

BOROUGH OF KETTERING

Committee	Full Planning Committee - 13/03/2018	Item No: 5.6
Report Originator	Alan Chapman Development Officer	Application No: KET/2018/0050
Wards Affected	Rothwell	
Location	34 Underwood Road, Rothwell	
Proposal	Full Application: Bungalow with off-road parking	
Applicant	Mr P Parsons	

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 number 17-091-02 Rev B.

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

3. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, 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 8 of the North Northamptonshire Joint Core Strategy.

4. 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. This shall include a new 1.8 metre close boarded fence along the eastern boundary for the distance (identified X to Y on the plan) from the south-east corner to the north-east corner of the hereby approved dwellinghouse as identified on Plan Number 17-091-02 Rev B. The building 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 accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The window to serve the bathroom on the western elevation shall be non-opening 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.

6. 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 land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

7. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall 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: In the interests of energy efficiency and sustainable construction in accordance with policy 9 of the North Northamptonshire Core Spatial Strategy.

8. Construction and other works audible at the site boundary shall not be undertaken except between Monday to Friday 08.00 to 18.00 hrs and at no time whatsoever on Saturdays, Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core 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 alteration permitted by Class B of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0050

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

3.0 Information

Relevant Planning History

KET/2017/0837 Withdrawn 13-12-17 Two storey dwelling with off-road parking

Site Visit

Officer's site inspection was carried out on 14/02/2018

Site Description

The application site is a flat rectangular plot of land some 518 sqm in size situated in between a one-and-a-half storey dormer bungalow and a non-dormered single storey bungalow arranged in a linear form on the north side of Underwood Road in the settlement of Rothwell. It is situated in an established residential area where there are an eclectic mix of dwelling types, sizes and styles with no prevailing rhythm to the street scene.

Proposed Development

Planning permission is being sought for the erection of a 3-bedroom detached single storey bungalow with space for one on-site car parking space. The proposal also includes an amended crossover and dropped kerb.

The proposal is to have a hipped roof design, with a projecting bay fronted element to the front and a projecting flat roof, with a central roof lantern, element to the rear. The proposed ridge height is 4.765m.

Background

Pre-application advice (PRE/2017/0050) was originally sought for a larger two-storey dwellinghouse on the site which did not receive officer support. An amended pre-application one-and-a-half storey 'bungalow', with a steeply pitched roof, was subsequently proposed but concerns remained about its bulk and proximity to the adjacent properties.

Planning application KET/2017/0837 was duly submitted following on from this pre-application, for a one-and-a-half storey bungalow with a ridge height to 6.3m. On the recommendation of the case officer this application was withdrawn as it was indicated the proposal would be refused over concerns relating to the scale and massing of the building and its potential impact upon the amenities of the neighbours. Further dialogue ensued between the agent and the case officer to explore a more acceptable scheme in planning terms prior to the submission of this KET/2018/0050 application.

The Agent submitted an amended plan (Ref: 17-091-02 Rev B) which includes a street scene view and a correction to the notation of no.36 Underwood Road's side window from bathroom to kitchen. This amended plan illustrates the relative ridge heights of nos.32, 34 and 36.

4.0 Consultation and Customer Impact

Rothwell Town Council

Has no objection to the application.

KBC Environmental Health

Have requested conditions and informative notes for the management and control of contaminated land, radon and construction working hours.

Neighbours

A single objection was received from no.36 Underwood Road. The concerns cited are:

- Plans incorrect – the window on my east elevation is a kitchen window and NOT a bathroom window
- Right to light / 45 degree rule – proposed dwelling will impede natural light within the limitation of 45 degrees
- The Prescription Act 1832:
 - Under Section 3 'Claim to use of light enjoyed for 20 years', my property has enjoyed uninterrupted light for over 20 years and the proposed dwelling constitutes as an obstruction
 - Proposed dwelling will limit the amount of light to an unacceptable level (through kitchen window)

5.0 Planning Policy

National Planning Policy Framework

Core planning principles

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

Policy 10. Meeting the challenge of climate change, flooding and coastal change

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in favour of Sustainable Development

Policy 6: Development on Brownfield Land

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 11: The Network of Urban and Rural Areas

Policy 29: Distribution of New Homes

Policy 30: Housing Mix & Tenure

Saved Policies in the Local Plan for Kettering Borough

Policy 35 – Housing with Towns

Supplementary Planning Documents

Sustainable Design SPD

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 of the Area
3. Residential Amenity
4. Parking and Highway Safety
5. Contaminated Land
6. Energy Efficiency and Sustainable Design
7. Other Issues raised

1. The Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with their Development Plans unless material planning considerations indicate otherwise

The application site is in an established residential area within the settlement boundary of Rothwell. Policy 11 of the North Northamptonshire Joint Core Strategy is supportive of residential development that is located within the Urban Areas, where Rothwell is defined as a Market Town.

The principle of development for this proposal is established as it is within a defined built-up Urban Area.

2. Character and Appearance of the Area

Policy 8(d) of the North Northamptonshire Joint Core Strategy requires new development to reflect, respect and enhance the character of its surroundings.

The current proposal has evolved from its inception at pre-application stage as a dominant two-storey detached dwelling house, then to a bulky one-and-a-half storey dwelling (KET/2017/0837 – withdrawn) to this more modest proposal for a single storey detached bungalow with no first floor living space.

Due to the eclectic mix of property styles and scales, it is considered that the most appropriate setting in which the proposal should be assessed against are those properties immediately to the west and east of the application site. Here nos. 32 and 36 Underwood Road are of a 4-sided hipped roof design with a small ridge. No.36 differs from no.32 in that no.36 is slightly taller with a first floor level containing flat roofed dormers to the front and rear elevation. Both of these neighbouring properties have modest bay window elements to their front elevations. They have slate tiled roofs and rendered external walls. No.36's ridge height is estimated to be 5.8m, some 1.04m higher than the proposed dwelling's ridge height at 4.765m. The height of no.32 is estimated to be similar to the proposed scheme.

The proposed dwelling is to have a 4-sided hipped roof with a protruding bay-fronted element which is reflective of the bay elements of nos.32 & 36. The proposed front elevation is to be partially stepped back primarily to accommodate an on-site car parking space. The protruding front bay element has been located adjacent to no.32 to help alleviate potential loss of outlook and reduction in light levels experienced by no.36 that were evident in the KET/2017/0837 withdrawn proposal when this protruding element was to be adjacent to no.36.

It is opined that the proposed dwelling naturally fills a vacant building plot within the street scene and has been carefully designed to reflect the external appearance of the bay fronted properties either side of it, as well as to a scale where its proposed ridge height would be in harmony with ridge procession along this specific stretch of Underwood Road.

For the above reasons it is opined that the character and appearance of the area would not be harmed by the proposal and that the proposal is in compliance with Policy 8 (d) of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

Paragraph 17 of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 8 (e) of the JCS is clear that development must 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, overbearing or overlooking.

The only external entrance into no.36 Underwood Road is by way of a glazed door located in its side (eastern) elevation which directly faces the proposed dwelling. This external door also has a small window next to it, and which both serve the internal hallway. In addition, no.36 has another window in this side elevation which is the only window to serve the kitchen. For clarification, it was confirmed through the submission of amended plan 17-091-02 Rev B that there is a kitchen window in no.36's eastern elevation and that there is not a bathroom window as incorrectly stated on submitted drawing number 17-091-02 Rev A. No.36 also enjoys a flat roofed single storey rear extension with no side windows facing the application site.

No.32 Underwood Road has no windows in its side (western) elevation facing the application site, but does enjoy a flat roofed single storey rear conservatory which has full and un-interrupted glazing wrapping around the conservatory's side and rear walls.

No.36 has objected to the proposal on the grounds that the proposal does not comply with the 45 degree rule and would reduce the light received through their kitchen window to unacceptable levels. It is accepted that the proposal would reduce the level of direct sunlight received through this window during some early morning hours at different times of the year as the window faces due east. Kettering Borough Council does not have any published policies or guidance which stipulates a '45 degree rule', though this is used as one means to assess impact.

As commented above, the current proposal was amended from the 2017 withdrawn application to take account of the potential impact upon no.36's amenities (outlook and light). The latest proposal has substantially reduced the overall height from 6.315m to 4.765m (1.55m reduction) and also the overall bulk and massing of the roof slopes on all sides. In addition the projecting bay fronted element has been relocated away from no.36's side over towards the side of no.32 which has no side effacing windows in the original building's side elevation. The proposed roof slopes are now at a pitch of approximately 25 degrees as opposed to 40 degrees proposed under KET/2017/0837. Whilst no.36's outlook would be affected by losing unrestricted views onto the open plot of no.34, judged in planning terms, retention of a view is not protected. However, there still would be, although constricted, oblique views of open sky and the street due to the shallow pitch of the proposed roof giving daylight to the neighbour's kitchen. The corner of the proposed front wall extends approximately 2.5m beyond the affected window. The proposed 'frosted' glazed bathroom window almost opposite no.36's affected window would also mitigate perceived losses of light through its light reflective properties. It is considered that light levels will not be significantly reduced during some early morning hours when the sun is generally facing the affected window, also, during the hours from midday until dusk then light levels would remain similar as the affected window would normally be in shade as the sun would be to the west of no.36.

With regards to no.32 (no objection received from the occupier) from within their rear conservatory outlook towards the west would be affected as views would be onto the central part of the proposed roof and the side wall of the flat roofed rear element which extends approximately 7m beyond the rear wall of no.32's conservatory. However, for similar reasons as above, the roof slope is set at a shallow pitch to mitigate impact on outlook. Furthermore, the proposed rear element is designed as a flat roof and has its no.32 facing side wall set back in from the shared boundary. It is accepted that the proposed design would reduce some levels of direct sunlight received within the conservatory during the late evening hours.

Nevertheless, as the conservatory of no.32 enjoys a full expanse of glazing wrapping around all three sides then the occupiers would still experience a high level of outlook to their extensive rear garden and natural light.

As would be the case for both nos.32 and 36, the applicant could potentially erect a 2.0 metre (head height) high boundary fence under their permitted development rights which could be more intrusive than the proposed scheme. A condition to control boundary treatment and where necessary fencing is to be applied.

For the above reasons it is opined that the amenities of neighbours would not be significantly harmed by the proposal and that the proposal is in compliance with Policy 8 (e) of the North Northamptonshire Joint Core Strategy.

4. Parking and 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 current situation at the application site is that there is an existing dropped kerb to the site's eastern boundary. Along the site's western boundary and abutting the back edge of the footway is a low chain link fence. Along the site's eastern boundary there is no boundary treatment except for a single waist height timber panel abutting the back edge of the footway.

The proposal provides for two on-site car parking spaces at the sites south-western and a new dropped kerb to provide the necessary crossover provision. The submitted drawing indicates that pedestrian visibility splays at 2.4m x 2.4m can be provided, of which the eastern splay is under full control of the applicant, whereas the western one is partly incumbent upon the neighbour at no.36 to control. However, taking into account the current situation with regards to boundary treatments and the applicant's intention to retain the low chain link fence, then it is opined that adequate visibility splays can be achieved that would not compromise highway safety. The slight lack of control over the western splay is weighed against the provision allowing for two cars to be kept off road thereby allowing a potential passing space to aid the flow of traffic along this relatively highway that also serves as a bus route.

For the above reasons it is opined that highway safety would not be compromised and that the proposal is in compliance with Policy 8 (b) of the North Northamptonshire Joint Core Strategy.

5. Contaminated Land

Policy 6 of the North Northamptonshire Joint Core Strategy requires the reuse of previously developed land and remediation strategies to manage contamination if required. Due to the underlying geology present throughout Northamptonshire, levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health is considered acceptable for residential land use. To prevent any unacceptable risk to human health to future occupiers of the site, further investigation on site will be necessary to assess the extent of contamination which will then inform a remediation scheme.

This further investigation/remediation scheme can be satisfactorily secured by condition in the interests of human health, property and the wider environment in accordance with paragraphs 109 and 121 of the NPPF which requires development to enhance the local environment by remediating and mitigating contaminated land ensuring it complies with Part IIA of the Environmental Protection Act 1990

6. Energy Efficiency and Sustainable Design

Policy 9 of the North Northamptonshire Joint Core Strategy states that development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency and be in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

Details in relation to techniques of sustainable construction and energy efficiency provide for waste reduction/recycling and water efficiency that can be secured by condition.

7. Other Issues raised

The Government's Planning Practice Guidance states: 'The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.' (Paragraph: 008 Reference ID: 21b-008-20140306).

The objector has stated that their 20 year right to light would be breached by this proposal. The impact upon light has been assessed earlier in this report. With reference to the objector's 'right to light' claim, then based upon the above national guidance then this is regarded as a private matter between the objector and the applicant and is dismissed as a material planning consideration.

Conclusion

Subject to the imposition of relevant conditions the proposal accords with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alan Chapman, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: