

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 17/10/2017</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Collette Panther Assistant Development Officer</b>	<b>Application No: KET/2017/0549</b>
<b>Wards Affected</b>	<b>Ise Lodge</b>	
<b>Location</b>	<b>1 Richmond Avenue, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use of amenity land to garden, including relocation of boundary fence and extension of existing drive</b>	
<b>Applicant</b>	<b>Mrs R Hill</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 amended plan numbers shown in the table below.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the approved development, unless these works are carried out earlier; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

## **Officers Report for KET/2017/0549**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/1988/0774 – Garage and extension – Approved 22/07/1988

#### **Site Visit**

Officer's site inspection was carried out on 02/08/2017.

#### **Site Description**

The application site is located on a corner plot, at the junction of Richmond Avenue and St Johns Road, comprising a two-storey detached property with front, side and rear amenity space. Features of the dwelling include projecting windows at first floor level on the principal elevation and a hipped roof. The dwelling is set back from both Richmond Avenue and St Johns Road and although it is at the same level as Richmond Avenue is set at a lower level than St Johns Road. There is a driveway to the front, accessed from Richmond Avenue, providing off-street parking for two vehicles. To the north is a grass strip, the subject of this application, followed by footpath and a further grass strip abutting St Johns Road. Properties in the immediate vicinity are a mix of two-storey terrace, semi-detached and detached of similar character and appearance to the application dwelling which are also set back from the highway. Various existing additions can be seen within the street scene on both Richmond Avenue and St Johns Road and although there have been minor alterations to dwellings over time they largely retain a uniform character and appearance.

#### **Proposed Development**

This application seeks full planning permission for the repositioning of the northern boundary 2 metres north (towards St Johns Road) to change the use of, approximately, 58.5 square metres of amenity land to private land which will comprise 45.5 square metres of private garden and 13 square metres of driveway.

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

None

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

##### **Neighbours**

Two comments received from the neighbouring property to the east (rear) of the application site, on 02/08/2017 and 11/08/2017, raising the following material planning considerations:

- *restricted view and reduced visibility of the public highway*
- *loss of attractive open space affecting the aesthetics of the surrounding area*

## **Northamptonshire County Council Highways (NCC)**

Comments received from NCC Highway Engineer on 15/08/2017 advising to establish whether there are Highway Rights over the land in question.

Plan obtained from NCC Highway Investigation Officer showing that the land in question does not form part of the publically maintained highway and is already part of the registered title to the application property.

## **Environmental Health**

*No comments* received 17/08/2017.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Core Principles

Chapter 7: Requiring good design

### **Development Plan Policies**

### **North Northamptonshire Joint Core Strategy 2016**

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. The principle of development
2. Design and impact on the street scene
3. Impact on residential amenity
4. Highway safety

### **1. The principle of development**

Policy 8 of the adopted NNJCS (July 2016) seeks a high standard of design which respects and enhances the character and visual appearance of the surrounding area and protects residential amenity by not resulting in *unacceptable impact caused by means of noise, vibration, smell, light or other pollution, loss of light or overlooking*. Paragraphs 56, 58 and 64 of the National Planning Policy Framework also recognise that good design is a key aspect of sustainable development, and supports development which establishes a strong sense of place and response to the local character, reflecting the identity of local surroundings and materials.

This application seeks the change of use of amenity land to private land involving repositioning of the boundary fence to a residential property which is

located in an established residential area to the east of Kettering. The site is located within Kettering town boundary, as required by Policy 35 of the Local Plan.

Furthermore, subject to detailed consideration being given to the impact of the change of use and repositioning of boundary fence having an acceptable impact on the character and appearance of the area and residential amenity, in conjunction with ensuring its compliance with National & Local policies, detailed above, the principle of residential development is considered to be acceptable.

## 2. Design and impact on the street scene

Chapter 7 of the NPPF requires development to be of a good design, this is echoed by Policy 8(d)(i) of the JCS which requires new development to *respond to the site's immediate and wider context and local character*.

The originally submitted scheme was considered to have an unacceptable impact upon the character and appearance of the area by erecting a boundary fence immediately adjacent to the footway. This issue was raised with the agent during the application process and as a result amended scheme/plans submitted. Due to setting the proposed boundary 1 metre back from the footway and planting a hedge adjacent it is considered that the revised scheme achieves an uplift in design and maintains visual amenity which will result in an acceptable impact upon the street scene.

The amenity land forming the subject of this planning application is a reasonably sized strip of land, approximately 3 metres x 27 metres, which is located between the existing boundary of the site and the footway. It does not connect to other areas of amenity land or open space and, due to being privately owned, does not provide the public a right of access over it. There is a second section of grassed amenity space between the footway and St Johns Road along with various other sections of grass areas which form part of the public highway. In addition to this the street scene is varied where some walls and fences are located immediately adjacent to the footway. As a result, it is not considered that the loss of this section of grassed area will not cause detrimental harm to the character and appearance of the area. Furthermore, the planting of a hedge will ensure that landscaping is fully visible within the street scene, thereby creating a softer, landscaped finish to this boundary which is in keeping with the mixed open and enclosed landscaped character of the area.

Overall, and subject to a condition requiring the hedge to be planted during the first available planting season the proposal accords with Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy in that the new development responds to the site's immediate and wider context and local character.

## 3. Impact on 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.*

Due to the nature of the proposed development and the location of the proposed fence in relation to neighbouring properties it is considered that neither the proposed fencing nor the change of use of the land will have an adverse impact on the residential amenity of any neighbouring property. As a result, the proposed development is considered to accord with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development does not result in an unacceptable impact upon amenity to neighbouring properties.

#### 4 Highway safety

Policy 8(b) of the North Northamptonshire Joint Core 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*.

The property currently benefits from off-road car parking spaces formed of a driveway and a single garage. The existing access arrangements are to remain unchanged by the proposal although additional parking will be provided to the front of the property through the change of use of amenity land, this will improve highway safety by virtue of reducing the number of vehicles parked on the road close to junction. The Highways officer has not raised objection nor concern to the proposed development. As such the proposal is considered to be acceptable in this respect.

#### Conclusion

Subject to conditions requiring the planting of vegetation to the repositioned northern boundary it is considered that the proposal accords with policies set out in the Development Plan and no other material planning considerations outweigh this, therefore the proposed development is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Collette Panther, Assistant Development Officer on 01536 534316

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

Ref:

Date: