correx which has a similar look to polycarbonate. The structure has no fixings to the floor but is fixed with timber bracing to building to the south-east. It is noted that the conifer trees along the southern boundary have been removed to stumps.

#### **Proposed Development**

This application seeks retrospective consent for the temporary siting of a residential garage for a period of 2 years.

#### **Any Constraints Affecting the Site**

None.

### **4.0 Consultation and Customer Impact**

#### **KBC Environmental Health**

Response received - No comments to make.

#### **Neighbours**

Notification letters were sent out to neighbours in close proximity and a site notice was erected at the site; 2 objections were received raising the following matters:

#### **3 Crystal Court**

- Negative effect on the neighbourhood. In terms of increased traffic, increased noise and adverse visual impact.
- Loss of privacy to front of No.3.
- Design, appearance and materials. Garage is out of scale and overbearing for the site and out of character.
- Concern that the garage will be used for commercial purposes and building materials.

- No.3 Crystal Court sold with this site a communal garden with ornamental trees.
- Deteriorate view out of front of No.3 Crystal Court.

#### 12 Cornwall Road

- Large commercial looking building.
- Overlooks and overshadows rear garden due to its unnecessary bulk and height.

At the time of writing this report a further period of consultation is being competed due to a change in the description to reference a temporary time period and additional supporting information having being submitted. This consultation period will expire prior to the Planning Committee and any additional comments will be reported to members via the Committee Update.

### **5.0 Planning Policy**

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

Para 14 - Presumption in Favour of Sustainable Development

Para 17 - Core Planning Principles

Policy 7 – Requiring Good Design

#### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1 Presumption in favour of Sustainable Development

Policy 8 North Northamptonshire Place Shaping 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, Character and appearance
3. Neighbouring amenity
4. Highways
5. Other matters raised

#### 1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently consists of the North Northamptonshire Joint Core Strategy (JCS) adopted in July 2016, and saved policies from the Local Plan for Kettering Borough.

Policy 6 of the National Planning Policy Framework (NPPF), Policy 11 and 29 of the North Northamptonshire Joint Core Strategy and Saved Policy 35 of the Local Plan for Kettering Borough require new development to be focused within designated settlement boundaries unless rural exceptions apply. The application site is located within the designated settlement boundary of Kettering where residential development

is considered appropriate subject to compliance with all other relevant policies. The plot on which the proposed garage is sited has permission under KET/2004/0063 for a 2½ storey dwelling which could still be constructed due to the permission for the wider estate having been lawfully commenced. The principle of the addition of a residential garage in the location is therefore considered to be acceptable subject to the detailed considerations outlined within the following sections of this report.

## 2. Design, Character and appearance

Paragraph 14 of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. This is further supported by Section 7 of the NPPF and Policy 8 of the JCS. Local Planning Authorities must seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed garage has been partially constructed at the time of the Case Officer's site visit. The garage will be covered in a UPV laminate with a polycarbonate looking roof. The dimensions of the garage are a 6m width, 12m length with an eaves height of 2.1m and overall ridge height of 3m.

The siting of the garage is in a very similar location to the 2½ storey dwelling permitted through KET/2004/0063 albeit with a slight larger footprint. The garage is proposed for a temporary period of 2 years and is not visible from the public realm only within the private gated road. Although the material are not considered to strictly be in keeping with the surrounding buildings they are uncomplicated and reflect the temporary nature of the structure and are considered to be fit for purpose in this instance.

As such it is not considered that the proposed garage would adversely impact the character and appearance of the area to a level that would warrant refusal of permission and it is therefore considered in accordance with Policy 8 of Joint Core Strategy.

## 3. Neighbouring amenity

Policy 8(e) of the JCS requires that development does not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed garage is sited directly opposite No.3 Crystal Court, the buildings are separated by approximately 20.5m. The applicant has stated within a supporting letter that the garage is to be used in connection with the residential property of No.1 Crystal Court for the storage of the applicant's cars, some work tool and personal items. Objections have been received with concern that the garage will be used in connection with the applicant's construction business. A condition has been recommended that the temporary garage is only to be used in connection with the residential property of No.1 and the permission is for the benefit of the applicant only. A further note had been added to the applicant to advise that the garage should not be used for commercial purposes.

It is acknowledged that compared to the landscaped open space that was previously present the garage will result in some disturbance from vehicles and use however the original permission (KET/2004/0063) would allow a 2½ storey house to be built at any time without the need for any further consent. Considering the garage will be tied to a domestic use and its temporary nature any disturbance to the local residents is likely to be consistent with any other residential garage in the urban context in which the

site sits. As such it would be unreasonable to refuse permission on this basis.

A further objection has been received from one of the houses to the north-west of the garage on the basis of overshadowing and overbearing impact on the rear garden space of No.12 Cornwall Road. The garage has a maximum eaves height of 2.1m and an overall height of 3m at the ridge line of the dual pitched roof, the roof slopes down to the shared boundary with No. 12 with the eaves sitting just above the existing close boarded fence of approximately 1.8m which is 1m front the garage. Considering the existing built form of the fence and the height of the garage it is only considered to cause a minimal loss of light to the rear gardens to the north-west and will not have an overbearing impact.

The proposed garage will therefore not have an unacceptable impact on the amenity of neighbouring residents when considering the extant permission for a house and it is therefore considered that the proposal is in accordance with criterion e of Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 4. Highways

An objection has been raised from a neighbour in regard to an increase in traffic from the proposed garage. It is likely that the garage will result in additional vehicle movements onto the plot which was previously vacant however the proposed garage will be conditioned for residential use in conjunction with No. 1 Crystal Court. The likely increase in vehicle movement would not be considered to be out of character with the urban setting and would not be to a more significant level than the dwelling which could be constructed.

There is no evidence that the proposal will have an adverse impact on the highway network or prejudice highways safety in accordance with policy 8 of the JCS.

#### 5. Other matters raised

One objection letter made comments that No.3 Crystal Court had been sold with the site on which the proposed garage is located as a communal garden. This matter is not a material planning consideration and as such cannot be considered as part of this application.

#### Conclusion

It is therefore recommended that permission is granted subject to the recommended conditions.

The applicant has signed certificate ownership A as part of their application confirming that they are the sole owner of the application site.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Amy Prince, Development Officer on 01536 534316

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

Ref:

Date: