

BOROUGH OF KETTERING

Committee	Full Planning Committee - 14/01/2020	Item No: 5.6
Report Originator	Ruth James Assistant Development Officer	Application No: KET/2019/0750
Wards Affected	All Saints	
Location	82 Kingsley Avenue, Kettering	
Proposal	Full Application: Demolition of garage and erection of 1 no. dwelling	
Applicant	Mrs B Graham	

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 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.

3. 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.

4. Demolition or construction shall not occur other than between the hours Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

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

5. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used in the construction of the dwellinghouse hereby permitted, together with samples, 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: Material samples are required 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.

6. 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 building, structure or other alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of the Order shall be erected, constructed or made on the application site.

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.

7. In accordance with the details shown on the approved plan 19/M357/2 dated 20/10/2019 the windows to the first floor bathroom and ground floor WC on the east side elevation of the dwelling hereby approved, shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

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

8. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling shall 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: In the interests of energy efficiency and sustainable construction in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

9. The developer shall put in place systems to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.

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

10. Prior to the first occupation of the development hereby approved, 1.8 metre high close boarded fencing shall be erected in full accordance with the details depicted on the approved plan 19/M357/2 dated 20/10/2019 and shall be retained at all times thereafter.

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

Officers Report for KET/2019/0750

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

3.0 Information

Relevant Planning History

KET/2018/0806 - demolition of garage and erection of 1 no. dwelling. Withdrawn 27/11/2018

Site Visit

Officer's site inspection was carried out on 07/11/2019

Site Description

The application site lies within the town boundary to the northeast of Kettering within an established residential area. Ancient mapping shows that Kingsley Avenue along with the parallel residential roads of Blandford and Neale Avenue were developed during the first half of the 20th century. These roads run in a northeast direction from Rockingham Road for a distance of over 800 metres.

The application site originally formed part of the garden for no.82 Kingsley Avenue and is located between this property and no.88. There is a large detached garage to the front of the plot with parking space provision in front of it for up to 3 no. cars. The division of the plot has reduced the garden area of no. 82 Kingsley Avenue significantly and the proposed site has a width of 8 metres. To the rear the site is level and is grassed with some shrubs, there is existing 1.8 metre high fencing to the eastern side and across the rear boundary.

Properties in the immediate vicinity are two storey and semi-detached and being built around the turn of the 20th Century are of classic Victorian design, with curved window-led bay frontages and gable detailing. They sit forward within their plots following a uniform build line along the street and maintain a 2 metres separation with non-adjointing neighbours. To the rear the properties have narrower two storey projections that extend into their plots. Within the wider street scene Kingsley Avenue continues with mainly semi-detached dwellings and some detached. There is a strong character to the street with bay windows, gable detailing and a uniform build line. A few properties occupy wider plots and benefit from garages and/or off road parking.

Proposed Development

It is proposed to demolish the garage and construct a two storey detached dwelling house.

Any Constraints Affecting the Site

Within the Nene Valley Nature Improvement Area (NIA) Boundary

4.0 Consultation and Customer Impact

NCC Highways

The parking beat survey meets the requirements within the 200 metre zone and is therefore acceptable.

Environmental Health

No objection subject to conditions and an informative being applied with respect to working hours for construction, unexpected contamination and radon gas.

These have been taken into consideration and will be applied to any consent given.

Neighbours Notifications were sent out to neighbouring occupiers and a site notice was erected. Responses from four addresses were received.

Comments received from the occupants of no. 79 Kingsley Avenue

- Objection: Concerns regarding loss of light, overlooking, loss of parking for the wider street area, which is already difficult and no on-site parking provision the new dwelling. Also, the design of the proposed dwelling not in keeping with the street.

Comments received from the occupants of no. 88 Kingsley Avenue

- Objection: Concerns regarding loss of light, loss of parking for the wider street area, which is already difficult.

Comments received from the occupants of no. 89 Beatrice Road:

- Objection: Concerns regarding overlooking and overshadowing of rear garden area; overdevelopment of the area; Loss of garage and parking for the wider street area, which already difficult. Loss of trees; broken fence; incorrect address.

Comments received from the occupants of no. 91 Beatrice Road:

- Objection: Loss of parking and wider parking implications for the street, which already struggles from lack of on street parking availability. Overlooking and loss of privacy and removal of fences.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

Policy 5. Delivering a sufficient supply of homes

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

- Policy 4. Biodiversity and Geodiversity
- Policy 8. North Northamptonshire Place Shaping Principles
- Policy 9. Sustainable Buildings
- Policy 11. The Network of Urban and Rural Areas
- Policy 28. Housing Requirements
- Policy 29. Distribution of New Homes
- Policy 30. Housing Mix and Tenure

Local Plan 1995 (Saved Policies)

- Saved Policy 35. Within Towns

6.0 Financial/Resource Implications

None

7.0 Climate Change

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. Design, character and appearance
3. Residential amenity and living conditions
4. Highways and Parking
5. Sustainable Construction and Design
6. National Space Standards

1. Principle of development

The application site is located in an established residential area to the northeast of Kettering within the town boundary and on the southwest side of Kingsley Avenue.

The principle of proposing a residential property within town confines is consistent with saved Local Plan Policy 35, Policy 29 of the North Northamptonshire Joint Core Strategy and guidance contained within the National Planning Policy Framework which seeks to focus development in towns in the interest of sustainability and to safeguard rural areas.

Paragraph 68 of the National Planning Policy Framework states that applications for housing on small sites can make an important contribution to meeting housing requirements for an area.

Policy 11 of the JCS directs development towards the growth town of Kettering. Policy 29 of the JCS asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development provided that it complies with the place shaping principles outlined within the policy.

Although the principle of residential development in this location is considered to be acceptable, the appropriateness of the proposal will be subject to the satisfaction of detailed planning considerations in relation to design, character and appearance, amenity and parking and highway safety as set out below.

2. Design, character and appearance

Policy 12 of the NPPF requires good design while Policy 8(d) of the JCS requires development to be of a high standard of design that responds to the immediate and wider context so as to respect and enhance the character of its surroundings.

The application site previously formed part of the garden for No 82 Kingsley Avenue, the neighbouring property to the southwest. The site has now been divided to create a plot with a width of approximately 8 metres. Located between no's 82 and 88 Kingsley Avenue, the plot is surrounded predominantly by two storey, semi-detached properties of classic Victorian design, with two-storey projections to the rear. They sit forward within their plots following a uniform build line along the street and maintain a 2 metres separation with non-adjoining neighbours. A few properties

within the wider street scene occupy wider plots and benefit from garages and/or off road parking. No 82 was one such property benefitting from a wider plot, with a large garage and off road parking. The rear of the site is level and is grassed with some shrubs, there is existing 1.8 metre high fencing to the eastern side and across the rear boundary.

Pre application advice was sought and provided under PRE/2019/0055. Advice from this has been considered and applied to the application.

The proposed dwelling would be a three bedroom, two-storey detached house with a gable roof and front gable projection with a square bay window to the ground floor. The main entrance would face towards the adjacent highway and have a lean-to canopy porch with open sides. The dwelling would be set forward within the plot and the principle elevation would be in line with the uniform build line along the street. The separation distances with no's 82 and 88 Kingsley Avenue would be 1.8 metres and 1 metre respectively. The existing boundary treatment with no.88 of a 1.8 metres high close boarded fence would remain and a new fence of the same type and height would be erected between no. 82 and the application site. A low brick boundary wall 750/900mm high would be built across the site frontage.

The two-storey element of the proposed dwelling would extend into the plot for a distance of 11.3 metres on the southwest side before dropping to single storey at the rear for a further 2.5 metres. The northeast side would have a two-storey length of 7.4 metres and drop to single storey for an additional 5 metres at the rear. The single storey rear extension would match the width of the main dwelling, measuring 6.1 metres and the roof would be hipped on the northeast side.

The design of the new dwelling has incorporated features from the surrounding street scene including a ground floor bay window and protruding gable to the frontage. The front build line matches the existing street scene and the scale of the dwelling is in keeping with existing properties in both height and width. The application proposes finished materials that would be in keeping with the existing street scene and these would be agreed by an appropriate condition. Adequate space has been provided around the perimeter and at the rear of the dwelling for accessing the rear garden, the storage of bins and for property maintenance and the cleaning of windows.

The proposed dwelling is considered to comply with Policy 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy and subject to it being constructed of suitable materials, which can be requested by condition, the proposal is considered to be acceptable.

3. Residential amenity and living conditions

Policy 12 of the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed dwellinghouse would be two-storey and located between two semi-detached two-storey dwellings, no's 88 to the northeast and 82 to the southwest. No.88 has previously been extended to the side above a garage and there are no windows within the southwest side elevation of this extension. The two-storey element of the new dwelling adjacent to no.88, would match with the front and rear build lines of no.88s first floor side extension.

The occupants of no.88 have objected to the application raising concerns about the loss of parking and loss of light to their kitchen; the parking concerns will be addressed within section 4 of this report. At the rear no.88's first floor windows overlook its rear garden. There are side facing windows at ground floor level, but these are in the rear projection which is set away from the boundary with the application site and there would be a separation distance of approximately 9 metres between 88 and the new dwelling's side elevation, which would be single storey at this point. The roof would be hipped on the northeast side of the single storey element to reduce potential impacts and keep them to an acceptable level. The boundary treatment of 1.8 metre high fencing would also help to keep potential overlooking impacts to an acceptable level. It is acknowledged that there would be some loss of sunlight upon no.88 from the development but owing to the orientation of the site this would only be at the end of the day. The proposed dwelling would contain two small ground floor windows and a half glazed door in the northeast side elevation facing this neighbour and one small window to the first floor, which would serve an ensuite bathroom. The ground floor windows would serve a downstairs toilet and hallway and the door would provide access for the utility room. None of the windows serve principle rooms and appropriate conditions will be applied to secure obscure glazing for the bathroom and toilet windows.

The occupants of no.79 have also objected stating that they are concerned in regard to overlooking impacts, loss of light, parking and that the design is not in keeping with the street scene. No. 79 is located to the northern side of Kingsley Avenue opposite to no.88 and its front elevation is at an angle with the application site. The front windows of this property would therefore be at an oblique angle with the front windows of the proposed dwelling and as such no undue overlooking would occur. There would also be a separation distance of approximately 15 metres between the frontages of no.79 and the new dwelling, remaining the same as that experienced by other properties within Kingsley Avenue. Given this, it is not considered that there would be any loss of light towards this property. The design was discussed at section 2 of this report and was found to be acceptable. Parking matters will be addressed at section 4.

The occupants of both 89 and 91 Beatrice Road have also objected. They have both raised concerns in regard to overlooking, loss of light, parking issues and broken/removed fences. In addition, no. 89 has further concerns regarding loss of trees, overdevelopment and an incorrect address. Both of these properties are to the rear of the application site and benefit from very long gardens. The separation distances from the rear elevations of no's 89 and 91 to the rear elevation of the new dwelling would be 36 metres and 41 metres respectively. With this level of separation, it is not considered that there would be adverse impacts from overlooking or loss of light. The new dwelling would have a rear garden length of 16

metres, and this would mean that there would not be any increase in overshadowing towards the rear garden area of no.89 Beatrice Road.

The application does not state that any trees are to be lost as a result of the proposal. The site is not within a conservation area and there are no trees which are subject to a Tree Preservation Order and therefore any trees within the site are not afforded any protection in this regard. Broken fencing is not a material planning concern and therefore cannot be considered and parking issues will be addressed within section 4. In regard to the stated address for the application, this is a standard terminology for describing land to be developed that does not have its own postal address and the submitted location plan, identifies the land accurately and in accordance with statutory requirements.

On the southwest side of the site is no.82 Kingsley Avenue. The two storey element of the new dwelling would extend past the main front two-storey element of no.82 for a distance of 2.8 metres. This neighbouring property has a number of windows within its side elevation that face northeast towards the application site however, the separation distance between the new dwelling and this neighbour would increase from 1.8 to 3.3 metres at this point. The potential loss of light towards the first floor southeast facing window at no.82 has been considered and kept to an acceptable level. The new dwelling would contain 2 no. windows in the side elevation facing no.82. The higher one would serve the stairs which is a passing place and the ground floor window would serve a study, but the proposed boundary treatment of 1.8 metre high fencing would provide privacy and prevent overlooking impacts from the ground floor window.

Overall it is considered that the two-storey element has been well-designed so as to not encroach on the line of sight of the neighbouring properties windows and would not create an overbearing impact upon neighbouring properties. The existing and proposed boundary treatments would provide a level of privacy between the neighbouring properties and the single storey element to the rear along with the south orientation of the rear garden and positioning of the new dwelling, would ensure that overshadowing would be mainly within the application site's own rear garden and potential impacts upon neighbouring properties would be at the start and end of the day which keeps them to an acceptable level.

It is therefore considered that due to the scale, mass and design of the proposal it would not have an adverse impact upon the living conditions of occupiers of neighbouring properties. The proposal therefore accords with Policy 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Highways and parking

Policy 8(b) of the North Northamptonshire Joint Core Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The application site currently has a double garage with off street parking to the front of the garage for 3 no. vehicles. This parking was originally available for the occupants of no. 82 Kingsley Avenue however the site is in the process of being sold and becoming independent to no. 82. It is proposed to demolish the garage to make way for a new dwelling, therefore the parking for no. 82 as well as the proposed dwelling will be on street.

Kingsley Avenue is predominantly on street parking with very few dwellings having off road provision to park. All of the comments received objected to the development and expressed concerns re the lack of parking within the road and the problems that this causes. The pre-application advice stated that NCC Highways had advised that a parking beat survey must be submitted with any application and this has been supplied. Consultation with Northamptonshire Highways has returned a response that has found the survey to be acceptable as it demonstrates that parking requirements are met within the 200m survey zone. However, there were concerns of levels of parking within the 100 metre zone, but overall this was not considered enough to provide sufficient grounds for an outright objection.

Therefore, given this response and the results of the survey, highways impacts are not considered to be adverse enough to warrant a refusal on highway grounds and the proposal is in accordance with Highway Standards and in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Sustainable Construction and Design

Policy 9 of the JCS requires development to meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions. The policy requires all residential development to incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day. Paragraph 154 of the National Planning Policy Framework states that even small schemes can provide a valuable contribution to cutting greenhouse gases.

The pre-application advice provided under PRE/2019/0055 stated that any future proposal for the site should demonstrate how sustainable design principles have been addressed. All developments should incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction/recycling and water efficiency. This information has not been provided therefore a condition will be applied to secure details of how the development will incorporate these techniques.

6. National Space Standards

Policy 30 of the North Northamptonshire Joint Core Strategy requires all new dwellings to meet to meet National Space Standards.

The submitted plans show three bedrooms and the smallest (bedroom three) does not meet these requirements as it provides a gross internal area (GIA) of 6.4m² which falls short of the 7.5m² minimum requirement for a single room. It does however meet the width requirement of 2.15m for a single room. In considering this, it is concluded that although it does not accord with the minimum GIA, when weighed against the need for new housing verses the slight shortfall in GIA of the room, it is not considered to warrant an outright refusal for the application.

Conclusion

Subject to the imposition of conditions relating to materials, contaminated land, construction working hours, obscure glazing, sustainable development and mud on the road, the proposal accords with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Ruth James, Assistant Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: