

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/12/2012	Item No: 5.6
Report Originator	Lewis Goodley Assistant Planning Officer	Application No: KET/2012/0541
Wards Affected	Rothwell	
Location	99-101 Rushton Road (land to rear), Rothwell	
Proposal	Outline Application: Single storey dwelling	
Applicant	Mr M Jones	

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 REFUSED for the following reason(s):-

1. The proposal would have an adverse impact upon the visual amenity and character of the locality which primarily consists of development abutting the highway. The proposal is unsympathetic and out of character and consequently would set an undesirable precedent making similar future proposals difficult to resist. As such the proposed development is contrary to Paragraph 17 and Policy 7 of the NPPF, Policy 2 of the EMRP and Policy 13(h) of the CSS.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

Officers Report

3.0 Information

Relevant Planning History

KET/2009/0217 – Erection of 4 no. dwellings - Refused 23.06.2009. Appeal dismissed by inspector at appeal due to the effect on the character and amenity of the locality.

The inspector identified the site is an isolated position, in an area of backland where there were no other buildings other than garden sheds and glasshouses which is characterised by having a pleasant, undeveloped ambience and open character typical of this generation of area and property.

Site Description

The application site is situated on the northern edge of Rothwell Town which has an access on the junction of Rushton Road and Shotwell Mill Lane. The site comprises rear garden land totalling a size of approximately 0.22 hectares belonging to No.101 Rushton Road. The site backs onto garden land of number 99 Rushton Road and properties located in Spencer Street. The formal rear garden of 101 Rushton Road is separated by a red brick boundary wall which also runs along the boundary of 99 Rushton Road.

101 and 99 Rushton Road are a pair of semidetached Victorian red brick homes. Rushton Road at this point is characterised by dwellings of varying architectural styles and appearance but sharing a similar demoninator of generous sized plots with long rear gardens and a strong relationship with Rushton Road.

Proposed Development

This proposal is an outline application with all matters reserved for 1 single storey dwelling.

Any Constraints Affecting The Site

None

4.0 Consultation and Customer Impact

Parish/Town Council

No objection

Highway Authority

Response received 28.09.12

No objection. Recommended conditions relating to:

- Drainage
- Gradient
- Pedestrian and vehicular visibility splays

Environmental Health

Response received 11.09.12

No objection subject to the imposition of a contamination land investigation condition.

Neighbours

One letter of objection was received from the occupiers of 99 Rushton Road, raising the following concerns:

- Adverse impact and detrimental effect on the amenity of our rear garden, the outlook from our garden and from one of our windows and the character and amenity of the immediate vicinity.
- Situated in an attractive unspoilt part of Rothwell.
- The proposed dwelling and garage would be out of keeping with the surrounding properties and gardens.
- Introduction of vehicle movements which would cause noise and disturbance at the rear of our house along with other activity.
- The proposed driveway to include the demolition of the garage and conservatory, brick and tile outbuilding and the relocation of parking/garage of cars in the rear garden of No.101 is virtually the same as the previously refused application.
- Inspector previously refused development in this location due to its undeveloped character and that the proximity of the access drive to the side facing ground floor windows of No.101 Rushton Road would lead to a significant loss of privacy and that these issues still remain.

5.0 Planning Policy

National Planning Policy Framework

Development Plan Policies

East Midlands Regional Plan

Policy 2. Promoting Better Design

North Northamptonshire Core Spatial Strategy

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Developments 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. Design and Character
3. Residential Amenity

1. The Principle of Development

Policy 6 of the National Planning Policy Framework (NPPF) encourages use of

land within existing settlements where future occupants can benefit from established amenities and public transport. Policy 9 of the Core Spatial Strategy (CSS) states that priority will be given to previously developed land and that this should provide for at least 30% of the overall housing requirements for North Northamptonshire. The NPPF classifies garden land as previously undeveloped and is therefore not a priority for development. Whilst this is so, the CSS defines Rothwell as a 'Smaller Town', a secondary focus for development after Kettering (which is defined as a Growth Town) due to its relatively good level of services and public transport.

The town is considered an appropriate location for small scale residential development subject to all other material planning consideration being satisfied. This principle is further strengthened by Policy 35 of the adopted Local Plan and Policy 2 of the East Midlands Regional Plan (EMRP).

Since the previous application, KET/2009/0217 was refused and pre application advice PRE/2010/0202 was given the National Planning Policy Framework (NPPF) has replaced national planning policy guidance and statement documents. The change in documents has not resulted in a change of emphasis, and it is considered that the stated aims and goals of the PPS/Gs referred to when determining both the application and pre application advice are largely reiterated within the NPPF. Furthermore the alterations at national level have not changed the local policy landscape.

Paragraph 12 of the NPPF states that proposed development which accords with an up to date Local Plan should be approved. Paragraph 14 of the NPPF states that local planning authorities should approve applications which accord with the Development Plan. The relevant policies in the EMRP and CSS remain and have not changed since the previous application.

While development within Rothwell is acceptable in principle, concerns relating to the impact of the proposal upon the character of the area remain, despite a significant reduction in the proposed scale of development compared to that of KET/2009/0217 and a slightly reduced scale to that considered in PRE/2010/0202. This is discussed in more detail below.

Paragraph 14 of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. Local Planning Authorities must seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy 2 of the EMRP promotes high quality design, Policy 13 (h) of the CSS states that new development should be high quality in design and it should respect and enhance the character of its surroundings.

2. Design and Character

This area comprises of large, primarily detached properties set in large plots fronting onto the public highway. The proposal would result in an alien form of development, to the rear of existing properties where development of this nature would not expect to be seen. This is supported by the Inspector's appeal decision relating to KET/2009/0217 which clearly sets out that

development in this location would have no relationship with the prevailing pattern of frontage development. In addition, the Inspector noted that the northern part of Rushton Road at the edge of Rothwell was very different in character to other parts of the street due to the transition from the high density urban streetscape to a more spacious and low density streetscape that adjoins open countryside.

The proposed development has clearly taken on board the Inspector's comments about the cramped and over-intensive form of development previously proposed. However, it is considered that even the development of 1 single storey dwelling which would remove existing garden land and introduce residential development with no street frontage to this part of the street would represent a clear departure from the pattern of development, detracting from the predominant form and character of the surrounding development, and would set an undesirable precedent making similar future proposals difficult to resist.

It is noted that there is a development of two bungalows to the south of the application to the rear of 81/83 along Rushton Road, this development is positioned on the edge of a more dense and concentrated urban form. In contrast, the application site is located amongst low density residential development characterised by large previously undeveloped garden land. This decrease in density along Rushton Road helps provide a distinct transition between the built form of the settlement and the rural, undeveloped open countryside beyond.

By virtue of being back land development the proposal would have an adverse impact upon the visual amenity and character of the locality, interrupting the pattern of development in this locality in an unsympathetic fashion, setting an undesirable precedent and as such would be contrary to Paragraph 17 and Section 7 of the NPPF, Policy 2 of the EMRP and Policy 13(h) of the CSS.

3. Residential Amenity

An objection has been made by a neighbour who expressed concerns relating to the amenity and outlook of their rear garden. Subject to the appropriate boundary treatment and sensitive positioning of windows it is considered that the proposal would not have an unacceptable impact upon the occupiers of neighbouring properties. The proposal would therefore accord with Policy 13 of the CSS with respect to the impact upon neighbours; however the principle of development is not acceptable as discussed previously in 7.2.

Conclusion

With regard to the legal requirement under S.38(6) Planning and Compulsory Purchase Act 2004 for the Planning Committee to determine all planning applications in accordance with the Development Plan unless material considerations indicate otherwise; it is considered that the proposal seriously conflicts with the aims and objectives of the Development Plan and that there are no material considerations which would weigh in favour of permission being granted. The application is therefore recommended for refusal.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Lewis Goodley, Assistant Planning Officer on 01536 534316

SITE LOCATION PLAN

99-101 Rushton Road (land to rear), Rothwell
Application No.: KET/2012/0541



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