

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 30/07/2019</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2019/0253</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>33 Fuller Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Single storey rear and side extension, rear roof dormer to facilitate a loft conversion and 2 no. rooflights to front roof plane</b>	
<b>Applicant</b>	<b>Mr P Mogildea</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 amended plan number 02A, received by the Local Planning Authority on 4th July 2019.

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.

REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2019/0253**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2019/0164. Certificate of Lawfulness for a Proposed Use or Operation. Single storey rear extension, rear roof dormer to facilitate a loft conversion and 2 no. roof lights in front roof plane. Refused 12/04/2019.

#### **Site Visit**

Officer's site inspection was carried out on 19/06/2019.

#### **Site Description**

The application site is located in an established residential area to the northeast of Kettering town centre.

The application site comprises a Victorian two-storey mid-terraced dwellinghouse with a gable roof and a subordinate perpendicular two-storey outrigger to the rear, which is part of the original construction of the dwellinghouse, and which has the same eaves height but a lower ridge height than the main part of the dwellinghouse. There is a 'ginnel' at ground floor level along the southeast elevation adjacent to the adjoining terrace at No.35 Fuller Street, which means the width of the property at ground floor level is less than at first floor level.

The front elevation of the property abuts the back of the footpath in Fuller Street and the property is reflective of the prevailing character of residential development in the surrounding area, although the front elevation has been covered with stone cladding.

To the rear the property has a reasonable sized rectangular rear garden with a mono-pitched brick and tile outbuilding extending across the whole of the garden adjacent to the rear boundary.

There is a change in ground levels in the rear garden in a southwest to northeast direction with the rear of the garden at a higher level than the ground level near to the dwellinghouse and the boundary treatment on each side comprises stepped 1.8 metre high wooden panel fencing.

Surrounding development consists of further terraced properties to the north, east and south and Grade II\* listed St Marys Parish Church and St Johns Ambulance Hall to the north.

#### **Proposed Development**

The proposal is for a single storey mono-pitch roofed L-shaped rear and side extension and the conversion of the existing loft space to residential

accommodation, including a rear flat roofed dormer and the insertion of 2 no. roof lights in the front roof plane.

The scheme was amended during the application period to replace an oversized window in the rear face of the flat roofed dormer with a window reflective of the vertically emphasised windows in the rear elevation of the existing dwellinghouse. As the amendment was a reduction to the original scheme proposed, no further consultation was undertaken.

The proposed scheme was submitted for consideration under a Certificate of Lawfulness for a Proposed Use or Operation. The certificate was refused as the single storey rear extension exceeded the requirements of 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), the rear dormer was not set back from the existing eaves as required by Class B of Part 1, Schedule 2, Article 3 of the GPDO, and the projection of the roof lights from the roof plane was not provided, as required by Class C of Part 1, Schedule 2, Article 3 of the GPDO.

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

None.

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

#### **Neighbours**

31 Fuller Street

#### **Objection**

- Believed the proposed extension to the back of the property would obscure light entering the kitchen as well as the sun in the morning.
- The hip would start at the top of the fence line and probably stop beneath the bottom of the rear window and also have 2 no. roof windows looking up at my property.
- The proposed full width dormer would also impede light and sun through the roof window.
- The property is being changed into a 4 bedroom house with parking in the terraced street already bulging.
- If the rooms were to be let as doubles there's a possibility or another eight vehicles, being worse case, being parked in the street.

Comments made in relation to the restriction of development at No.31 and the Party Wall etc. Act are not planning considerations and cannot be taken into account in the determination of this application.

### **5.0 Planning Policy**

#### **National Planning Policy Framework**

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 12. Achieving well-designed places

## **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

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

The application site is in an established residential area to the northeast 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.

The proposed single storey and dormer extension to the roof are located at the rear of the property and will not be visible in the public realm.

It is considered that, subject to securing the use of matching materials by condition, the proposed extensions would not adversely impact on the character and appearance of the existing dwellinghouse, surrounding

development or the wider street scene. As such, the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

The proposal also includes 2 no. roof lights in the front roof plane of the existing dwellinghouse. Without reference to this planning application, these could be inserted using permitted development rights granted by Class C of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, subject to them not protruding more than 0.15 metres (15 centimetres) from the roof plane.

It is considered that this part of the proposal will have no adverse impact on the character and appearance of the dwellinghouse provided they are inserted as shown on the submitted plans.

As such, subject to the imposition of conditions requiring the scheme to be built out in accordance with the submitted plans and in matching materials, the proposal complies 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 application comprises a single storey rear and side extension, a rear dormer, and 2 no. roof lights in the front roof plane. Each element is discussed below:

#### **Single Storey Rear and Side Extension**

The existing dwellinghouse has a subordinate perpendicular two-storey outrigger to the rear, which results in the property having a dual rear elevation. The proposed single storey extension extends from both rear elevations in an L-shape resulting in a 'squared-off' rear elevation.

Using the measurements provided on the submitted plan, the proposal extends 3.35 metres from the back of the outrigger and 7.35 metres from the back of the main dwellinghouse rear elevation. The proposed roof is mono-pitched and the structure has an eaves height of 2.4 metres and a maximum height of 3 metres. The widest 'squared-off' part of the rear extension measures 4.45 metres.

This part of the proposal abuts the boundary with the adjoining terraced property to the northwest at No.31 Fuller Street and is separated from, and does not affect, the 'ginnel' (alley way) between the application site and the adjoining terraced property to the southeast at No.35 Fuller Street.

The rear gardens of the application site and its neighbours slope upwards from the back of the existing built form, and the boundary fences follow this

slope. The application site has been excavated and foundations dug such that the slope of the ground level has been lost where the extension is to be located, although the existing boundary fences on both sides still follow the original land contours and increase in height towards the rear boundary. As such, the proposal adjacent to the neighbours at No.31 to the northwest will reduce in height relative the boundary fence as it extends up the garden.

A letter of objection has been received from the adjoining neighbour to the northwest at No.31 Fuller Street in relation to this part of the proposal with concerns that the proposal will obscure light entering their kitchen as well as the sun in the morning, and the profile of the proposed roof extending from the top of the fence line up to the bottom of the rear window with 2 no. roof windows looks up into their property.

With respect to the issues raised, this adjoining neighbour has a set of French Doors in the rear (northeast) elevation wall adjacent to the application site and a kitchen door and window in the side (southeast) elevation facing the application site.

Due to the orientation of the existing dwellinghouse and its neighbours in relation to the path of the sun, the French Doors at No.31 already experiences a loss of daylight and sunlight due to its northwest facing aspect and the kitchen window and door of No.31 already experience a loss of daylight and sunlight due to their relationship with the existing outrigger at the application site which is to the southeast of this window and door.

The proposed extension is single storey with a hipped roof with an eaves height of 2.4 metres and a maximum 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, and without reference to this planning application, the applicant could construct a single storey rear extension from the back of their existing dining room, immediately adjacent to the boundary fence with No.31 which has a maximum depth of 3 metres, an eaves height of up to 3 metres and a maximum height of up to 4 metres. This permitted development would be directly adjacent to the French Doors of No.31 and would extend out from the dining room such that it was directly opposite their kitchen window and door.

It is considered that the proposed extension, although lengthy in this location along the boundary fence with No.31, due to its lower eaves and maximum height than would be permitted development, and set down into the surrounding garden relative to the adjacent boundary fence, will not lead to a loss of daylight or sunlight to the ground floor windows and doors over and above that which is already experienced due to the existing relationship of the two dwellinghouses and their orientation in relation to the path of the sun.

With respect to the 2 no. roof lights adjacent to No.31, whilst there may be some views from No.31 into the proposed single storey extension, there will

be no loss of privacy in either direction by virtue of the angle of view from each of the affected openings.

With respect to the adjoining neighbours to the southeast at No.35, it is considered that, the separation distance of the proposal by the width of the ginnel between the two properties, and its orientation in relation to the path of the sun, means that there will be no issues of a loss of daylight or sunlight or a loss of privacy or overlooking to the neighbouring occupiers.

### **Rear Dormer**

The proposed dormer extends across the whole of the rear roof plane of the main roof of the dwellinghouse at the application site.

The adjacent neighbour to the northwest at No.31 has objected stating that the full width dormer would impede light and sun through the existing roof light in their rear roof plane. The occupiers of No.31 have confirmed that the roof light serves a converted attic space. There is also a roof light in the front roof plane serving the same space.

Although the adjoining neighbour has objected, the applicant could install a rear dormer in the same location using permitted development rights granted by Class B of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, with a 0.2 metre set back from the existing eaves. The 0.2 metre set back is the only difference between the proposed dormer and one which could be constructed under permitted development.

It is therefore reasonable to assume that a dormer could be installed in any event and it is a technical requirement that this element requires planning permission.

### **Front Roof Plane**

The proposed 2 no. roof lights in the front roof plane could be inserted using permitted development rights granted by Class C of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

It is therefore reasonable to assume that this element could be installed in any event and it is a technical requirement that this element requires planning permission.

### **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 adjoining neighbour at No.31 has objected to the proposed scheme in terms of the increase in the number of bedrooms and the impact on the parking in the surrounding area.

The current parking provision for the site is accommodated within the highway. It is considered that the increase in size of the property will not lead to a significant increase in the need for parking in relation to the property, such that it will adversely impact on the highway network and highway safety provided in accordance with adopted standards. As such, the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

### **Conclusion**

Subject to conditions requiring matching materials and for the proposal to be built out in accordance with 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: