

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 11/04/2018</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2018/0111</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>88 Durban Road (land adj), Kettering</b>	
<b>Proposal</b>	<b>Full Application: Single storey garage</b>	
<b>Applicant</b>	<b>P Tomkins, ACR Developments,</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 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, roofing, boundary treatment and hardstanding materials to be used 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. 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 or alterations/extensions shall be made to the garage hereby permitted.

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.

5. The building hereby approved shall be used for the purposes of garaging domestic vehicles and for storing domestic items consistent with an incidental residential use only and shall not be used for business purposes or habitable accommodation.

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

6. The development shall not be used until the 2.4m x 2.4m visibility splay onto Durban Road has been provided in accordance with the approved details. The sight lines shall thereafter be permanently retained and kept free of obstacles above 0.9m in height.

REASON: To provide satisfactory access in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2018/0111**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2017/0967 – 1 dwelling (bungalow) – WITHDRAWN – 26/01/2018

KET/2017/0451 – 1 dwelling – REFUSED – 02/08/2017

KET/2013/0031 – 1 dwelling – REFUSED – 19/03/2013

KET/2012/0595 – Construction of new detached one and a half storey dwelling with garden - WITHDRAWN - 09/11/2012

KET/2010/0539 - Construction of a detached garage and mobility store - APPROVED - 11/10/2010

KET/2007/0153 - Construction of bungalow and associated parking - REFUSED 12/04/2007 - APPEAL DISMISSED - 18/12/2007

KET/2006/0995 - Construction of 2 storey dwelling & associated parking. REFUSED 24/01/2007 - APPEAL DISMISSED - 18/12/2007

KET/2006/0558 - Construction of 5 bungalows and associated car parking - APPROVED - 01/08/2006

#### **Site Visit**

Officer's site inspection was carried out on 07/03/2018

#### **Site Description**

The application site comprises a rectangular piece of former allotment land measuring approximately 160sqm fronting Durban Road close to the junction with Windmill Avenue. At the time of the Officer's site visit the land was clear and tidy.

Enclosing the site to the west is an access road serving Durban Court with one pair of semi-detached houses at 86 and 88 Durban Road beyond and a row of terraced houses beyond and opposite. To its east the site is enclosed by the rear boundaries of 102, 104, 106 and 108 Windmill Road.

#### **Pre-application**

Pre-application advice was given under reference PRE/2017/0120 recently where the case Officer concluded that development of the site for residential would not likely be supported primarily on the basis of its character and appearance impacts within the area.

The applicant was then advised to revert to the 2010 garage permission or otherwise to consider including the land within the rear curtilages of the Windmill Road dwellings. The application has been submitted in accordance with that advice. In addition certain amendments have also been provided to the original submission so that it more closely aligns with the pre-application advice to reflect the 2010 garage permission; notably this includes reducing its length from 10m to 8.7m.

### **Proposed Development**

The application seeks full planning permission for a garage with a store and a low dual-pitched roof measuring 8.7m x 4.8 to a ridge height of approximately 4m. The garage is proposed for domestic use with the applicant intending to advertise the garage for rent/sale to residents in the locality.

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

None

## **4.0 Consultation and Customer Impact**

**National Grid (Cadent):** Note that there is a low/medium gas pipe along the access road serving Durban Court which the developer should be made aware of in an informative

**Neighbours:** Three third party letters of **objection** from nearby residents on the following summarised grounds:

- Note that the building proposed here is much the same as the bungalow proposed and withdrawn recently and are fearful that if approved the garage will be subject to a change of use to a dwelling – a condition should be attached to ensure that this cannot occur
- Object to the rooflights and garden as they are unnecessary for garage
- Question the need and whether the applicant has a claim to a space within the existing parking courtyard in Durban Court
- There is an ongoing parking issue in the area
- Possible unsafe access onto Durban Road
- Danger caused to residents in Durban Court by vehicles manoeuvring in an out of the garage who would have to turn around in Durban Court

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF):**

Core principles and Chapter 7 (Requiring good design)

### **Development Plan Policies**

### **North Northamptonshire Joint Core Strategy (JCS):**

Policy 8: Place shaping

### **Local Plan (LP):**

Policy 35. Housing: Within Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on the character and appearance of the property
3. Impact on residential amenity
4. Impact on highway safety and convenience
5. Impact to gas pipeline

### 1. The principle of the development

In principle a domestic proposal within the Towns designated confines as defined by saved Policy 35 of the Local Plan is considered to be acceptable.

The garage is proposed for domestic use with the applicant intending to rent/sell it to residents in the locality. As such whilst the proposal does not currently have an end user envisaged, given the nature of the area with an under provision of off-street and secure parking the prospect of an existing resident in the locality using the garage is considered to be plausible and reasonable. A condition shall be attached to ensure that the garage is retained for the use of parking domestic vehicles and is not used for business purposes or habitable accommodation.

Planning permission for a dwelling on the site has been resisted by the Council and also the Planning Inspectorate (by appeal) in the past for a single and two storey dwelling. Permission has, however been granted on the site in 2010 for a garage of much the same scale and external as this proposal. The permission has elapsed and therefore cannot be implemented. Previous planning permissions, however, are a material consideration and Planning Law dictates that a robust reason would be required to justify approaching an identical (or discernibly similar) proposal in a different way. The application is considered with this in mind.

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

Policy 8 (d) of the JCS consistent with Chapter 7 of the NPPF seeks development to respond to an areas local character and wider context.

The area is defined by its distinctive enclosed and pleasing Victorian street character which primarily consists of red-brick terraced dwellings with painted bands and attractive windows, doors, chimneys and eaves brick and stone detailing. Whilst the semi-detached dwellings at 86 and 88 Durban Road adjacent are later additions to the street they respect its general theme.

It is acknowledged that this proposal and the recently withdrawn application and the bungalow dismissed in an Appeal at 2007 have a similar scale and external appearance. The key difference between this proposal and those mentioned, as well as being shorter in length by 1.3m, is that it relates to an ancillary building incidental to residential use. Such an incidental building would not be an uncommon visual prospect in such locations and whilst it does not match the prevailing street character and appearance it has an inoffensive simple design, which given its ancillary nature and appearance does not look especially out of place or otherwise harmful in the streetscape.

This was the same approach adopted in the 2010 application for a similar garage and store, which also acknowledged the 2007 appeal decisions. That being the case and with no discernible change to the site or its surroundings since the time of the 2010 permission justification for coming to a different conclusion here, whilst possible, would be difficult to sustain. Conditions shall be attached to ensure that the external materials are agreed prior to commencement of the development.

As such the proposal is considered to respect the character and appearance of the area and thereby is considered to be acceptable in this regard compliant with Policy 8(d) of the JCS.

### 3. Impact on residential amenity

The JCS in Policy 8 (e) states that development should protect the amenity of all future and surrounding users of land and buildings.

The proposal would not have a significant impact upon any of the neighbouring properties in terms of loss of light or being overbearing due to its siting a reasonable distance from the dwellings and its limited scale and low profile. The proposal is 9m from the rear elevation of the Windmill Avenue dwellings with an eaves height of 2.6m and an overall height of 4m meaning that only the uppermost section of wall and a sloping roof would be visible above the rear boundary treatment associated with the Windmill Avenue houses. Such as prospect would not be considered to be harmful to residential amenity.

The proposal would also not result in overlooking given its use and its relationship to neighbouring dwellings with the rooflights, given their internal height from floor level, meaning that they cannot result in overlooking issues. There is also no reason to believe that the comings and goings associated with an incidental residential use would give rise to disturbance and nuisances that may cause a harmful impact to surrounding residents. Its use going forward shall be conditioned to remain for the purposes of parking domestic vehicles.

Thereby the proposal would not have an adverse impact to the residential amenities of surrounding dwellings and therefore is considered to be acceptable in this respect.

### 4. Impact on highway safety and convenience

Policy 8(b) of the JCS seeks to ensure a satisfactory means of access and provision of parking.

The proposal would take 2-3 vehicles off-street in the locality, which should be seen as a benefit in an area which experiences difficulties in this regard.

The access onto Durban Road would make use of an existing access road that serves five dwellings in Durban Court. This access has good visibility onto Durban Road which sees traffic passing the access slowly. The proposal makes suitable provision for pedestrian and vehicle visibility splays at the access – this shall be ensured going forward by condition. The increase in vehicle movements associated with the use of a residential garage using an access currently used for five dwellings would not be significant and thereby not determinative.

The garage would be accessed from within Durban Court. Inter-visibility between existing users in Durban Court and the access would be good, direct and uninterrupted. Users of the garage may need to perform a turning manoeuvre to access and egress the site in a forward gear. Such a manoeuvre can be achieved safely using the existing arrangements within Durban Court; it is also notable that the applicant's ownerships extents into the first part of the parking courtyard to enable this to occur without interfering with others land. This together with the low speeds of traffic using Durban Court would mean that the proposal can operate in a way that respects highway safety and convenience.

This was the same approach adopted when the 2010 garage application was approved with no notable change in site circumstances that would now justify coming to a different conclusion given that essentially the proposals are the same. As such the proposal is considered to be acceptable in this regard.

#### 5. Impact to gas pipeline

The gas pipeline travels underneath the access road, with no reason to believe that the proposal would require the pipeline to be disturbed. An informative shall be attached to make the applicant aware of the pipeline.

#### Conclusion

In light of the above and with no other material considerations that would justify coming to a different conclusion the proposal is considered to be in accordance with the Development Plan and the NPPF and therefore is approved.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

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

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316