

BOROUGH OF KETTERING

Committee	Full Planning Committee - 22/08/2017	Item No: 5.10
Report Originator	Alison Riches Development Officer	Application No: KET/2017/0464
Wards Affected	Desborough St. Giles	
Location	8 Beech Close (land to rear), Desborough	
Proposal	Full Application: Conversion of garage to 1 no. dwelling with external alterations	
Applicant	Mr Clayford	

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 as shown on drawing numbers 3694/1A, 3694/2A and 3694/6B received by the Local Planning Authority on 31st July 2017, 3694/3 and 3694/4, received by the Local Planning Authority on 15th June 2017 and 3694/5B and 3694/7 received by the Local Planning Authority on 1st August 2017.

REASON: In the interest of securing an appropriate form of development and in the interests of the character and appearance of the area and amenity of future and surrounding occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.

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

4. The infilled 'ghost' window provided on the north elevation of the development hereby approved shall have timber louvres fitted as shown on approved plan 3694/6B, received by the Local Planning Authority on 31st July 2017, and shall thereafter be retained in that form.

REASON: In the interests of the amenities of surrounding occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to first occupation of the dwellinghouse hereby approved, the boundary treatment shall be erected as shown on plan 3694/5B, received by the Local Planning Authority on 1st August 2017, and thereafter retained in that form.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. 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 Classes A, B and E of Part 1 of Schedule 2 of the Order shall be erected, constructed or made on the application site.

REASON: In the interests of the character and appearance of the area and amenity of future and surrounding occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The existing access and car parking area shown on approved plan 3694/5B, received by the Local Planning Authority on 1st August 2017, shall be retained in that form and kept available for such purposes thereafter.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2017/0464

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

3.0 Information

Relevant Planning History

KE/88/0831. 6 new houses. Approved 16/11/1988.

KE/98/0439. Private dwelling. Approved 19/10/1998.

KET/2006/0978. Double garage with studio over. Approved 16/02/2007.

Site Visit

Officer's site inspection was carried out on 05/07/2017.

Site Description

The application site is located in an established residential area to the south of Desborough.

The application site is a triangular plot of land to the south of the dwellinghouse and garden at No.8 Beech Close and comprises a detached double garage associated with the dwellinghouse. The plot abuts a turning head at the bottom of the adopted highway in Beech Close.

Planning permission was granted in 2006 for a one and a half storey red-multi brick building with a hipped terracotta tile roof, approximately 5.8 metres by 7.8 metres in size, with a garage on the ground floor and a studio at first floor level. The garage abuts the rear garden fence for the dwellinghouse at No.8 and is at a lower ground level than the dwellinghouse and its garden due to the change in ground levels in Beech Close, which slopes downwards from north to south.

The garage is accessed either via the garage doors on the west elevation or by a single door on the rear (east) elevation. The first floor studio is accessed via a set of steps leading to a door in a gable projection extending from the north (side) elevation of the building, through the rear garden of the No.8.

Surrounding development comprises large detached one, one and a half, and two-storey dwellinghouses in reasonably sized plots of land built of a similar palette of materials and there is Millennium Green to the east of the application site. Millennium Green is an area of green open space held in perpetuity by Desborough Millennium Green Trust for the people of Desborough.

Proposed Development

The proposal is for the subdivision of the plot for No.8 Beech Close, to create a separate plot on land which currently contains a detached garage with studio above associated with the dwellinghouse. The proposal is also for the conversion of the garage into a dwellinghouse. The original scheme was amended to provide an additional area of amenity land around the garage. The amendment was consulted on for 10 days.

The resultant proposal is for the following:

- The subdivision of the south end of the plot at No.8 Beech Close to create a separate plot.
- The alteration and conversion of the existing garage to a one and a half storey 2 bedroom 3 person detached dwellinghouse.
- The external alterations comprise the replacement of the existing double garage door on the west (front) elevation with a door and 2 no. windows; the insertion of 3 no. roof lights on the south (side) roof plane and the insertion of a window at ground floor level in the south (side) elevation; the insertion of 2 no. windows at first floor level in the east (rear) elevation; the removal of access steps and the replacement of a door with an infilled 'ghost' window in the north (side) elevation.

Any Constraints Affecting the Site

Within the Nene Valley Nature Improvement Area (NIA) Boundary

4.0 Consultation and Customer Impact

Initial Consultation – 04/07/2017 – 21 days

Desborough Town Council

- Objection.
- Overdevelopment of the existing plot and out of keeping with the surrounding area. Would be out of character with established housing.

Environmental Health

- No comments.

Neighbours

8 letters of **objection** received from Berrys on behalf of a client and 9, 10, 10a, 11, 12, 12A, and 14 Beech Close. The material planning considerations are summarised below:

Character and Appearance

- Housing acceptable in principle but the established character of the area is one for large properties in a spacious setting. Conversion of the garage would be out of character in the close. The proposed additions will give the appearance of a converted garage therefore failing to adhere to the high standards of architectural design required by the NPPF and Policy 7 of the North Northamptonshire Joint Core Strategy.
- The drawings show the converted garage would have a small yard at the rear adjacent to the Millennium Green which is edged with trees and would overhang into the yard.
- The proposed yard would facilitate the chopping back of the tree branches from Millennium Green which is a feature of the area as is wildlife.
- The average plot size of the 10 properties off Beech Close is 1000sqm in an open setting. The proposed plot is 166sqm which leads to a considerable disparity between the plot and the established character of

the area. Consequently the proposed dwelling will appear incongruous in the street scene.

- The proposal is below the Technical Housing Standards - Nationally Described Space Standards (March 2015) in that a two bed 4 person two-storey dwelling should be no smaller than 79sqm.
- There is no adequate means of enclosure for the proposal or space between the house and anything else making it look out of place against the larger plots.
- The garage as it stands is already out of keeping with the surrounding houses which all have double garages next to or included in the footprint of the house.
- As a house it will be even more out of character as it will be much smaller, have a tiny garden and no garage of its own. The surrounding houses are all 4 bed set in substantial grounds.

Residential Amenity

- The garden space is restricted and will impinge both visually and audibly into the street scene and serve to emphasise the cramped nature of the site.
- The surrounding landscaping around the site and in Millennium Green will limit the outlook from the principle bedroom and within the amenity space.
- The trees in Millennium Green would limit light to the proposal and they should not be tampered with as they are protected.
- The proposal will lead to a change in noise levels.
- There will be insufficient outside space. There is a real risk that any occupiers and visitors would use the area to the front of the garage as amenity and parking space to the detriment of the attractiveness and safety of neighbouring properties and the people who live there.

Parking and Highway Safety

- The applicant has a business registered at the address and routinely services vehicles from the property including the garage and parking area. Despite having an operator's licence to park 1 vehicle and 1 trailer at the site it is normal to see far more vehicles, including vans and trailers, parked on the drives and on the highway.
- No.8 is on a bend and parked vehicles cause a hazard to vehicles and pedestrians in that they obstruct the view of oncoming traffic and pedestrians have to walk in the road. There is only pavement along one side of the road and at the top of the close there is a part with no pedestrian pavement.
- No.8 will lose at least 4 off road parking spaces and any new occupiers would require parking allocations.
- The original plans for the garage were to offset parking for No.8 not to create more parking problems.
- No driveway to speak of and cars for the proposed dwelling would have to use the road access to Nos. 12, 12a and 14 as a turning circle which for these residents is a blind summit with existing residents being disadvantaged by dangerous manoeuvres of any future traffic.

- The garage barely has room in front of it for 2 parked cars, therefore cars would be parked on the road or across the path and road as they are quite often currently presenting a hazard to pedestrians, motorists and emergency vehicles.
- A significant number of cars, vans and trailers are routinely parked, either partially blocking the footpath or obstructing access for other road users, particularly as the road bends and provides a hazard for oncoming traffic and pedestrians.
- The business also attracts larger delivery vehicles from time to time that add to the congestion on roads not designed or intended for business or industrial use.

Other Issues

- Access for Emergency vehicles which may be delayed obtaining access to the properties beyond Beech Close.
- There is not enough room for fire evacuation at the rear of the building.
- Responsibilities under the Human Rights Act, in particular Articles 1 and 8.

Reconsultation – 03/08/2017 – 10 days

Desborough Town Council

- No further comments received.

Environmental Health

- No further comments received.

Neighbours

4 letters of **objection** received from Berrys on behalf of a client and 10, 11 and 12A Beech Close. The material planning considerations are summarised below:

- Objections remain with regard to parking issues.
- New plans involve stealing some of the garden from No.8 which still results in a plot less than half the size of the surrounding plots, including No.8.
- Despite amendment, the scheme is still incompatible with the surrounding area and discordant in appearance with the street scene.
- All the upper floor windows appear to face No.8 which would then obviously be overlooking the property.
- The extended garden area will be directly over-looked by the raised patio area and rear facing windows of No.8.
- The proposed additional green area is only accessible by a door from the living room and there is an immediate change in levels from this door up a slope to the garden area to the rear which will require a stepped access. Reference to a retaining wall and necessary steps will be likely to affect the root zone to the maturing planting to the boundary with Millennium Green. The consequences of this amendment need further detailing to ensure no adverse effect to existing planting.
- Refer again to the original planning consent for the garage which stipulates the garage only to be used for parking of vehicles which was

only granted as No.8 had already had the original garage turned into extra accommodation.

- The land immediately to the south of the proposed dwellinghouse is in the ownership of No.11 Beech Close and is shown as such under the resident's deeds. Trimming the planting to the south of the fence on the layout plan would essentially be trespassing. As the hedge is there in advance of a residential window no claim for loss of light can be brought.

The consultation period is due to finish on 13th August 2017, after the cut-off date for reports to be published in the Committee Agenda. Any new comments or objections not already made will be discussed in the Committee update.

5.0 Planning Policy

National Planning Policy Framework

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 3. Landscape Character

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

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. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety
5. Landscaping and Trees
6. Other Issues

1. The Principle of Development

The application site is in an established residential area to the south of Desborough.

Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Desborough as a smaller town is a secondary focal point for smaller scale development.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new development 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 Character and Appearance

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The proposal is for the subdivision of the south end of the plot at No.8 Beech Close to create a separate plot and the alteration and change of use of the existing garage to a one and a half storey 2 bedroom 3 person detached dwellinghouse.

The existing garage is located on a triangular piece of land to the rear of the plot for No.8 Beech Close. The garage is already separated from the dwellinghouse and its garden by a retaining wall and wooden panel fencing due to difference in land levels at the site. The existing garage is set at a lower land level with the floor level of the first floor studio above the garage accessed directly from the rear garden of No.8 via steps leading to a gable roofed projection from the garage building.

The existing garage was granted planning permission in 2006 and was designed to reflect the general style of the main dwellinghouse in the use of a hipped roof, projections from the roof, and the materials used.

There have been a number of objections to the proposal from neighbours to the south of the application site in terms of its impact as a dwellinghouse on the character and appearance of the other dwellinghouses in the Close due to its design and proportions and the disparity in the size of the plot in relation to the surrounding plot sizes.

Beech Close is located to the south of Lower Street in Desborough, has developed over a number of years from Lower Street southwards, and comprises a number of different styles of and ages of development. No.8 Beech Close was built out following planning permission granted in 1998 and the garage abuts a turning head which is at the end of the adopted highway in Beech Close. No.16 to the west was built out at a similar time and is of similar

design.

Subsequent to the application site being built the 8 no. dwellinghouses to the south (Nos. 9, 10, 10A, 11, 12, 12A, 14 and 15) were built out following planning permission granted in 2000 (KET/2000/0218). These properties are identical large two-storey detached dwellinghouses each with a detached double garage, set within relatively large plots of land. The dwellinghouses are grouped in fours around two private drives, one projecting from each spur of the turning head adjacent to the application site. The land level slopes downwards from north to south over the whole of Beech Close.

In terms of the character and appearance of the area, the existing garage is not of standard design but was determined to reflect the character of the existing dwellinghouse at No.8 Beech Close when planning permission was granted for it. The current proposal is not for a new building at the site and as such, as the building forms part of the existing street scene, consideration in relation to its character and appearance can only be given to the conversion of the building as it exists, and this has already been judged to be acceptable in character and appearance terms.

It is accepted that the plot provided is smaller than those of the dwellinghouses immediately surrounding the site however, these existing properties are part of the wider character of the area which also comprises smaller detached properties in smaller plots to the north end of Beech Close, and as such it is considered that as the proposed conversion will give rise to a 2 bed 3 person dwellinghouse, the amount of land provided is reflective of the size of the proposed dwellinghouse.

The external appearance of the existing garage is not that of a standard garage and external alterations proposed are limited to the replacement of the garage door with a domestic door and two windows, the insertion of windows and roof lights and the blocking up of the access door into the rear garden of No.8 to provide a 'ghost' window. As such, it is considered the alterations proposed will not adversely impact on the character and appearance of the existing garage but will make it more reflective of the appearance of a small dwellinghouse. In addition, it is considered the loss of an additional piece of garden land for No.8 will not significantly reduce the plot size for No.8 in relation to surrounding properties and will therefore not negatively impact on the character and appearance of the dwellinghouse, or the wider surrounding development.

It is therefore considered that provided the materials used for the alterations match those on the existing dwellinghouse, which can be secured by condition, then the proposed conversion will not adversely impact on the character and appearance of the existing building, surrounding development or the wider street scene. This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy which requires new development to respond to the site's immediate and wider context and local character.

3. Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The proposal is for the conversion of an existing building on site into a 2 bed 3 person dwellinghouse.

Objections have been received from neighbours to the south of the application site in terms of its impact on the amenities of future and surrounding occupiers in terms of noise and disturbance by virtue of its small size and lack of outside amenity space, and due to it falling below the space requirements of the Technical Housing Standards - Nationally Described Space Standards (March 2015).

In terms of the Space Standards, an additional plan was provided (3694/7) detailing all the dimensions of the existing building, due to the printing off process reducing the accuracy of the measurements.

For a 2 bed 3 person two-storey dwellinghouse the gross floor area when measured internally (GIA) is required to be 70m² or more. The GIA is only measured in areas with headroom of 1.5m or above. For areas with headroom between 900mm and 1.5m, 50% of the floor area is counted provided it is used solely for storage. Areas with headroom below 900mm are not counted at all. The minimum floor to ceiling height for at least 75% of the GIA is required to be at least 2.3m

In addition to the overall floor area, where two or more bedspaces are provided, there has to be at least one double (or twin) bedroom with a floor area of at least 11.5m², and at least 2.75m wide. A single room is required to have a floor area of at least 7.5m² and be at least 2.15m wide.

The headroom for the proposal is all above 900mm. On the first floor there is a strip of 0.37m on the north and 0.38m on the south elevations between 900mm and 1.5m, and at least 75% of the building has a ceiling height of at least 2.3m. The proposal has the following measurements in relation to the Space Standards:

Overall GIA (with storage)

- 74.26m²

Bed 1 (without storage)

- 2 bed spaces
- GIA - 14.59m²
- Width – 4.6m

Bed 2 (without storage)

- 1 bed space
- GIA - 8.84m²

- Width – 3.4m

As such, it is considered the proposal complies with the requirements of the Space Standards which is considered to provide an acceptable level of space for future occupiers.

The proposed alterations to the existing building will provide windows for each habitable room with additional roof lights on the south roof plane serving the bedrooms and bathroom. The gable projection in the north elevation providing the existing access from the garden of No.8 is to be blocked off and the door converted to a louvered 'ghost' window. The applicants have provided an additional 4.6 metre wide strip of garden area to the north of the existing building and the separation distance between the 'ghost' window and the windows in the rear (south) elevation of No.8 is approximately 20 metres. It is considered this separation distance is adequate to prevent any unnecessary overlooking or loss of privacy to both sets of occupiers. To ensure there are no future issues of overlooking, a condition will be added to ensure that the louvres are installed on the window and retained in that form, and an additional condition for the boundary fence between No.8 and the application site to be erected prior to first occupation.

It is accepted that the area around the proposed dwellinghouse is limited by its existing location and the relationship with the south (side) and east (rear) boundaries, however, the additional strip of land provided measures 21 metres by 4.6 metres and this is considered to be of an acceptable size to support a 2 bed 3 person dwellinghouse, such that it will not lead to loss of amenity in terms of additional noise over and above the level expected within an area of residential housing development. The reduction in the size of the garden for No.8 will leave this property with a rear garden depth of approximately 16 metres which is considered to be sufficient to support a property of its size and will still be similar in area to the gardens of surrounding properties.

With respect to the outlook from the principal bedroom, this room has two windows in the east elevation which are approximately 2.5 metres from the boundary with Millennium Green; this is in addition to 2 no. roof lights in the south roof plane and a 'ghost' window in the north elevation. It is considered that the room has more than adequate sources of daylight and sunlight and the presence of the trees and landscaping along the boundary of Millennium Green is considered not to give rise to an overbearing impact on the occupiers of this room.

The proposal includes the insertion of a window in the south elevation to serve the lounge area and it is considered there is sufficient separation distance between this window and the dwellinghouse across the private drive at No.11 Beech Close, which has a blank flank elevation facing the application site, to mean that there will be no loss of privacy or overlooking of the occupiers of each property.

As the application site is small and triangular, in order to prevent any future issues of loss of privacy or overlooking, a condition will be added removing

permitted development rights for extensions and alterations to the building and roof and for incidental buildings.

As such, subject to the imposition of conditions relating to the retention of the 'ghost' window, the erection of boundary treatment and the removal of permitted development rights, it is considered that the proposal complies with Policy 8 of the North Northamptonshire Joint Core Strategy in that it will not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

4. Parking and Highway Safety

Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The proposal seeks to subdivide the existing garage from the dwellinghouse at No.8 Beech Close and provide a separate residential unit.

Objections have been received alleging that a business is being run from the dwellinghouse at No.8 and that the number of vehicles associated with No.8 and the alleged business use will lead to adverse highway and pedestrian safety and parking issues within Beech Close, which will be exacerbated by the loss of the garage.

When No.8 Beech Close was originally built in the late 1990s, it was without a garage. There is a purpose built driveway area in front of the dwellinghouse which can provide parking for at least 5 no. vehicles clear of the highway and which has access onto the highway. The current garage was added to the site following planning permission granted in 2006.

The authorised use for No.8 Beech Close is as a dwellinghouse under Class C3 of the Town and Country Planning (Use Classes) Order 1987, as amended. A business use at the site may be acceptable as an ancillary function to the dwellinghouse use, but whether it is acceptable is a matter to be investigated separately and is not for consideration under this application.

The matters for consideration in relation to this proposal are the impact on parking and highway safety of the loss of the garage for the existing dwellinghouse, and the impact on parking and highway safety of the provision of an additional residential unit.

The existing dwellinghouse has a large driveway in front of it with parking for at least 5 no vehicles clear of the highway. Northamptonshire Parking Standards (September 2016) published by Northamptonshire County Council as the Highway Authority requires dwellinghouses with 4+ bedrooms to have a minimum of 3 no. parking spaces. As such, it is considered that without the existing garage facilities, the driveway in front of the dwellinghouse provides adequate parking for the size of dwellinghouse. As this is an existing parking arrangement, it is considered to be in compliance with the Highway Authority requirements.

The proposed conversion of the existing garage will remove 2 no. parking spaces available for the existing dwellinghouse, but will provide these spaces for the proposed dwellinghouse which will be a 2 bed property. The number of spaces provided complies with the requirements of the Northamptonshire Parking Standards which requires 2 spaces.

With respect to the Highway Safety issues raised, the first part of Beech Close down to the turning head abutting No.8 Beech Close is adopted highway and contains no parking restrictions on it. It is therefore permissible for vehicles to park on the highway.

At the end of the turning head there are 2 no. private drives, one from each spur of the turning head. These private drives each serve 4 no. dwellings – Nos. 9, 10, 10A and 11 Beech Close are served by one and Nos. 12, 12A, 14 and 15 are served by the other. Given that these are private drives and not open to through traffic, it is considered that the level of traffic and pedestrians passing by the application site will be limited to future occupiers and the occupiers and visitors of properties served by the private drive. Refuse lorries are not permitted to enter private drives unless by prior arrangement.

As such, it is considered that the parking arrangements for the proposed dwellinghouse and the existing dwellinghouse at No.8 are in compliance with Highway Authority standards and will not adversely impact on the highway network or pedestrian and highway safety. This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Landscaping and Trees

Policy 3 of the North Northamptonshire Joint Core Strategy requires new development to be sensitive to its landscape setting.

Millennium Green to the east of the application site has a boundary with it. Millennium Green is an area of green open space held in perpetuity by Desborough Millennium Green Trust for the people of Desborough.

The application site and surrounding area are not in a Conservation Area and none of the trees within the park are subject to a Tree Preservation Order. As such, they are not protected and works to them do not fall to be considered under the Planning Acts. Any works to the trees are a civil matter between the owners of Millennium Green and the land over which the trees hang.

An objection has been received in relation to the proposed additional garden area, which is at a higher ground level than the remainder of the plot surrounding the existing garage, and the impact on the root zone of mature planting in Millennium Green due to the requirement for a stepped access to this additional area.

The area surrounding the garage along the west, south and east elevations was excavated at the time of construction of the garage. There are existing steps up to the access door in the north elevation of the garage and this area

has also been excavated and a retaining wall added to the north end to accommodate the change in ground levels between the two areas. As such, there is no requirement for any further ground works to allow access to the additional garden area and therefore there will be no negative impact on the root zone of the planting in Millennium Green to the east of the application site.

6. Other Issues

One of the letters of objection received referred to the Human Rights Act 1998, and in particular Articles 1 and 8.

Under the Planning Acts, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. In this regard, consideration is given to the impact of the proposal on the amenities of surrounding occupiers. It is considered that the proposed development is supported by the aims and objectives of the Development Plan policies listed in this report, and there are no material considerations which would outweigh the Development Plan subject to the imposition of the recommended planning conditions.

A further objection was made in relation to the land immediately to the south of boundary fence of the proposed dwellinghouse, stating that any trimming of the planting along this boundary would be trespassing and that as the hedge precedes the insertion of a residential window, the applicants can make no claim for loss of light. Boundary issues are civil matters outside of the planning process and will have to be resolved separately.

Notwithstanding this, it should be noted that the newly proposed lounge window would be set back some 3.5 metres from the opposing site boundary to the south whilst the occupier could lawfully cut back any vegetation that grows into the site (i.e. over the boundary).

Conclusion

Subject to conditions relating to matching materials, retention of the louvered 'ghost' window, boundary treatment, removal of permitted development rights for extensions and alterations to the dwellinghouse and roof and for incidental buildings, and for the development to be built in accordance with approved plans, the proposal accords with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: