

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/10/2018	Item No: 5.4
Report Originator	Collette Panther Assistant Development Officer	Application No: KET/2018/0659
Wards Affected	Ise Lodge	
Location	3 Wollaton Close, Kettering	
Proposal	Full Application: Construction of children's play equipment in rear garden	
Applicant	Mrs J A Stokes	

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. Within 3 months of the date of this permission the structure hereby approved shall be installed as shown on plan nos. KET/2018/0659/3a, 4a, 5a, 6a, 7a and 8 received by the Local Planning Authority on 13/09/2018. The approved 1.22 metre high platform must be fully enclosed to all sides and above and accessed internally via a ladder as sited on the approved plans. Once installed, the structure shall permanently retained in that form.

REASON: In the interests of protecting amenity to neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. The development hereby permitted shall not be carried out other than in accordance with the amended plan numbers detailed 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.

Officers Report for KET/2018/0659

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

3.0 Information

Relevant Planning History

KET/2007/0694 – 5,500 dwellings and related development – Approved 01/04/2010

KET/2008/0274 – 5,500 dwellings and related development – Approved 01/04/2010

KET/2013/0213 – All details in respect of KET/2014/0357 for 325 dwellings and related development – Approved 08/01/2015

KET/2013/0514 – Variation of Conditions 1-3 (Reserved Matters/Time Limits), 4 (details to be submitted with each Reserved Matter), 5-6 (MP/other plans/documents), 7 (Design Code), 8 (Number of dwellings), 12 and 14 (Employment), 15, 17, and 20 (District Centre), 21 and 26-27 (Local Centres), 31-32 (Community Facilities), 33-38 (Sustainable Design), 42 (Waste), 44-52 (Open Space), 53-55 and 57 (Biodiversity), 60-61, 64 and 66-67 (Flood Risk and Drainage), 68-69 (Air Quality), 70 (Contamination), 72 (Construction Phase), 75-76 and 80-81 (Access and Movement), 87-90 (Noise), with Removal of Conditions 9-10 (Housing), 11 and 13 (Employment), 16 and 18-19 (District Centre), 22-25 (Local Centres), 28-30 (Retail), 39 (Sustainable Design), 40-41 (Waste), 43 (Open Space), 58-59 (Biodiversity), 62-63 and 65 (Flood Risk and Drainage), 71 (Minerals), 82-86 (Access and Movement), 91 (Archaeology) of KET/2008/0274 – Approved 30/05/2014

KET/2013/0695 – Variation of Condition no's 2 (Reserved Matters), 5 (MP/other plans/documents), 8 (Employment), 10 (District Centre), 13 (Local Centres), 39 (Air Quality), 42i, 42ii, 42iii, 43, 44iii, 48 (Access & Movement), 51, 52, 53, 54 (Noise Assessment) of KET/2013/0514 with new condition 42iv in relation to Access & Movement - Approved 13/10/2014

KET/2014/0357 – Variation of Conditions 18 (Code for Sustainable Homes), 19 (Lifetime Homes), 22 (Interim Design Stage Assessment Certificate), 42 (Access to A14), and Removal of Condition 45 (Deeble Road/Windmill Avenue junction works) of KET/2013/0514 - Approved 08/01/2015

KET/2015/0611 – KET/2013/0695 (Outline for 5500 dwellings and related development) to remove Parcel PS4 in respect of occupancy prior to the completion of Access E from Condition 44(ii) – Approved 26/08/2015

KET/2015/0887 - All details in respect of KET/2014/0357 for 325 dwellings and related development (Re-submission) – Approved 01/02/2016

KET/2016/0665 – KET/2015/0887 (All details in respect of KET/2014/0357 for 325 dwellings and related development (Re-submission)): Alteration to brick type – Approved 12/10/2016

KET/2018/0071 – All reserved matters for Parcels R7, R9 and R10 (325 dwellings - revised reserved matters) – Approved 11/05/2018

Site Visit

Officer's site inspections were carried out on 19/07/2018, 10/09/2018 and 01/10/2018.

Site Description

The application site is located within the recent David Wilson Homes site off Warkton Lane in Kettering. The site is set on a private drive serving 3 no. dwellings and comprises a two storey detached dwellinghouse built with red brick under a grey concrete tiled roof. Existing features include a glazed box bay window to the rear elevation and a single integral garage. In addition, off road parking is provided to the front of the dwelling. Existing additions include a timber shed located in the rear garden.

The area is characterised by spaciousness with even spacing between dwellings which are set back from the drive with private parking in front. Surrounding dwellings form part of the same development.

Proposed Development

Children's play equipment, herein after referred to as 'the structure', has been installed on the site however, the current structure is not considered to be acceptable due to neighbour amenity concerns.

This proposal presents an amended scheme which alters the existing structure to a situation that is considered to be acceptable in terms of neighbour amenity. This is discussed further in section 3. Residential Amenity.

As a result, this application seeks full planning permission for the erection of children's play equipment in the rear garden. The structure consists of three platforms (0.3 metres, 0.7 metres and 1.22 metres above the existing ground level) of which the highest is fully enclosed with timber to all sides and an acrylic roof over), a slide from the 0.7m high platform and dual swing set.

Any Constraints Affecting the Site

None.

4.0 **Consultation and Customer Impact**

Neighbours

Objections received on 10/09/2018 and 27/09/2018 from the neighbouring property to the rear of the application site, the comments are summarised below in bullet point format:

- *One of the standing platforms is almost as high as the top of the fence resulting in our house and garden being overlooked*
- *we can be seen through the window whilst showering*
- *when the top platform is in use the fence does not reduce noise*
- *we are not comfortable with the platform being that close to the fence and would like it removed*
- *if children stand on the 70cm platform (with the slide) they can see over the fence*
- *the slide faces out fence which will make noise to our side worse*
- *there will be an effect on our view, we will only see the plastic roof which doesn't give a nice look from our property*
- *the original privacy and disturbance issues have not been resolved.*

5.0 **Planning Policy**

National Planning Policy Framework 2018 (NPPF)

Policy 2. Achieving sustainable development

Policy 8. Promoting healthy and safe communities

Policy 12. Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy 2016 (NNJCS)

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

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*. Policy 12 of the National Planning Policy Framework also recognises 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 approval for the erection of children's play equipment in the rear garden of a residential property which is located on a new and ongoing residential development site to the east of Kettering town.

Subject to detailed consideration being given to the impact of the structure 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

Policies 8 and 12 of the NPPF requires development to be *well-designed* and *safe, healthy, inclusive* environments, these are echoed by respective Policies 8(d) and 8(b) of the NNJCS which require new development to *respond to the site's immediate and wider context and local character* and to *make safe and pleasant streets and spaces*.

The proposed structure is located in the rear garden adjacent to the north and east boundaries which comprise (approximately) 2 metre high close board fencing. The structure is built with timber beams, sunken into the ground to provide stability, and the highest of the three platforms is proposed to be fully enclosed with a brown plastic roof over. The roof of the structure is small in size, 0.6 square metres, and may be narrowly visible from the public realm on Sulgrave Street. The highest part of the roof will project approximately 50cm above the boundary treatment, although is separated by approximately 40 metres of neighbouring garden land and resulting boundary treatments. As a result, although the structure may be partially visible within the public realm the design is appropriate for its function and location, and it is considered that no adverse harm will be caused to the visual appearance of the public realm.

Provided the materials used are those detailed within this application, timber structure and brown plastic roofing, the structure is not considered to cause adverse harm to the character and appearance of the existing dwellinghouse and due to its location will not adversely impact upon the character and appearance of surrounding development or the wider street scene.

Overall, and subject to a condition requiring materials to be those detailed within this application, the proposal accords with Policies 8(d) and 8(b) 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) of the North Northamptonshire Joint Core Strategy seeks to protect *quality of life and safer healthier communities* by ensuring new development *not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area*.

The proposed structure is located in the corner of the rear garden adjacent to the north and east boundaries.

5 Peveril Street is located at an offset angle to the rear of the application site, this property currently serves as one of David Wilson Homes' show homes which will eventually be privately sold and occupied.

The structure sits adjacent to the north boundary with this property. The closest section of the structure will comprise a ladder from the ground up into the middle of the highest platform (1.22 metres) which is fully enclosed on all sides, except a window in the west elevation which directly faces the host dwelling. Use of the top platform will naturally be limited to certain activities due to being fully enclosed, which will also reduce noise, on all sides with a roof over. Furthermore, the height and size of the structure is such that, although located adjacent to the boundary, will not cause adverse harm to light or introduce an overbearing structure to the garden or living conditions of this property.

As a result, it is considered that the structure will not cause adverse harm to the amenities of this neighbouring property by means of loss of light, loss of privacy or overbearing development.

7 Peveril Street is located to the rear of the application site.

The structure sits adjacent to the east boundary with this property. The form of structure adjacent to the boundary comprises the highest platform (1.22 metres) which will be fully enclosed on all sides, except a window in the west elevation which directly faces the host dwelling, and the 0.7 metre platform with slide.

Use of the top platform will naturally be limited to certain activities due to being fully enclosed, which will also reduce noise, on all sides with a roof over. Furthermore, the height and size of the structure is such that, although located adjacent to the boundary, will not cause adverse harm to light or introduce an overbearing structure to the garden or living conditions of this property.

By virtue of the separation distance and the way in which private gardens are expected to function, the remaining 2 no. open platforms are not considered to cause adverse harm to the privacy of this property. The shower to the en-suite of this property is set back from the window and although the user can sight the structure when stood next to the fully open window it is obscure glazed and set at approximately a 45 degree angle. As a result, it is not considered that adverse harm above and beyond that of the expected function of a residential garden along with its expected relationship to surrounding neighbouring properties gives rise to unacceptable adverse harm. Furthermore, when said window is fully open the user can clearly view into the windows of the host application property and vice versa.

The view of structure as proposed is not considered to be worse than that of the existing shed located in the other corner to the boundary with this property or than any other outbuilding which could be erected under Permitted Development. The roof colour is brown plastic, in keeping with the timber structure and providing privacy, as well as a low 20 degree pitch to the roof and acceptable overall height

of 2.5 metres.

As a result, it is considered that the structure will not cause unacceptable adverse harm to the amenities of this neighbouring property by means of loss of light, loss of privacy or overbearing development.

1 Wollaton Close is located to the south of the application site, furthest away from the structure. As a result, it is considered that the structure will not cause harm to amenities of this property by means of loss of light, loss of privacy or overbearing development.

5 Wollaton Close is located to the north west of the application site and is set at an acute angle to the structure. As a result, it is considered that the structure will not cause harm to amenities of this property by means of loss of light, loss of privacy or overbearing development.

Amenities to all other neighbouring and surrounding properties, by virtue of their location in relation to the structure, are not considered to be adversely affected by the structure.

In addition to the amendments made to improve the existing neighbour amenity situation, by fully enclosing the highest platform, the presence of the structure in the existing location is not considered to present a situation or function fundamentally different to that which can be expected of a residential garden, where children and adults alike can utilise unrestricted private garden space for leisure and socialising which itself has the potential to cause disturbance to neighbouring properties which does not fall within the control of the planning system.

Due to the location and size of the extension and raised platform 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.

Conclusion

Subject to conditions requiring materials to as detailed on the approved plans 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: