

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2018</b>	<b>Item No: 5.8</b>
<b>Report Originator</b>	<b>Louisa Johnson Development Officer</b>	<b>Application No: KET/2018/0522</b>
<b>Wards Affected</b>	<b>St. Michaels and Wicksteed</b>	
<b>Location</b>	<b>49 St Michaels Road (land adj), Kettering</b>	
<b>Proposal</b>	<b>Full Application: Demolition of existing garage and construction of 1 no. one bedroom flat and 1 no. studio flat</b>	
<b>Applicant</b>	<b>Mr J White</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 and details listed 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 above slab level shall commence on site until details of the types and colours of materials for all external facing, roofing and hard standing areas 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 permitted by Schedule 2, Part 1 Classes A or C shall be made in the rear (south) or side (east and west) elevations or roof planes of the building.

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 windows within the rear roof slope shall be glazed with obscured glass below 1.7m above internal floor level and thereafter shall be permanently retained in that form.

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

6. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details. The development shall be maintained 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.

7. 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.

## **Officers Report for KET/2018/0522**

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

### **3.0 Information**

#### **Relevant Planning History**

KB/70/704 – New garage (for accommodating taxis) adjacent to 49 St Michael's Road - Permitted

KET/2016/0605 – Demolition of garage and construction of 2 no. one bedroom flats – Refused 10/11/16

APP/L2820/W/17/3174690 – Appeal of KET/2016/0605 – Dismissed 12/01/18

#### **Site Visit**

Officer's site inspection was carried out on 27 September 2016 and 12 July 2018.

#### **Site Description**

The existing building is a detached single storey garage between 33 and 49 St Michael's Road. The garage was granted permission for accommodating taxi's in 1970.

The site is located on St Michael's Road a residential road with a range of dwelling types including detached, semi-detached and terraced houses.

#### **Proposed Development**

The application involves the demolition of the existing detached garage and the erection of a two storey building to provide 1 one-bed flat and one studio flat with two parking spaces to the front and rear amenity space for bin and cycle storage.

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

None

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

#### **Neighbours**

We have received one letter of objection, on the grounds that the proposal would obstruct natural light and ventilation to 33 St Michaels Road.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 8: Promoting healthy and safe communities

Policy 12: Achieving well-designed places

### **Development Plan Policies**

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

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. Principle of Development
2. Impact on the character and appearance of the area
3. Residential amenity
4. Highways

### **1. Principle of Development**

The application seeks the erection of two flats; the existing site is located on St Michael's Road.

Policy 8 of the NNJC seeks a high standard of design which respects and enhances the character and visual amenity of the surrounding area.

Saved policy 35 of the Local Plan states that 'Planning permission will normally be granted for proposals for residential development within the towns, defined by the Town Inset boundaries shown on the Proposals Map, where the proposal is compatible with other policies and proposals in this Plan.' The site is located within the Kettering Town boundary as set out in the North Northamptonshire JCS Policies Map Kettering Inset.

Policy 29 of the NNJCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns

and the Market Towns will be encouraged.'

Policy 30 of the NNJCS states that 'the mix of house types within a development should reflect: The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people.'

The principle of the proposed flats in this location within the Kettering town boundary, a growth town, is in accordance with saved policy 35 of the Local Plan, policy 29 and policy 30 of the NNJCS.

Therefore subject to detailed consideration of the impact of the proposed flats having an acceptable impact on the character and appearance of the area and residential amenity, the development is considered acceptable in principle.

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

The site is located on St Michael's Road Kettering in a predominately residential area. The road is made up of a range of detached, semi-detached and terraced houses properties of varying styles. The existing garage measures approximately 5.6m wide, 7.4m deep and 3.15m in height with a flat roof.

The previous proposal submitted under KET/2016/0605 had a gable facing the street, which was full height at the rear with windows at first floor level and the access doors on the side elevation. The application was refused on the grounds that the design of the proposed building with a gable facing the street and no door on the front elevation would be out of keeping with the character and style of the streetscene and would result in overlooking of the rear gardens of 65 Argyll Street and 49 St Michaels Road. The Inspector upheld these reasons in his decision and dismissed the appeal.

The current proposal involves the demolition of the existing garage and the erection of a two storey building measuring approximately 6.1m wide, 8.7m deep and 6.8m in height at the highest point falling to 3.8m with an asymmetric roof which is lower at the rear and with the roof slope facing the street. There are roof lights in the rear roof slope which are a minimum of 1.5m above internal floor level. The proposal includes a front door on the front elevation.

This end of the road does not have a defined building line as 29, 33 and 49 St Michael's Road are all set at different distances from the street. The proposed building would be set forward of no. 33 but slightly further back than no. 49 to accommodate two parking spaces to the front of the site.

It is considered that the proposed design overcomes concern raised under the previous scheme under KET/2016/0605 by turning around the roof and inserting a door in the front elevation. Therefore it is considered that the proposed building would fit in with the style and character of the area in accordance with Policy 8 (NNJCS).

### 3. Residential Amenity

Policy 8 e (i) of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

#### **Amenity of Future Occupiers**

The proposal would provide one 1-bed flat with approximately 44sqm gross internal floor space and bedroom of approximately 10.5sqm; and one studio flat which would have approximately 39.4sqm gross internal floor space.

The proposal would provide sufficient space for no. 2 one person one storey dwellings in accordance with the requirements of policy 30 of the NNJCS and the Technical Housing Standards – nationally described space standards.

The proposal would provide a rear amenity space of approximately 2.1m deep by 7m wide and 15sqm in area, this area would provide space for four refuse / recycling bins, cycle storage and laundry rotary.

The proposal would be acceptable in terms of the amenity of future occupiers and in accordance with policy 8 e (i) of the NNJCS.

#### **Amenity of neighbouring properties**

The site backs onto the rear garden of 65 Argyll Street, when considering the appeal the inspector accepted that these are two separate properties in the same ownership. Therefore it is considered that the proposal would not result in the loss of garden land for 65 Argyll Street.

The proposed building would be approximately 2m from the rear boundary with no. 65. There would be windows in the roof slope facing no. 65 but these would be a minimum of 1.5m above internal floor level, there would be no other first floor windows. Therefore subject to conditions requiring the roof windows to be obscure glazed below 1.7m above floor level and preventing the insertion of any other windows in the first floor or roof slope of the building; it is considered that the proposal would not have a detrimental impact on 65 Argyll Street in accordance with policy 8 e(i) of the NNJCS.

The site shares a side boundary with 33 St Michael's Road, the proposed building would be 0.8m away from the boundary with no. 33 and 2m from the side elevation of no. 33. The boundary is currently formed of a low wall which then continues into a fence. An objection has been received from the occupants of this property on the grounds that it would result in a loss of light and ventilation to no. 33.

The proposed building would extend beyond the rear elevation of no. 33 by approximately 1.8m; due to the asymmetric roof design the height at this point would be 4.9m dropping to 3.8m at the eaves. Given the height of the building at this point and the relatively small amount it extends beyond the rear elevation of no. 33; it is considered that the proposal would not have an impact on windows in the rear elevation of no. 33.

The proposed building would be approximately 2m from the side elevation of no. 33, which has five windows in the side elevation facing the site. These are three windows at ground floor level – one hall window and two kitchen windows; and two windows at first floor level – one bathroom window and one landing window.

The proposed development would affect light received to the two ground floor kitchen windows. However there is another kitchen window in the rear elevation and so these are not considered to be primary windows. It is noted that the property is south facing and the presence of the existing garage already casts some shadow over these windows.

The other ground floor window serves the hall which is a non-habitable room, and the presence of an existing side gate serving no. 33 also prevents some light being received to this window.

The two first floor windows serve non-habitable rooms (the landing and bathroom) and it is considered that these windows would receive adequate light over the roof of the proposed building. Therefore it is considered that these windows would receive adequate daylight / sunlight.

Therefore it is considered that while the proposal would take some light from side windows at no. 33, the impact would not be so significant as to be detrimental to the amenity of 33 St Michael's Road in terms of loss of light.

The proposal would have one entrance door in the side elevation facing no. 33 and the first floor would be blank. The door would be largely screened by a boundary fence and so would not result in overlooking and a condition preventing the insertion of any windows at first floor level would ensure that the

proposal does not result in any loss of privacy to first floor windows at no. 33.

Therefore it is considered that subject to appropriate conditions, the proposal would not have a significant detrimental impact on the amenity of 33 St Michael's Road.

The site shares a side boundary with 49 St Michael's Road, this property is currently in use as a small HMO. The proposed building would be on the boundary with no. 49 and it appears that the wall of the proposed building would form the boundary. The side elevation facing no. 49 would be blank.

No. 49 has one window at ground floor level in the side elevation and is the second window serving this room with another in the front elevation; this window currently overlooks the front parking area of the site. This window is located close to the front elevation and the new layout would result in it overlooking the new parking area for the site. Whilst this arrangement is not ideal, the Inspector considered that the properties would 'share a usual side by side relationship for an urban area' and this window could be screened by boundary treatment.

Therefore subject to a condition preventing the insertion of any windows or doors in the side elevation facing no. 49, it is considered that the proposal would not have a detrimental impact on 49 St Michaels Road.

Therefore it is considered that subject to the conditions above, there will be no unacceptable impact on the amenity of neighbouring residents through this proposal in accordance with policy 8 of the NNJCS.

#### 4. Highways

The proposal provides two off-street parking spaces to the front of the building, one for each flat and the road has no parking restrictions. Given that these are a studio flat and a one bed flat it is considered that the proposal would provide sufficient parking provision.

As it stands it is considered that the proposed design would comply with the adopted highway standards and would not have a detrimental impact on highway safety in accordance with policy 8 of the NNJCS.

#### Conclusion

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area, residential amenity and parking. Subject to conditions the proposed development is acceptable and



recommended for approval.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date: