

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/12/2012</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2012/0630</b>
<b>Wards Affected</b>	<b>Brambleside</b>	
<b>Location</b>	<b>14 Regal Drive, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Single storey side extension</b>	
<b>Applicant</b>	<b>Mr J Derwent</b>	

### **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 plan Dwg No: 01, received 4th October 2012 by the Local Planning Authority.

REASON: To protect the amenity of the occupiers of the adjacent property at No.15 Regal Drive, in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing dwellinghouse.

REASON: In the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner.

The applicant is reminded of the provisions of the Party Wall etc Act 1996 which

may require notification of the works hereby permitted to all affected neighbours. More detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters.

The applicant is advised that the building hereby permitted should be used for private domestic purposes only in connection with the use of the property as a single family dwellinghouse.

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Policies 4, 6 and 7 of the National Planning Policy Framework, Policies 2, 3 and 48 of The East Midlands Regional Plan, Policies 1, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 35 of the Local Plan for Kettering Borough. The issues relating to residential amenity and drainage are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

KE/04/1168. Conservatory to rear. Approved 21/12/2004.

#### **Site Description**

Officer's site inspection was carried out on 31/10/2012.

The application site is located in an established residential area to the north of Kettering town centre and is a two-storey detached buff brick dwellinghouse with a red brick decorative band, a brown tile roof and white PVCu windows and doors. There is a flat-roofed canopy above the central front door supported by white pillars, and at ground floor level there are bay windows either side of the front door. There is a detached double garage to the north of the dwellinghouse.

The property faces onto a curved cul-de-sac meaning it has a wide open frontage facing the highway. There is no front boundary treatment but the side and rear boundaries are 1.8 metre high wooden panel fences.

There is an area of open space to the southwest of the application site and surrounding properties are also detached two-storey dwellinghouses, similar in style and materials to the application site, and form part of the same development.

#### **Proposed Development**

The proposal is for a single storey hipped roof extension to the southwest elevation of the dwellinghouse for a garden store.

#### **Any Constraints Affecting the Site**

None.

### **4.0 Consultation and Customer Impact**

#### **Neighbours**

15 Regal Drive

- No objection.
- Concerned about the proximity of the planned extension to the side of our house, coming right up to the boundary line. Would make it impossible for neighbours to maintain guttering and fencing without regular access to our property.
- Not in keeping with the aesthetic appearance of the surrounding properties.
- Nowhere else is there building up to the building line.
- All garages are either detached or integral and as the property already has a large detached double garage we feel it is not going to conform to the desired effect of the original builders.
- Concerned that a large portion of natural ground being lost as there are

known drainage issues due to the area being clay capped as it was previously a landfill site.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

### **Development Plan Policies**

#### **East Midlands Regional Plan**

Policy 2. Promoting Better Design

Policy 3. Distribution of New Development

Policy 48. Regional Car Parking Standards

#### **North Northamptonshire Core Spatial Strategy**

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution and Location of Development

Policy 10. Distribution of Housing

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

#### **Local Plan for Kettering Borough**

35. Housing: Within Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The Principle of Development.
2. Character and Appearance.
3. Residential Amenity.
4. Parking and Highway Safety.
5. Other Issues

### **1. The 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 their Development Plans unless material planning considerations indicate otherwise.

Policy 6 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour 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. Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development to existing urban areas and indicate that Kettering will provide a focal point for residential development. This approach is further supported by Policy 3 of the East Midlands Regional Plan which indicates that significant levels of growth should be located within Kettering.

Policy 2 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of extensions to residential properties provided there is no adverse impact on character and appearance, residential amenity, parking and highway safety. The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

## 2. Character and Appearance

The proposed extension is single storey and is set back slightly from the front elevation of the existing dwellinghouse which is in turn set back approximately 4 metres from the back of the highway edge. Its location within the site means the proposal will be visible in the public realm but will be partially obscured by the existing garage at No.15 Regal Drive, thereby reducing the visual impact on the street scene.

The proposal has been designed to reflect the design and proportions of the existing buildings on site by having a hipped roof of the same pitch as both the existing dwellinghouse and existing detached double garage. Provided the materials used match those on the existing buildings on site, as has been stated in the application form, then the proposed extension will be in keeping with the character and appearance of the existing dwellinghouse and garage, which will in turn be reflective of the character and appearance of surrounding development and the wider street scene. A condition is to be added to secure the use of matching materials.

As such the scheme proposed conforms to policy 2 of the East Midlands Regional Plan and policy 13(h) of the North Northamptonshire Core Spatial Strategy which requires new development to reflect, respect and enhance the character of its surroundings.

## 3. Residential Amenity

The proposed extension has an approximate eaves height of 2.35 metres and its guttering will abut the boundary with the neighbours at No.15 Regal Drive. The guttering will extend beyond the walls of the proposed building by approximately 0.2 metres, so the walls will be set back from the boundary by this distance.

The orientation of the application site dwellinghouse and the dwellinghouse of the adjacent neighbour at No.15 Regal Drive means that only the rear corner of the proposed extension will abut the boundary with this neighbour with the front of the proposal being orientated away from the neighbour's dwellinghouse.

This, together with the proposal having a hipped roof and there being an existing 1.8 metre high boundary fence between the two properties, means that any adverse impact of the amenities of the neighbours caused by the proximity of the proposed extension will be negligible.

In addition, the plans provided by the applicant show the guttering abutting the boundary and not the walls of the proposal. To ensure that this remains the case, a condition is to be added requiring the proposal to be built in accordance with the plans provided.

As such, with the imposition of a suitable condition, the proposal will be acceptable and will conform to 13(l) of the North Northamptonshire Core Spatial Strategy which requires that development does not result in an unacceptable impact on the amenities of neighbouring properties.

#### 4. Parking and Highway Safety

The proposed extension has no impact on the parking provision at the application site as there is a double detached garage with parking spaces in front of it to the northeast of the dwellinghouse. In turn there will be no adverse impact on the highway network in respect of this proposal.

As such, the proposal complies with policy 13(n) of the North Northamptonshire Core Spatial Strategy which requires new development to not have an adverse impact on the highway network or prejudice highway safety.

#### 5. Other Issues

##### **Drainage**

Concerns have been raised that the loss of natural ground caused by the proposal would lead to drainage issues due to the area being clay capped as it was previously a landfill site.

Environmental Health has confirmed that the area was formerly a quarry, not landfill, and probably infilled with inert material after quarrying ceased.

The control of drainage is only a material planning consideration where the issue of drainage falls outside the conditions and limitations of the planning permission granted by Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended (the GPDO).

Class F allows for hard surfaces within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse, provided the surface is not located on land between the principal elevation and a highway. This is to ensure there are no adverse impacts on the highway network or highway safety due to surface water run off.

Although it is accepted the proposed extension will remove an area of free draining land within the application site, it has no implications on surface water run off onto the highway network and is therefore not considered a reason to refuse planning permission in this instance.

### **Routine Maintenance**

The adjacent neighbours at No.15 Regal Drive have commented that due to the proximity of the proposal to the side of their house, it would make it impossible for the applicants to maintain the guttering and fencing without regular access to their property.

Development is allowed up to an owner's boundary. Access and maintenance arrangements are not a planning issue but are covered by separate legislation in the Party Wall etc, Act 1996. A note has been applied to the Approval reminding them of their obligations with regard to this Act.

### **Garden Wall**

The proposal includes a 1.8 metre high garden wall to the southwest of the proposed extension, up to the boundary with No.15 Regal Drive.

Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, allows for the erection of a gate, fence, wall, or other means of enclosure to be two metres or less in height above ground level where it is not adjacent to a highway used by vehicular traffic. As the location of the proposed wall is not adjacent to the highway, its construction can be carried out without being part of this planning application.

### **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Subject to the imposition of recommended planning conditions to control visual and residential amenity in relation to the materials to be used, and fixing the location of the proposal within the application site, there are no material planning consideration which would outweigh policies in the Development Plan. The proposed scheme is therefore recommended for approval.

### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

### **Previous Reports/Minutes**

Ref:

Date:

## SITE LOCATION PLAN

14 Regal Drive, Kettering  
Application No.: KET/2012/0630



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