

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/12/2019	Item No: 5.5
Report Originator	Mark Coleman Development Officer	Application No: KET/2019/0477
Wards Affected	St. Peters	
Location	6 Westhill Drive, Kettering	
Proposal	Full Application: Conversion of bungalow to form two storey house with dormers	
Applicant	Mr & Mr Robinson	

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. 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 north or south elevation or roof plane of the building.

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

3. The integral garage which forms part of the development hereby approved shall be permanently set aside and retained for the parking of motorised vehicles and shall be made available for such purposes prior to substantial completion of the development.

REASON: In the interests of providing adequate vehicular parking clear of the highway to serve the enlarged dwelling house in order to protect highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Use of the existing vehicular access shall cease and be permanently closed up prior to the new vehicular access being opened up and made available for use in accordance with details shown on drawing no. 5P received on 27th November 2019.

Notwithstanding this requirement, the new vehicular access shall be made available for use prior to the substantial completion of development hereby approved.

REASON: In the interests of protecting highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. In the event that the retained porch on the north elevation shown on drawing no.4272 5P received on 27th November 2019 is removed, the adjoining side access door and window enclosed by the porch on the north elevation shall be obscure glazed (using no less than privacy level 4 Pilkington Standard, or equivalent) within 1 month of the porch being reduced in height to below the adjacent fence level, and shall be permanently retained in that form thereafter.

REASON: In the interests of protecting the privacy of the occupiers of no. 4 and 6 Westhill Drive from direct overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The obscure glazed kitchen window which currently serves the existing bathroom on the north elevation shall be retained in its existing form; or glazed with obscure glass (no less than privacy level 4 Pilkington Standard, or equivalent) within 1 month of occupation of the development hereby approved and retained in that form thereafter.

REASON: In the interests of protecting the privacy of the occupiers of no. 4 and 6 Westhill Drive from direct overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The ground floor family room window located on the north elevation shall be glazed with obscure glass (no less than privacy level 4 Pilkington Standard, or equivalent) and retained in that form thereafter.

REASON: In the interests of protecting the privacy of the occupiers of no. 4 and 6 Westhill Drive from direct overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2019/0477

This application is reported for Committee decision because there are unresolved, material objections to the proposal, namely impact on the character and appearance of the area and residential amenity.

3.0 Information

Relevant Planning History

KET/2008/0314 - Conversion of bungalow to form two storey house with dormers (Approved - 23/05/2008)

KE/1985/0249 – Garage (Approved 22.05.85)

KB/1959/0725 – Residential development (plots 1 – 47) (Approved, 23.12.59)

KB/1959/0517 – 12 detached bungalows (Approved 29.10.59)

KB/1958/0236 – Housing Estate (land edged pink) (Approved 09.12.58)

Site Visit

Officer's site inspection was carried out on 23/07/2019.

Site Description

The site is located to the west side of Kettering within a small, established residential estate located off Gipsy Lane and Northampton Road. The site is occupied by a detached bungalow with attached garage set back from the highway, with garden and driveway to the front. The roof of the garage and rear wall had been removed at the time of the site visit. The bungalow has a single intersecting gable roof design with a single projecting gable extending the northern boundary eastwards.

The bungalow is constructed from a brown brick base with a Canterbury spar finish to the main elevations. The roof is covered with concrete interlocking tiles; windows are white UPVC. A porch area is attached to the side (north) of the property with a shallow mono-pitched roof. To the rear is a flat roofed projection which functions as a kitchen. The rear garden is average sized and enclosed by 6 ft close boarded timber fencing (this measures approximately 5 feet on no. 4 Westhill Drive's side). At the time of the site visit, the garden had been prepared ready for landscaping. To the north is an extended detached bungalow (no. 4) and to the south is a detached two storey mixed use building, with bath store to the ground floor and residential flat above set within a large corner plot.

Proposed Development

Planning permission is sought for the creation of a first-floor level to the existing bungalow to create a two-storey dwelling. The footprint is to be enlarged extending the dwelling to both the front and rear over two floors. Whilst the building will look like a new dwelling, elements of the existing dwelling will remain; it will therefore be an extension to the existing dwelling as opposed to a new dwelling.

The existing building provides 2 bedrooms with kitchen, living room, garage and porch. This will be increased to provide kitchen family room, sitting room, snug/study, ground floor shower room, utility, garage, 5 bedrooms (2 with en-suite) and bathroom. A Juliette style balcony will serve Bedroom 1 to the rear.

The final scheme now under consideration has gone through a number of revisions since first registration. The original proposal was for a full, two-storey dwelling which was similar in scale to a proposal granted planning permission (KET/2008/0314) under a previous Development Plan, but was not implemented. Amendments to this proposal were sought as the impact on a side bedroom window serving no.4 Westhill Drive was not previously considered in full in terms of the building's bulk and scale. In addition, since the determination of that application, no. 4 Westhill Drive has since been extended and now includes a side window which faces the site.

Initial amendments have followed officer advice to ensure that the character of the area which is defined by prominent gable fronted buildings is reflected in the final design. Further minor amendments have been made by the applicant to seek to address concerns raised by a neighbour to the south with respect of a side window and proximity of the dwelling to the southern boundary line. In addition, the existing side porch to the north elevation (which was to be removed) is to be retained, to try to address amenity issues which would affect neighbours to the north (i.e. occupiers of no. 4 Westhill Drive).

Any Constraints Affecting the Site

Nene Valley Nature Improvement Area

4.0 Consultation and Customer Impact

Neighbours

Objection received from owners of 2 / 2A Westover Road, objecting on the grounds that the building is too close their boundary and will restrict any future development on their land. In addition, the bathroom and en-suite windows [now removed from the scheme] should be changed to rooflights as this would not have any restrictions on the future building on their land next to the application site.

The issue of sterilising development rights of private landowners is not a material consideration which can be taken into account, although making effective use of land is, although this is only typically relevant on larger sites.

Further letters received confirm that the owners of 2 / 2A Westover Road state they have verbally agreed with the applicant that the relevant side windows would be removed and that the proposed extension would be set back 12 inches from the site boundary. [This is reflected in the amended plans now under consideration].

Comment of concern received from the occupiers of 4 Westhill Drive, Kettering, on the grounds that the proposal is too big for the plot and is out of character and will be domineering and take away the natural light. Also

concerned about whether doors and windows facing their property will be placed so that their property cannot be looked into.

5.0 Planning Policy

National Planning Policy Framework

Section 2 – Achieving sustainable development

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

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 19 – The Delivery of Green Infrastructure

Policy 20 – Nene Ise Valleys

Policy 29 – Distribution of new homes

Saved Policies in the Local Plan for Kettering Borough

Policy 35 – Housing: Within Towns

6.0 Financial/Resource Implications

None

7.0 Climate Change Implications

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this

context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaption to, climate change

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on residential amenity
3. Impact on the character and appearance of the area
4. Impact on highway safety
5. Impact on the Nene Valley Nature Improvement Area

1. Principle of development

At the heart of the NPPF is a presumption in favour of sustainable development as set out in Section 2, paragraph 10 (NPPF), based around three overarching objectives (economic, social and environmental). Section 12, paragraph 124 (NPPF) states that 'good design is a key aspect of sustainable development'.

The application site is within the town boundary of Kettering, as defined by Policy 35 of the Local Plan, in an established residential area where Policy 35 is supportive of proposals for residential development in principle, which can include extensions.

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.

In addition to the above, the principle of residential development of the site has already been established through the grant of planning permission for the existing dwelling and the previous enlargement (which was not implemented).

In terms of location and use, the principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria which is discussed in more detail below.

2. Impact on residential amenity

Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.

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.

Comment of concern has been received from the occupiers of 4 Westhill Drive, Kettering on the grounds that the proposed building is too big for the plot, and despite amendments, will remain domineering and result in a loss of access to natural light. Concern is also raised regarding the doors and windows which face their property, and the potential for direct overlooking.

At the time that the original planning application (KET/2008/0314) proposal for a two storey extension was approved the bungalow at no. 4 Westhill Drive had not been extended, as planning permission for these works was considered at a later date (8th December 2014). The layout of no. 4 Westhill Drive at that time did not include a bedroom window facing south and windows into the pre-existing side porch, but no window to the kitchen. This is a key difference to the neighbouring site circumstances at that time compared to now.

The scheme currently under consideration includes a number of amendments to the original proposal registered under this application which have sought to reduce the bulk of the building on the north side to 1.5 storey and single storey instead of 2 storey. In particular, the location of the garage has been relocated to this side of the building (closer to no. 4 Westhill Drive) with a new access point to replace the existing access. This has enabled the first 4 metres of the garage to remain single storey in scale which will reduce its impact. In addition, the gable end on the northern elevation has been raised 60 centimetres above the existing gable level where it sits closest to no. 4 Westhill Drive, providing a step back separation before it rises again to a full two storey height. To the rear, a single storey flat roofed extension is also proposed with a total height of approximately 3.2 metres high, reducing the bulk of the originally proposed two storey extension.

No. 6 Westhill Drive is located south / southwest of no. 4 Westhill drive and therefore has the potential to obstruct access to natural light and give rise to overshadowing predominantly during and around the middle of the day when the sun is at its strongest. The section of building adjacent the side bedroom window at No. 4 Westhill Drive should preserve the existing level of natural light received by the room during the early morning, but natural sunlight is likely to be obstructed from around midday/early afternoon through to late afternoon before westerly (evening) sunlight is available again.

A further assessment indicates that loss of access to natural light will be significant with respect of the existing bathroom side window serving No. 4 Westhill and the side access door which serves a utility room, as these rooms are located more centrally along the side elevation and opposite the main bulk of the upward extension where the main ridge line is situated, albeit stepped back. Despite this, neither a bathroom or utility room are habitable rooms and so less weight is attached to these impacts as harm to the living conditions of the occupiers would be limited. The side window serving the kitchen of No. 4

Westhill drive is in line with the flat roofed family room extension; at 3.2m high, this would not have a significant impact on neighbouring amenity either in terms of overbearing, overshadowing or loss of access to natural light.

Whilst the main ridge line will have a more significant impact as its rear corner appears partially in line with the kitchen side window at no. 4 Westhill Drive, consideration is given to the fact that this part of the building is approximately 7.5m away, that the kitchen window at no. 4 Westhill Drive is secondary to the kitchen dining room (albeit a deep room) and that evening sun should remain unobstructed (from southwest through to west). Although the ridge of the proposed two storey rear projection increases in height adjacent the aforementioned kitchen window, it is constructed to a 40° angle so its highest point will be even further away (approximately 12.5 metres away). Its impact is therefore likely to be acceptable.

Due to the separation distance to the flank wall of no. 4 Westhill Drive, the proposed development is not considered to have a significantly unacceptable overbearing impact. In addition, the rear projecting gable remains far enough away and low enough (7 metres high) not to cause a significantly unacceptable obstruction to access to natural light. As the rear building line of the proposed development does not extend beyond the rear building line at no. 4 Westhill Drive, together with the flat roof extension being nearest, it is considered that access to natural light from the garden serving no. 4 Westhill Drive will be preserved to an acceptable level.

In summary, it is considered that the proposal now under consideration will have a significant impact on access to natural light affecting the window at bedroom 3 and the kitchen window of no. 4 Westhill Drive at specific times of the day, but that access to natural light from these rooms will remain available at other times. As a result, whilst the proposal will give rise to an adverse impact, the degree of impact is not so unacceptable that it would warrant a recommendation for refusal. The design being considered has also taken steps to reduce impacts of overbearing to levels which whilst different to the status quo, would not be unacceptable.

In terms of loss of privacy, whilst there are windows and doors located at ground floor level on the north elevation which face on to no. 4 Westhill Drive, the existing boundary fence will obscure visibility between the two properties to some degree. The existing kitchen window on the aforesaid property will be located adjacent the side window serving the family room area of the proposed extension and result in a degree of direct overlooking.

The applicant has sought to address part of the issue of potential overlooking between properties by retaining the porch which serves the existing property to prevent overlooking between adjacent doors / windows. This will be an acceptable solution whilst in place, however, if this is removed in the future, there will be scope for direct overlooking.

As a result, a planning condition is proposed to deal with this eventuality by requiring obscure glazing in the event that this may happen. A further condition

is also recommended requiring obscure glazing to serve the family room side window and retain the existing obscure glazed window serving the current bathroom which will form part of the proposed kitchen. In addition, a condition is recommended to remove permitted development rights which would allow new openings to be inserted in the north and south (flank) elevations.

Comment has also been received from the occupiers of 1 Westhill Drive and 7 Westhill Drive with respect of interests in 2 / 2A Westover Road, requesting the southern side windows to be removed and replaced with roof lights and that the flank wall be set back 12 inches from the site boundary. Whilst these issues would not have necessarily been fatal to this recommendation, the applicant has made amendments to their proposal to address these concerns, and the aforementioned condition will preserve this.

It is considered that the existing property at 2 / 2 Westover Road will not be significantly adversely impacted by the proposal, partially due to the fact that the ground floor is in commercial use with no habitable rooms facing on to the site, and because of the degree of separation between the two buildings and orientation of the host property to the North/NorthEast. The first floor flat has windows which overlook parts of the site, but living conditions will not be significantly adversely affected.

Whilst a degree of overlooking to the rear will be introduced at first floor level through the proposed Juliette balcony serving bedroom one, this will primarily look out over mid-rear garden (and not immediate rear garden) areas of properties located along Westover Road. The nearest rear garden (serving no. 4 Westover Road) will be approximately 13 metres away which will be immediately screened by the existing 6ft close boarded fencing. A central position within the mid-rear garden where visibility is less likely to be screened is approximately 20 metres away, with rear gardens serving 6 Westover Road and beyond measuring approximately 25 metres and further away. At these distances, impact through loss of privacy is considered acceptable.

Taking all the above matters into account, it is concluded that subject to planning conditions already referred to, the proposal will have an acceptable impact on residential amenity and accords with the relevant parts of Section 12 (NPPF) and Policy 8 (NNJCS).

3. Impact on the character and appearance of the area

Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraphs 124 and 127 set out that good design is a key aspect of sustainable development.

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.

A comment of concern from the occupiers of 4 Westhill Drive, Kettering states that *'the build is too big for the plot of land it stands on it will not blend in with other properties which surround it'*.

The area has a semi-homogenous character defined by clusters of different housing typologies, with a small number of individual dwellings/buildings. For example, to the immediate south of the site is a two-storey detached building occupied by a retail showroom and flats above which is an example of an isolated building type within the street scene. Detached bungalow development is located immediately north and opposite to the east, whilst further southeast are two-storey semi-detached dwellings and more detached bungalows beyond. Some of these properties incorporate a degree of diversity owing to minor changes through development which have occurred over time.

Due to the variety of building types within the immediate area, the site lends itself well as a transition site between two storey and single storey development. The original proposal submitted for consideration was a typical two storey dwelling which failed to address residential amenity issues, or take opportunities to respond to the surrounding development in a more positive way.

The current proposal has sought to introduce a number of amendments to the original proposal, including a staggered roof line which facilitates the transition between two storey and single storey development either side of the site. The current proposal also maintains the strong gable fronted design reflected in the majority of existing residential development in the area and helps to visually break up to visual bulk of the resulting building.

The flat roof to the rear is acceptable as this will be solely visible from within the private realm; notwithstanding that, the inclusion of the parapet roof design enhances its overall appearance when viewed from the rear.

As a result, whilst the comment received from the occupiers of 4 Westhill Drive is taken into account, it is considered that the resulting building does not detract from the character and appearance of the surrounding area in terms of its scale.

Because the proposal is predominantly for an upward extension with a remodelled floorplan, consideration is given to how the new works will tie in with the existing appearance. The submitted plans and application form state that the building will be finished in painted render with a brick plinth, which is similar in appearance to the neighbouring property at 4 Westhill Drive, Kettering and would therefore be acceptable. The existing dwelling is finished in an unpainted Canterbury spar but under permitted development rights could be painted any colour without the need for planning permission and it is considered that the colour of the finished render is not fatal to the determination of this application. A standard condition will be applied to any approval seeking for the development to be carried out in accordance with the approved plans which in this instance specify materials to match existing with a painted render finish. As a result, an additional condition is not considered

necessary. On this basis, the proposed development is therefore considered to have an acceptable impact on the character and appearance of the area, and accords with the relevant parts of Sections 2 and 12 (NPPF) and Policy 8 (NNJCS).

Impact on parking and highway safety

Section 9, paragraph 108(b) (NPPF) states that when considering applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'*.

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 current dwelling has a demonstrated capacity to facilitate off street parking for approximately 4 vehicles (excluding the garage) although the level of provision in accordance with current Northamptonshire County Council Parking Standards is likely to be less (approximately 2 parking spaces) with further garden capacity to add more. The existing garage is sub-standard in terms of width and must be considered accordingly in the overall level of existing provision.

The proposal will provide a single garaged parking space in accordance with current Northamptonshire County Council Parking Standards. The submitted plans also show two further spaces clear of the highway within the driveway area which meet the same standards, with sufficient space for pedestrian access remaining. There is also some remaining front garden which could provide a further parking space in the future. This level of provision is considered sufficient and is not significantly less than current provision on site, particularly given that the existing garage parking does is sub-standard in width.

Due to the relocation of the garage parking closer to the northern boundary of the site, the existing access point will be stopped up and a new access point to the highway created adjacent the entrance to the proposed garage. This will facilitate ingress and egress to and from the site and preserve existing standards of highway safety. As a result, subject to planning conditions securing the use of the garage to be retained for parking of vehicles only in order to retain the covered parking space in perpetuity, and requiring the existing access to be permanently stopped prior to the new access being used and the new access to be completed and available for use prior to substantial completion of the development, the proposal will have an acceptable impact on parking and highway safety and accords with the relevant parts of Section 9 (NPPF) and Policy 8 (NNJCS).

4. Impact on the Nene Valley Nature Improvement Area

Section 15 (NPPF) places an emphasis on ensuring that planning decisions contribute to and enhance the natural local environment including protecting the natural environment, including biodiversity.

Policy 19 of the North Northamptonshire Joint Core Strategy focuses on maintaining and enhancing the special mixed urban and rural character of the area, which the Nene Valley Nature Improvement Area (NVNIA) helps to achieve. Policy 20 of the North Northamptonshire Joint Core Strategy highlights that development and investment will be managed to strengthen biodiversity and landscape character in the area.

The application site is within the NIA boundary, however, as the application site is in an established residential area and the proposed extension takes up a small proportion of the site owing to its vertical emphasis, it is considered the small scale of the development proposed will not have an adverse impact on existing wildlife or the improvement of the Nene Valley. As a result, the proposal accords with the relevant parts of Section 15 (NPPF) and Policies 19 and 20 (NNJCS).

Conclusion

It is considered that the development complies with policies within the Development Plan set out within this report and is recommended for approval, subject to standard planning conditions and conditions requiring obscure glazing to the side access door and attached window in the event that the existing porch is demolished and obscure glazing to be retained within the existing bathroom window, removal of permitted development rights to insert new windows in the side (north and south) elevations, securing use of the garage for parking of vehicles only, stopping up of the existing vehicular access prior to the new access being implement, and the new access being available for use prior to substantial completion of the development.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Coleman, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

