

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/09/2012	Item No: 5.5
Report Originator	Mark Philpott Assistant Development Officer	Application No: KET/2012/0446
Wards Affected	Rothwell	
Location	2 Ragsdale Street, Rothwell	
Proposal	s.73A Retrospective Application: Retention of extension at second floor level	
Applicant	Mr A Lightfoot	

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. 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 alterations permitted by Classes A, B or C of Part 1 of Schedule 2 of the Order shall be made on the second floor extension hereby approved. REASON: In the interests of the amenity and privacy of the occupiers of adjoining properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- This permission relates to the second floor extension only and does not grant approval to any alterations to other parts of the building which may be shown on the drawings.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in paragraph 17 of the National Planning Policy Framework, Policy 2 of The East Midlands Regional Plan and Policy 13 (l) of the North Northamptonshire Core Spatial Strategy. Although there is some conflict with paragraph 58 of the National Planning Policy Framework and Policy 13 (h) of the North Northamptonshire Core Spatial Strategy, in this instance the issues raised do not outweigh the principal policies referred to. The issues relating to design, overlooking, overbearing and loss of privacy are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant considerations.

Officers Report

3.0 Information

Relevant Planning History

KET/2011/0273 – Two storey side and single storey rear extensions. Dormer window to rear. APPROVED 09.08.2012

Site Description

Officer's site inspection was carried out on 07.08.2012.

Prior to the completion of the development seeking retrospective planning permission, the site consisted of a two storey, semi-detached dwellinghouse with rough facing, mixed red brick elevations, white UPVC window frames and a brown, concrete tiled, pitched roof. The roof became hipped to the south as a result of a two storey extension. The dwelling features a single storey lean-to extension to the rear of the property.

To the rear is a large garden which is bound by 1.8m close boarded fencing to the east. A retaining red brick wall is located to the south. The boundary with the adjoining no. 4 Ragsdale Street features a much smaller fence, less than 1m in height.

The site is located to the east of the Ragsdale Street highway, which slopes upwards steeply to the north. As a result, the plots in Glendon Road and Stanley Street are on a lower ground level than the application site. The dwellings in both Glendon Road and Stanley Street front their respective highways, with the back gardens to the rear of the plots adjoining the site.

The surrounding area is residential in nature, but mixed in terms of design and character. The surrounding properties in Ragsdale Street consist of a range of housing types; the properties in Stanley Street are predominantly semi-detached and the adjacent properties in Glendon Road form part of a terrace. Despite the surrounding properties being mixed in type, design and character, the dominant majority of dwellings feature red brick elevations and brown/grey concrete roof tiles.

Proposed Development

The application seeks retrospective planning permission for a second floor extension to the rear of the dwellinghouse. The proposed northern elevation adjoins the boundary line with no. 4 Ragsdale Street. The extension is located within the roof plane of the original building, but rather than being set back from the eaves of the roof, as would typically be the case with dormer windows, the rear elevation of the proposed development is sheer with the remainder of the rear elevation of the dwellinghouse.

The extension features a flat roof and red brick elevations. The development also features a Juliette balcony with two white UPVC, inward opening doors, with openings inserted into the upper half of the doors. An additional two window casements have been inserted to both sides of the doors.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Rothwell Town Council

State that the original plans are more in keeping with this property, but as this is to the rear no objection is raised.

Neighbours

Objections have been received from 4 local residents. The following issues were raised:

- Loss of privacy to garden of no. 4 Ragsdale Street
- Overlooking and loss of privacy to garden of no. 7 Stanley Street
- Overlooking and loss of privacy of no. 11 Stanley Street
- Overlooking and loss of privacy to garden, kitchen and garden room of no. 13 Stanley Street
- Materials used make development stand out against the roof
- Design not in keeping with 1930's style of property, or surrounding dwellings
- Overbearing impact to houses in Ragsdale Street, Stanley Street and Glendale Road
- Design lends itself to use as a viewing balcony

5.0 Planning Policy

National Planning Policy Framework

Core planning principles
7. Requiring good design

Development Plan Policies

East Midlands Regional Plan

Policy 2. Promoting Better Design

North Northamptonshire Core Spatial Strategy

Policy 13. General Sustainable Development Principles

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Character and appearance
3. Residential amenity

1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan, unless material planning considerations indicate otherwise.

The principle of development has been established by the approval of a planning application under reference KET/2011/0273 for a very similar development on the application site. The permission includes the development of a second floor extension (referred in the officer's report as a 'dormer window element'), located within the rear roof plane, approximately 0.4m to the south of the shared boundary with no. 4 Ragsdale Street. The original plans included doors, a Juliette balcony and painted, timber clad elevations. Following an objection from a neighbour, amended plans were submitted with the Juliette balcony omitted and the doors replaced with two windows. This amendment was considered acceptable and the application was approved.

After the completion of the development information was received that the development had not been undertaken in accordance with the approved plans for KET/2011/0273. This planning application was submitted as a result.

The major differences between the schemes as approved and as built are that the extension has been constructed off the party wall with no 4. Ragsdale Street. In addition, a pair of doors and two windows have been inserted, a Juliette balcony has been erected and red brick has been used for the external facings in lieu of painted timber cladding.

The location of the openings on the rear elevation also differ from the previous approval. These alterations have not been included within this application. These alterations, whilst materially different, are not harmful and would not require subsequent control by conditions. The determination of this application therefore only relates to the planning considerations arising from the second floor extension.

It should also be noted that had the second floor extension been carried out in accordance with the approved plans the Town and Country Planning (General Permitted Development) Order 1995 (as amended) would have then permitted further alterations, like the insertion of doors and windows and the installation of railings. This constitutes an important material consideration.

Therefore, in addition to the developments conformity with the Development Plan, the determination of this application must consider the additional impact arising from differences between the development previously approved by KET/2011/0273 and any other material considerations such as permitted development rights.

In reflection of the Development Plan, national and local policies provide for extensions to dwellinghouses in established residential areas. National Planning Policy Framework (NPPF) paragraph 17 states that development should 'secure high quality design and a good standard of amenity'. This is echoed in North Northamptonshire Core Spatial Strategy (CSS) Policy 13 parts (h) and (l) which require that development respects and enhances the character of its surroundings and that development does not result in an unacceptable impact upon neighbouring

amenity. The determination of the application is therefore subject to the following planning considerations.

2. Character and appearance

The development is located to the rear of the dwellinghouse. As a result, the development is not visible from the public realm, and therefore less weight should be given to any effect on the character of the area.

The materials used depart from the permission granted by KET/2011/0273, with the elevations constructed from varying shades of light red coloured brick. This contrasts with the first floor rear elevation which consists of a variety of darker red and pale yellow colours. As the development is not set back from the eaves, as would be the case with a typical dormer window, there is a marked difference in the colour of the brickwork between the first and second floor. Resultantly, the extension stands out from the remainder of the dwellinghouse. However, it is considered that the continuation of red brick is more in keeping with the elevations of the original dwellinghouse and would stand out less against the roof than the painted timber elevations previously proposed.

Whilst there are no other Juliette balconies within the immediate area, this aspect of the second floor extension forms a relatively minor addition to the extension in terms of its design, and makes little additional impact of the extension overall.

Whilst the development is not considered to exactly match the existing property, the development is largely obscured from the streetscene and not considered to be so sufficiently poor in design or character, or so materially different from the development approved by KET/2011/0273 to warrant refusal.

The development is not considered to be fully in accordance with NPPF paragraph 58 and CSS Policy 13 (h), but not considered to be so contrary to the policies to be sufficient grounds for refusal.

3. Residential amenity

As the development is located to the rear of the property, there are no concerns regarding the impacts to residential amenity of the properties to the front of the dwellinghouse.

The development will not result in any additional impact to the amenity of no. 4 Ragsdale Street. There is already a lack of privacy to the rear of the property due to the fencing on the boundary being less than 1m in height. The entirety of the back garden of no. 4 Ragsdale Street can be seen from the ground and first floor windows of no. 2. The fact that the windows are now closer to the boundary with no. 4 than was originally approved, or that there is a railing in front of the windows, will not materially affect levels of overlooking. As stated with the officer's report for KET/2011/0273, the development would only result in loss of light to very limited parts of the roof. The increase in overshadowing would be minimal. Overall, the impacts to the amenity of no. 4 Ragsdale Street are considered to be acceptable.

The majority of objections received have been raised from residents in Stanley Street, principally on the matter of overlooking and loss of privacy. The development

is located over 30m away from these properties and the views of the properties directly behind are obscured by a mature tree to the rear of 11 Stanley Street. Furthermore, the impact of the development does not alter significantly as a result of the changes from the previously approved scheme. As no actual additional loss of privacy has occurred, the additional impacts of the development are considered to be insufficient grounds for refusal. Likewise, there is no actual increase in overbearing as the development is located a very similar distance from Stanley Street, which has already previously been established as acceptable. The Juliette balcony does not add to the scale of the development and therefore does not add any additional overbearing impact.

The proposal has no greater impact on the properties in Glendon Road, than that previously approved.

The additional windows, doors, and Juliette balcony element could have been implemented through permitted development rights on the development granted by KET/2011/0273 had it first been completed in accordance with the planning permission. The additional impact of the development is considered to not result in a significantly additional detrimental impact to residential amenity. The development is therefore considered to be in conformity with NPPF paragraph 17 and CSS Policy 13 (I).

Conclusion

Whilst aspects of the development do not fully conform to national and local planning policies, having had regard to the weight of other material planning considerations, including the planning history of the property and the potential application of permitted development rights, the development is recommended for approval, subject to conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Philpott, Assistant Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

2 Ragsdale Street, Rothwell
Application No.: KET/2012/0446



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