

BOROUGH OF KETTERING

Committee	Full Planning Committee - 31/01/2012	Item No: 5.8
Report Originator	Anne Dew Senior Development Officer	Application No: KET/2011/0810
Wards Affected	Ise Lodge	
Location	1 French Drive, Kettering	
Proposal	s.73A Retrospective Application: Retention and alteration of fence. Change of use of amenity land to garden	
Applicant	Mr M Digby	

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 2 months of the date of this decision notice, the fence that has been erected adjacent to the boundary with Clive Close shall be reduced in height in accordance with details shown on approved drawing number 11/05/01b received on 23.01.2012..

REASON: In the interests of the visual amenity of the area in accordance with policy 13 (h) and (i) of the North Northamptonshire Core Spatial Strategy.

2. Within two months of the date of this decision notice, the approved landscaping scheme shall have been carried out. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13 (h) and (i) of the North Northamptonshire Core Spatial Strategy.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class E of Part 1 of Schedule 2 of the Order shall be erected on the additional garden area the subject of this application..

REASON: In the interests of the visual amenity of the area in accordance with policy 13 (h) and (i) of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements 1, Policy 2 of The East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2011/0528 Retrospective Application: Amenity land to domestic garden and 1.6m fencing. Refused 17.10.2011. This planning application was refused by committee on 11th October 2011 for the following reason:-

“The area is characterised by street frontage dwellings set back from the highway boundary behind driveways and garden areas which present an open and spacious appearance. Larger areas of green/ landscaped spaces are also common on the corner of streets providing a pleasant and green aspect along with relief from the built form of the area. The spaces also soften the appearance of blank gable ends and inactive boundary treatments. The change of use and associated boundary treatment subject of this application seeks to enclose one such space, an area of incidental amenity space which previously contributed to an open and green aspect on approach to Clive Close and on views from French Drive. The loss of this is compounded by the position, design and appearance of the timber fencing which is sited directly adjacent to the highway boundary with no opportunity for planting or other appropriate landscaping. The fence presents an inactive and visually intrusive appearance forward of the established building line on Clive Close which appears at odds with the characteristics of the area described above. It is therefore considered that the development significantly detracts from the character and amenity of the area in conflict with policy 13(h) and (i) of the North Northamptonshire Core Spatial Strategy. And guidance contained within PPS1.”

Site Description

Officer's site inspection was carried out on 11 November 2011.

The site comprises a detached bungalow fronting French Drive but occupying a corner plot adjacent to Clive Close. The building stands within a row of properties of a similar character and appearance and is surrounded by a mix of residential dwellings. Buildings tend to be set back from the public highway behind parking areas and gardens creating an open and spacious aspect.

An area of incidental amenity space the subject of this application is located to the east of the dwelling, immediately adjacent to Clive Close. This area was previously landscaped with grass, trees and shrub planting, however this has now all been cleared and a 1650mm fence has been erected around the land.

Proposed Development

Change of use from incidental amenity space on the corner of French Drive and Clive Close to domestic garden. Alterations are also proposed which reduce the height of the 1650mm fence that has been erected on the highway boundary with Clive Close to 1000mm high. This reduction in height of the fence means that it benefits from permitted development rights and no longer requires planning permission.

Any Constraints Affecting The Site

None.

4.0 Consultation and Customer Impact

Neighbours 1 third party representation has been received objecting the application. Objections are on the grounds of:

- Loss of green space
- Enclosure of the entrance to Clive Close which will change the character of the street
- Concern that Clive Close will appear as a gated close

Two third party representations have been received in support of the application. Reasons for support are on the grounds of:-

- provides much needed security
- results in a great improvement to the corner of Clive Close

5.0 Planning Policy

National Policies

PPS1. Delivering Sustainable Development

PPG17. Planning for Open Space, Sport and Recreation

Development Plan Policies

East Midlands Regional Plan

P2. Promoting Better Design

North Northamptonshire Core Spatial Strategy

P13. General Sustainable Development Principles

Local Plan

P35. Housing within Towns

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Appearance
3. Neighbour Amenity
4. Crime and anti Social Behaviour
5. Highways and Parking

1. Principle of Development

Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy focus development within the growth town of Kettering. Saved policy 35 of the Local Plan is also of relevance and states that planning permission will normally be granted for residential development within towns. The application is located within the town boundary of Kettering. The Council conducted a detailed open space needs assessment across the borough in 2007 to identify all areas of functional and accessible open space along with any shortfalls. The space the subject of this application was not identified as falling within the criteria and it cannot therefore be considered that a net loss of open space has occurred in accordance with PPG17 and policy 13(g) of the North Northamptonshire Core Spatial Strategy. The land is in fact within private ownership and members of the public do not therefore have a right to access the land.

In conclusion, the principle of development is considered acceptable, subject to the scheme being in accordance with other policies within the plan and these are considered below.

2. Design and Appearance

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires that development be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings. Policy 13(i) of the North Northamptonshire Core Spatial Strategy also requires that developments create a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of the towns and villages through its design and landscaping.

The key impact for the neighbourhood is visual amenity, regardless of ownership. It was determined under the previous refused application that the loss of the amenity area, compounded by the position, design and appearance of the 1650mm high fence provided for an inactive and visually intrusive appearance which appears at odds with the open, spacious and landscaped appearance of the area. To address these concerns, the applicant is proposing to lower the height of those parts of the fence adjacent to the highway to 1 metre, thus removing the need for planning permission for this element. The applicant has also confirmed that a Beech hedge will be planted adjacent to the fence, within the land to be fenced off. It is considered that the reduction in height of the fence to 1 metre adjacent to the highway and the planting of a Beech hedge will ensure that this landscaping is fully visible within the street scene, thereby creating a softer, landscaped finish to this boundary which is more in keeping with the green, landscaped character of the area.

Subject to conditions requiring the reduction in height of the fence and landscaping to be provided, it is considered that the scheme will preserve the overall character of the area in accordance with policy 13 (h) and (i) of the North Northamptonshire Core Spatial Strategy.

3. Neighbour Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires that developments do 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. In these terms, neither the proposed fencing or the change of use of the land to garden area will have any adverse impact on the residential amenity of occupiers of nearby dwellings and the scheme is thereby in accordance with the requirements of policy 13(l) of the North Northamptonshire Core Spatial Strategy.

4. Crime and antic Social Behaviour

The applicant has advised that the fence has been erected and its use changed to garden land to prevent anti-social behaviour from youths gathering on the site and this has also been commented on by neighbours. The benefits associated with this is a material consideration in the determination of this application, and it is considered that the reduction in the height in fence and the inclusion of suitable landscaping will provide for a secure area which respects the overall character of the area.

5. Highway and Parking

Policy 13(n) of the North Northamptonshire Core Spatial Strategy requires that developments do not have an adverse impact on the highway network and will not prejudice highway safety.

The incorporation of the land within the garden of 1 French Drive would not intensify the level of traffic associated with the site. The existing vehicular access and parking arrangements would be unaltered and would remain acceptable. The proposed fencing has been splayed adjacent to the driveway to number 2 Clive Close to ensure that the required pedestrian visibility splays are achieved.

Other Issues

Whilst ownership of land is not a material planning consideration, it is understood that Mr Digby is the owner of the site and if he were to look after and maintain the land, there is no planning reason as to why he should not be able to do this.

Conclusion

The scheme is considered to be in accordance with national and local policy. The reduction in the height of the fence, combined with landscaping, which can be controlled by condition, will ensure that the change of use of the land will not have any adverse impact on the character and appearance of the street scene.

Background Papers

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

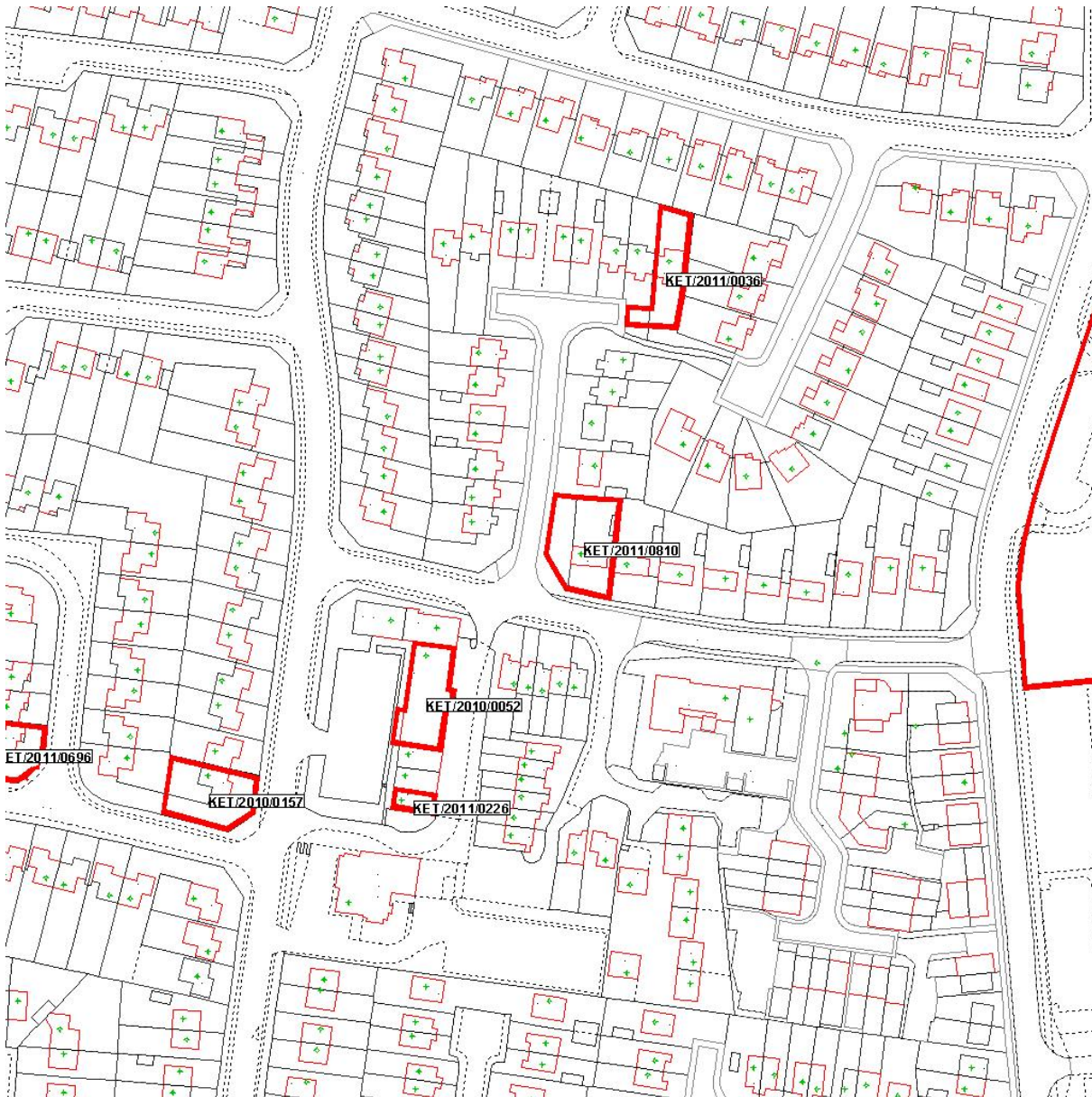
Previous Reports/Minutes

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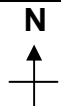
Date:

SITE LOCATION PLAN

1 French Drive, Kettering
Application No.: KET/2011/0810



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