

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/05/2018	Item No: 5.9
Report Originator	Alison Riches Development Officer	Application No: KET/2018/0240
Wards Affected	St. Michaels and Wicksteed	
Location	79 Hawthorn Road, Kettering	
Proposal	s.73A Retrospective Application: Single storey rear and part side extension to include low profile lantern and bi fold doors, decking and boundary fences	
Applicant	Mr T Wilson	

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 decking hereby approved shall not be carried out other than in accordance with details shown on approved plans KET/2018/0240/4 and KET/2015/0240/6, received by the Local Planning Authority on 23rd March 2018.

REASON: In the interest of securing an appropriate form of development in the interests of the amenities of the adjoining occupiers at No.79 Hawthorn Road in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. 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 permitted by Schedule 2, Part 1 Class A shall be made in the northeast, northwest and southeast elevations of the building.

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

3. The door on the southwest elevation shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property at No.79 Hawthorn Road and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The colour of the render on the external walls of the extension hereby approved shall be Chalky White, and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property at No.79 Hawthorn Road and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The decking hereby approved shall not be first used until a 2 metre high wooden panel screen has been erected along the southwest edge of the decking. The screening shall thereafter be permanently retained in that form.

REASON: To protect the privacy of the adjoining property at No.79 Hawthorn Road and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0240

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

3.0 Information

Relevant Planning History

No.85 Hawthorn Road

KET2017/0654. Single storey rear extension. Approved 17/11/2017.

- Approved at Planning Committee 14/11/2017.

Site Visit

Officer's site inspection was carried out on 03/04/2018.

Site Description

The application site is located in an established residential area just to the south of the centre of Kettering, within walking distance of the town centre and all its facilities and amenities.

The application site is a two-storey red brick Victorian/Edwardian dwellinghouse with a concrete pantile roof and ground floor rounded bay window, located towards the centre of a terrace of 12 no. two-storey properties between Garfield Street and Argyll Street on the south side of Hawthorn Road. At the rear of the property there is a two-storey element perpendicular to the rear elevation, and a single storey lean-to element attached to the rear elevation, which were built at the same time as the original dwellinghouse. The windows are replacement casements in white PVCu. The doors are white PVCu.

The dwellinghouse is separated from the highway in Hawthorn Road by a small front garden with an alley way, shared with No.81 to the southwest, leading to a long narrow rear plot enclosed by 1.8 metre high wooden panel fencing.

Surrounding properties are a mixture of two-storey Victorian/Edwardian terraces.

Proposed Development

This application has been made as the result of an enforcement complaint and the applicants were invited to regularise the development already carried out on site.

The application therefore seeks retrospective planning permission under Section 73A of the Town and Country Planning Act 1990 for a single storey extension to the rear of the dwellinghouse which extends 4 metres from the rear elevation of an original single storey lean-to element to the dwellinghouse. In addition to extending to the rear, the extension wraps round the existing building, extending 1.5 metres to the side. A lantern roof light has been inserted at the southeast end of the extension.

The application also includes a 4m deep area of decking to the rear of the proposed extension, with a 2 metre high wooden panel fence along the southwest edge facing the adjacent neighbours at No.79 Hawthorn Road. A 2 metre high boundary fence is also proposed along the boundary between the application site and No.79.

Prior to the receipt of this application, the applicants were requested to remove a parapet wall from the extension to reduce the overall height.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Neighbours

71 Hawthorn Road

- **Objection.**
- It would appear development has already taken place prior to planning being applied for.
- Live in close proximity to the site and are now faced with a very large brick wall, which is quite unsightly.
- Aware that a previous extension at No.85 Hawthorn Road was rejected as was not in keeping with the area for the size of development.
- We feel this rather oversized development is not in keeping with the Victorian properties within the area of Hawthorn Road and if passed could potentially lead to further developments in the future that will not be in keeping with the area.

85 Hawthorn Road

- **Objection.**

The comments included in this objection related to the application of the planning process in relation to a scheme granted approval by KET/2017/0654. No material planning considerations in relation to the submitted proposal were provided so the comments cannot be included as part of the considerations for this application.

Borneo Martell Turner Coulson Solicitors on behalf of 79 Hawthorn Road

- **Objection.**
- According to the validated plan the extension has a total length of 15m when measured from the back of the property. The existing property extends to 9m and so the proposal adds 6m to the property. The application also asks for a further 4m of decking which is to be enclosed by a 2m high fence.
- The proposed extension has a width of 5m which is 1.5m wider than the existing property and only 0.75m from the boundary fence.
- The existing wooden panel boundary fence has one panel of 1.6m and several panels of 1m with the proposed fence at 2m in height adding an additional 40cm to 1m.
- Objections are raised in terms of character and appearance, residential amenity (loss of light/overshadowing, overbearing), the previous application at No.85 Hawthorn Road, and glare.

Character and Appearance

- Policy 2(d) and 8(d)(i) of North Northamptonshire Joint Core Strategy and the Kettering Town Centre Area Action Plan are the policies relevant to character and appearance. The property is in close proximity to the Headlands Quarter.
- The applicants have already built without planning permission an extension which wraps around the existing building and which falls outside the scope of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The accompanying plans show the proposal is not in keeping with the historic character of the property itself or the nearby Headlands Quarter which is being actively preserved by Kettering Borough Council.

Residential Amenity

- Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy is relevant to amenity.

Loss of Light/Overshadowing

- Photographs provided show the ground floor windows face the application property. The garden is south easterly facing which means the property is in the path of the sun when it comes across the applicant's property, or is directly above it. Given the layout the downstairs windows are not in the path of the sun in the morning, afternoon/early evening.
- The height and length of the build means they no longer receive direct sunlight into the downstairs bathroom, boot room, kitchen and living room (from the back) until the brief time the sun is directly overhead. The use of these rooms has been seriously impaired by gross overshadowing and loss of light caused by the build. Photos of the rooms affected before and after.
- The before photos were taken in the winter months when there was less available sunlight and the after photos were taken this month during the most recent sunny spell when maximum light was available,
- The height and length of the build has caused a severe loss of light to the downstairs rooms.

Glare

- It has become apparent that the afternoon/early evening sun shining on the chalk white render of the applicant's extension causes significant glare into our property. This means in the morning there is a loss of light and in the evening extreme glare to the kitchen windows. This restricts the use of the kitchen/diner/boot room and family room for the majority of the day.

Overbearing

- The height of the extension stands at 3m (plus parapet and lantern roof) and their garden is approximately 0.45m higher meaning that its impact is greater than if both properties were on level ground.
- The application also includes the replacement of the existing fence which varies in height from 0.9m to 1.6m with a 2m high fence and moving it into the garden. We appreciate boundary disputes are not for consideration in this application but the moving of the boundary is not agreed.

- In addition to the 6m long extension the applicants have also requested a further 4m by 5m wide area of decking. We do not object to the decking itself but the 2m high fence which the applicants wish to place round the decking for privacy.
- The decking is 0.45m above ground level and 0.45m above our garden so the 2m fence will appear 3m high.
- Although not entitled to a view, the length of the extension has meant an additional 6m long wall by 3m high and potentially a further 4m long by 2m high fence which equates to 14m long obstruction which is approximately 40% of the available garden space. Not only is this overbearing but it is 0.75m from the boundary fence, exacerbating the impact.
- Concerned about the negative impact on the neighbours at No.77 Hawthorn Road. No.77 has a considerably smaller garden than the applicants and the extension (without decking and fencing) will extend to almost 50% of the entire length of their garden.

Comparison with No.85 Hawthorn Road

- Understand each planning application is decided on its own merits and that a precedent is not set when making a planning decision but we are aware of a previous planning application at No.85 Hawthorn Road which had materially the same considerations and neighbour objections and refer the Council to its previous recommendations.
- The length of the extension was considered too great and would overshadow and overbear on the neighbouring properties.
- It was agreed the lantern roof light should be removed, particularly when considering the difference in ground level between the two properties.
- Planning permission was eventually granted for an extension just outside the limits of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended which was less than 5% over the tolerance level whilst the applicants build is close to 200% above tolerance.
- In contrast the applicants build far exceeds the limits of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended and because of the layout of each property and the path of the sun, there is a greater loss of light than that considered for the neighbours in the previous application. This proposal is also significantly closer to our property, exacerbating its effects.

5.0 Planning Policy

National Planning Policy Framework

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 29. Distribution of New Homes

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. Comparison with No.85 Hawthorn Road

1. The Principle of Development

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

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of extensions to residential properties 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.

Objections have been received from neighbouring occupiers that they are faced with a large unsightly brick wall which is oversized and not in keeping with the historic Victorian character of the dwellinghouse and surrounding properties in the area.

The impact of the character and appearance of a proposal is determined in terms of its visibility within the public realm.

Although the proposal does not reflect the design of the original dwellinghouse, it is located to the rear of the existing dwellinghouse and is not visible in the public realm.

In addition, the proposal is similar in its appearance to the single storey rear extension granted permission under reference KET/2017/0654 at No.85 Hawthorn Road.

It is considered therefore that, the building will not adversely impact on the general character and appearance of surrounding development and the wider street scene.

This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

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 dwellinghouses in Hawthorn Road comprise terraces of two-storey dwellinghouses which were built in out in pairs or small numbers over time during the Victorian era. With respect to the south side of Hawthorn Road and the application site and its surrounding neighbours in particular, this can be seen in the differing ridge heights, bay window designs, eaves and other decorative detailing, and the differing depths of the dwellinghouses and their two-storey rear elements.

The rear elevations of the terrace of properties, including the application site, face southeast, with each property having a two-storey projection perpendicular to the rear elevation, which was built at the same time as the original dwellinghouse. These projections face southeast and the path of the sun, the relationship of the dwellinghouses to each other, and their close proximity means some minor loss of daylight and sunlight is experienced at ground floor level, and to a lesser extent at first floor level also, by each property in the terrace.

The extension incorporates an existing single storey outbuilding and extends from its rear. It also extends to the side (southwest) and wraps round part of the two-storey element of the existing dwellinghouse. A large rectangular lantern roof light has been added at the southeast end of the extension and there are bi-fold doors in the rear (southeast) elevation.

The extension therefore has a total length of 6 metres when measured from the back of the two-storey element of the dwellinghouse. The existing outbuilding has a length of 2 metres so the proposal adds 4 metres to this. The proposal has a total width of 5 metres which is 1.5 metres wider than the existing outbuilding. The proposal extends along the northeast boundary with the adjoining neighbour at No.77 Hawthorn Road and is separated from the southwest boundary with the adjoining neighbour at No.81 Hawthorn Road by 0.75 metres.

The extension is flat roofed and a parapet wall previously installed was removed prior to submission of this retrospective application. The extension has an overall height of 3 metres nearest to the rear elevation of the existing dwellinghouse. The land levels at the site drop gently in a northwest-southeast direction along the rear garden, and this is reflected in the gradual stepping down of the boundary fence on each side of the property. To address this, the floor level from the two-storey element has an 18cm step down into the existing single storey element and the extension.

The existing back door of the dwellinghouse has been covered by the extension and a new back door has been inserted at the northwest end of the of the side (southwest) elevation of the extension.

In addition to the extension, the application also includes a 4m deep area of timber decking to the rear of the proposed extension. Due to the downward sloping land levels the decking will sit at 0.45 metres above ground level. A 2 metre high wooden panel screen is proposed along the southwest edge of the decking facing the adjacent neighbour at No.79 Hawthorn Road.

A 2 metre high wooden panel boundary fence is also proposed along the southwest boundary between the application site and No.79.

Objections have been received from the adjoining neighbour at No.79 Hawthorn Road in terms of the impact on their amenities and these impacts are discussed, as follows:

No.77 Hawthorn Road

This property is the adjoining neighbour to the northeast of the application site.

No.77 and the application site have adjoining two-storey elements. The two-storey element at No.77 is shorter in length than at the application site and the rear garden is 18 metres shorter than the rear garden of the application site.

Prior to construction these neighbours requested that the flank wall of the extension be red brick to match the existing brick of their dwellinghouse, and this has been carried out by the applicants.

No comments or objections have been received from these neighbours however; comments have been received from the other adjoining neighbour at No.79 Hawthorn Road concerning the negative impact of the proposal on No.77 due to them having a considerably smaller garden than the applicants, stating that the extension without the decking and fencing extends for almost 50% of the entire length of their garden.

With respect to the extension, it extends along the boundary with No.77 by 4 metres in addition to the existing single storey element (2m) and has an overall height of 3 metres.

Under Class A of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), single storey rear extensions are permitted to extend beyond the rear elevation of a terraced or semi-detached dwellinghouse by up to 3 metres and have an eaves height of no more than 3 metres within 2 metres of the site boundaries. This means that in terms of this neighbour, the length, eaves and overall height of the proposal would be permitted development, all bar 1 metre of the length.

In considering the impact of the proposal on this neighbour, only the impact of the part of the proposal which exceeds the permitted development limitations falls to be considered. It is accepted that the garden of this neighbour is considerably shorter than at the application site and that the extension extends for a larger proportion of the neighbouring garden's length than at the application site, however, the resultant proposal is 1 metre over the length permitted by the GPDO. As such, it is considered that the additional 1 metre of length does not lead to a significant loss of

amenity in terms of loss of daylight and sunlight and being overbearing, over and above that which has already been judged to be acceptable as permitted development.

Bi-fold doors have been included in the rear elevation of the extension which are inset from the boundary with No.77 by 0.6 metres (60cm). The proposed timber deck will be set just below the level of the opening and there is an existing approximately 2.5 metre high wooden panel fence along the boundary with these neighbours which is within the neighbour's boundary. It is considered that any views over the boundary fence would be negligible due to the height of the viewer in relation to the height of the boundary treatment.

In order to mitigate any impacts caused by the proposal a condition will be added to prevent any openings in the northeast elevation of the extension along the boundary with these neighbours.

As such, it is considered that in terms of this neighbour, the proposed extension is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy in that it will not result in an unacceptable impact on the amenities.

No.79 Hawthorn Road

This property is the adjoining neighbour to the southwest of the application site.

The extension has a total length of 6 metres with is 4 metres in addition to the existing 2 metre long single storey outbuilding, with an overall height of 3 metres where it joins the dwellinghouse.

The extension is 1.5 metres wider than the existing two-storey element, resulting in a total width of 5 metres.

The occupiers of No.79 have objected to the extension with respect an adverse impact on their amenities in terms of a loss of light, overshadowing, glare and overbearing.

In terms of a loss of light and overshadowing, the extension certainly has an impact on the outlook of the rear (southeast) and side (northeast) elevations of No.79 however, in terms of Class A of the GPDO, only the parts of the proposal which exceed the permitted development limitations fall to be considered under this application, which is the 1 metre of additional length and the 1.5 metres additional width.

The kitchen of No.79 has windows in the side (northeast) elevation facing the application site and there is a set of patio doors in the rear (southeast) elevation immediately adjacent to the application site. The path of the sun in relation to these openings is such that by mid-morning the sun will be past the two-storey element of the application site allowing the rear of No.79 to be in full sun, and by midday the two-storey rear projection of No.79 places these elevations and openings into shadow.

The inclusion of the extension by virtue of its 3 metre height will not impede sunlight to these openings, other than in the winter months when the sun is low on the horizon, but these windows would already suffer with low light due to their north easterly aspect, and it is considered that the additional 1 metre of length of the extension does not lead to a significant loss of amenity over and above that which has already been judged to be acceptable as permitted development.

The 1.5 metres of additional width extends closer to No.79, but is separated from the boundary of the application site by 0.75 metres, and by at least 2 metres from the northeast (side) elevation of the neighbouring property. The additional 1.5 metres results in a large structure which is in close proximity to the boundary but as it is not infilling the whole of the space to the rear of the existing dwellinghouse at the application site it is considered that the applicants use of through colour render in Chalky White will reflect light in this area which will mitigate against the adverse impacts of the proximity of the extension. A condition will be added to secure the retention of the render to ensure that the extension reflects the available light.

With respect to the downstairs bathroom at No.79, this has a large obscure glazed window in the rear (southeast) elevation which is not impeded by the extension which is approximately 1.5 metres longer than the single storey outbuilding at No.79 and is at least 2.5 metres to its northeast.

In addition to the loss of light, the neighbours have objected to the use of the Chalky White render due to the glare from it when the afternoon and evening sun has moved round to directly shine on the southwest facing extension wall. As part of the application the applicants are proposing a 2 metre boundary fence between the application site and No.79 and it is considered that this will reduce any adverse impacts caused by the use of a light coloured through render and will mitigate against the loss of sunlight and overshadowing due to the proximity of the extension. As such, it is considered that this will not significantly adversely impact on the amenities of the occupiers of this neighbouring property.

An objection has also been made in terms of the overbearing impact of the extension on the amenities of the occupiers of No.79, by virtue of the ground level at the application site being 0.45 metres higher than No.79 however, site photographs show that both properties have similar ground levels. It is accepted that the extension is 1.5 metres nearer to the site boundary with No.79 than the existing rear elevations, but it is considered that as the extension does not infill the whole of the space to the rear of the existing dwellinghouse, there is not a significant loss of amenity to these occupiers in terms of overbearing. It should be noted that under Class E of Part 1, Schedule 2, Article 3 of the GPDO, a 2.5 metre high outbuilding can be built up to the site boundary, which extends the whole length of the boundary.

In terms of overlooking, there is a door at the northwest end of the southwest elevation facing No.79 which has been obscurely glazed. No additional openings have been made in either the side elevation of the extension or in the northwest elevation facing the rear elevation of the existing dwellinghouse. A condition will be added preventing openings in any of these elevations as well as one retaining the obscure glazing in the door.

The proposed decking will extend a further 4 metres into the rear garden from the rear elevation of the extension. To prevent overlooking and a loss of privacy, the applicants propose a 2 metre wooden panel fence along the northeast edge of the decking, 0.75 metres from the proposed 2 metre boundary fence with No.79. This screening treatment is to be secured and retained by condition.

In terms of the proposed 2 metre high boundary fence, this can be erected on site using permitted development rights in Class A of Part 2, Schedule 2, Article 3 of the GPDO. The location of this fence is a boundary dispute and is a civil matter between the two sets of owners as is the right of access over neighbouring land. Informative notes will be added to the decision notice to remind the applicant of their duties under The Party Wall etc. Act 1996 and of the requirement not to encroach on land outside their ownership.

As such, subject to the imposition of conditions preventing further openings, retaining the colour of the render, retaining the screening at the edge of the decking, and retaining obscure glazing in the door, it is considered that in terms of this neighbour, the extension, decking and boundary treatment is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy in that it will not result in an unacceptable impact on their amenities.

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 prevailing character of the area is for on-street parking. The application site is a terraced two-storey property which has a very small front garden abutting the back of the highway in Hawthorn Road. As with the majority of surrounding dwellinghouses parking is provided on the highway, and it is considered that the extension proposed will not give rise to a significant increase in the number of occupiers of the property that will require any additional parking that could not be accommodated within the surrounding highway.

As such, it is considered that the proposal will not lead to any adverse impact on parking and highway safety which is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Comparison with No.85 Hawthorn Road

A single storey flat roofed rear extension with a projecting side elevation, similar to the current application, was approved at the Planning Committee of 14th November 2017 at No.85 Hawthorn Road, and which is currently being built.

For the sake of comparison, the two-storey rear element of No.85 extends into the garden by 4.8 metres, and the two-storey rear element of the application site extends 7.5 metres into the garden

Both schemes have the same overall height of 3 metres but No.85 extends 3.1 metres in addition to a 1.9 metre long single storey outbuilding, 5 metres in total, where this extension extends 4 metres in addition to a 2 metre long single storey outbuilding, a total length of 6 metres. The extension at No.85 is 1.4 metres wider than the existing two-storey element, resulting in a total width of 4.5 metres, which is 1.1 metres from the boundary with the neighbour at No.83. This extension is 1.5 metres wider than the existing two-storey element, resulting in a total width of 5 metres, which is 0.75 metres from the boundary with No.79. For No.85 the extended 1.4 metre width is limited to the extension only where for this site the extended 1.5 metre width covers 4.5 metres of the existing dwellinghouse.

Conclusion

Subject to the imposition of conditions preventing further openings, retaining the colour of the render, retaining the screening at the edge of the decking, retaining obscure glazing in the door, and the decking to be constructed as shown on the submitted 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: