

BOROUGH OF KETTERING

Committee	Full Planning Committee - 02/07/2013	Item No: 5.2
Report Originator	Anne Dew Senior Development Officer	Application No: KET/2013/0275
Wards Affected	All Saints	
Location	100 Britannia Road, Kettering	
Proposal	Full Application: Demolition of bungalow and construction of pair of semi-detached houses and outhouses to rear	
Applicant	Mr & Mrs T Umar	

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 shown on drawing numbers 3123.12.04 and 3123 12.03 received 29 April 2013

REASON: In the interests of visual and residential amenity and highway safety in accordance with policy 13 (d), (h), (l) and (n) of the North Northamptonshire Core Spatial Strategy.

3. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, 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: In the interests of the visual amenities of the area in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

4. Prior to first occupation of the dwellings hereby approved, the proposed vehicular access and parking facilities shall not be provided other than in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

5. Prior to first occupation of the development hereby approved pedestrian visibility splays of at least 2.4 metres by 2.4 metres shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.6 metres above access/ footway level.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

6. The gradient of the drive shall not exceed 1:15 and shall be paved with a hard bound surface the details of which shall have first been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the buildings and shall be retained thereafter.

REASON: In the interests of highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

7. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be 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 highway safety in accordance with policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. 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) of the North Northamptonshire Core Spatial Strategy.

9. 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 be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

10. Prior to installation, full details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority and the solar panels shall not be installed other than in accordance with the approved details.

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

11. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has 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: To protect the privacy of the occupiers of adjoining properties and in the interests of visual amenity in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

12. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenities and privacy of the neighbouring property and in the interests of amenity in accordance with policy 13 (h) and (l) of the North Northamptonshire Core Spatial Strategy.

13. The outbuildings hereby approved shall be only for purposes incidental to the enjoyment of the dwellinghouse as such.

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

14. 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 additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the west or east elevation or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Paragraph 17 and policy 7 of the National Planning Policy Framework, Policies 1, 9, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policy 35 of the Local Plan for Kettering Borough. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

KET/2011/0587 Demolition of bungalow and construction of a pair of semi-detached 2 storey houses and outhouses to rear. Refused 10.11.2011 on the grounds of overbearing massing and impact on the amenities, including loss of light of 98 Britannia Road and overdevelopment of the site which would not sit comfortably within the street scene. Appeal dismissed 20.07.2013. The Inspector concluded that the dwellings would harm the living conditions of the adjacent bungalow at no. 98 Britannia Road through unacceptable loss of outlook and natural light. This loss of outlook and natural light is specifically in relation to ground floor clear glazed "French windows" on the eastern elevation of number 98 Britannia Road. (See Officer comments).

KET/2011/0287 Demolition of bungalow and construction of a pair of semi-detached 3 storey houses and outhouses to rear. Refused 19.07.2011 on the grounds of intrusive and overbearing impact on occupiers to 98 Britannia Rd and will have an unduly dominant impact on the streets scene to its detriment.

Site Description

Officer's site inspection was carried out on 10 June 2013.

The application site is occupied by a single storey, white rendered bungalow, which at the time of the site visit was vacant and the garden overgrown. The surrounding area is primarily residential in character, with school grounds located to the north of the site, on the opposite side of Britannia Road. There is no defined character to the area, with there being a mix of single and two storey dwellings of varying designs. Number 112 Britannia Road is a two storey detached dwelling to the east and number 98 Britannia Road, to the west of the site, is a one and a half story dwelling with the gable facing Britannia Road. On the original grant of planning permission for the dwelling at number 98 Britannia Road, the area affected by the proposal on the approved plans is a utility room, approximately 2 metres by 2.6 metres with one window facing the side boundary. Currently there is no car parking within the site and the bungalow is reliant on on street car parking.

Proposed Development

The proposal is for the demolition of the existing bungalow and its replacement with 2 semi detached dwellings. The dwellings are 2 storey with a pitched roof with a gable facing the road. Each dwelling has 2 bedrooms and includes a study on the ground floor. The dwellings have an eaves height of 4.2 metres and a ridge height of 8.2 metres, Each dwelling is provided with one car parking space, both of which are served from Britannia Road.

Any Constraints Affecting The Site

None

4.0 Consultation and Customer Impact

Highway Authority No objections subject to conditions. The provision of 1 car parking space per dwelling is appropriate.

Environmental Health No objections.

Cllr Brown Object to the scheme on the grounds of; overdevelopment of the site; overbearing in nature; inadequate car parking; loss of light to no 98 Britannia Road and not in keeping with the surrounding area.

Neighbours

7 neighbour representations received. Objections are on the grounds of:-

- Proposed houses are larger than those previously refused
- Too close to 96 and 98 Britannia Road
- The site is too small to accommodate 2 dwellings
- Lack of car parking, particularly with the new Co-op store opening and the future redevelopment at the former school on Britannia Road which will both increase car parking within the area.
- Concerned that more bedrooms could be added into the roof
- Question the efficiency of the proposed solar panels
- Development is for 2 houses at not 1
- The development is not dissimilar to the 3 storey dwelling previously refused
- Query the use of the study
- Query the intended use of the workshops and restrictions on the use of these outbuildings are required
- The design and access statement includes inaccurate information
- The dwellings are 1 metre higher than 112 and will have an effect on the private amenity area
- Detrimental impact on 98 Britannia Road
- Street elevation is ill-represented and misleading
- Concerned the properties will be rental with multiple occupancies
- Over bearing impact and massing
- Details of existing boundary treatment shown on plans is incorrect
- Covered area is too close to boundary and will cause problems, particularly during periods of heavy rain
- Floor area of the existing bungalow will increase as a result of the development.

- Impact of development on the use of the adjacent chimney at 98 Britannia Road.
- Restrictive conditions required limiting further windows on the side elevations of the dwellings
- The scheme has ulterior intentions because of its layout and design
- The scheme is even more unsuitable than the prior design refused at appeal

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17. Core Planning Principles

Policy 6. Delivering a Wide Choice of High Quality Homes

Policy 7. Requiring Good Design

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1 Strengthening the Network of Settlements

Policy 7 Delivering Housing

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

Policy 35 Housing Within Towns

SPGs

Sustainable Design

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Background and comparison to previously refused scheme
2. Principle of Development
3. Impact on Residential Amenity
4. Design and Impact on the Street Scene
5. Highway Safety Implications
6. Sustainable Development
7. Other comments

1. Background and Comparison to Previously Refused Scheme

A scheme for 2 dwellings was refused and dismissed at appeal on the grounds of the adverse impact it would have on the residential amenity of the occupants of 98 Britannia Road in respect of loss of light. This scheme provides for a pair of semi detached dwellings, two storey in height, each with three bedrooms. The dwellings had an eaves height of 4.2 metres and a ridge height of 7.3 metres, with the gable facing the road. The footprint of the dwellings largely followed the building lines of number 98 Britannia Road located to the west. The refused scheme provided for a separation distance of 800 mm with the shared boundary with number 98 Britannia Road.

In comparison, the current scheme provides for a similar footprint as the previously refused scheme, the main differences being that the separation distance between the proposed dwellings with the shared boundary to number 98 and 112 Britannia Road has increased to 1 metre. In addition whilst the eaves height of the proposed dwellings remains at 4.2m, ridge height has increased to 8.2m. These and other changes made to the design of the dwelling are discussed below.

2. Principle of Development

Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy state that development will be principally directed towards the urban core and will be focused on the growth town of Kettering. Policy 9 also establishes a priority on the reuse of suitable previously developed land and buildings within the urban areas.

The application site is located within the town boundary of Kettering, as defined by saved policy 35 of the Local Plan and as such the principle of development, subject to consideration of other planning considerations as detailed below in this report, is considered to be acceptable and in accordance with policies 1 and 9 of the North Northamptonshire Core Spatial Strategy.

Under the previous application for two dwellings which was dismissed by the Planning Inspectorate (KET/2011/0587), the Planning Inspectorate dismissed the appeal on the impact the scheme had on the amenities of number 98 Britannia Road, but raised no reference in the decision notice to the principle of development.

In conclusion, the principle of the development is considered to be acceptable given its location within the town boundary of Kettering and the site being previously developed land. Any approval of the application would, however, be subject to the specific criteria discussed below.

3. Impact on Residential 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 of the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The Inspector considered under the previous scheme for two dwellings which was refused and dismissed at appeal (KET/2011/0587) that the main issue in respect to residential amenity was the effect of the proposal on the living conditions of neighbouring residential occupiers with specific reference to outlook, natural light and privacy. The main concern that the Inspector had was the loss of light and outlook to a habitable room window on the eastern elevation of number 98 Britannia Road. There was considerable debate within the Inspectors report as to whether this room was a utility room or a habitable room as is detailed below:-

'In relation to the effect of the proposal on the living conditions of the occupiers of the adjacent bungalow, there are three ground floor side windows facing the appeal property, one of which is obscure glazed. The status of the room served by the other two windows is critical to the outcome of the appeal. Although referred to in the Council's officer report as a utility room, it has French windows and an additional clear-glazed window, i.e. a large expanse of clear glazed fenestration, with an open outlook at present. These features point to its use as a habitable room. This appears to be confirmed by the occupiers, who refer to watching the sunrise from this room, indicating that it is used for more than just utility purposes, and it would certainly have the potential to be used as a habitable room in the future. I therefore consider it to be a habitable room in considering the impact on the proposed development.'

'The proposed two-storey side wall, at a distance of about 1.8m from the French windows at no.98, would produce an unacceptably overbearing sense of enclosure and be excessively unneighbourly. Although the proposed development would be located to the north-east of this window, there would still be considerable loss of light due to the very narrow separation distance and the height of the proposed development, which would further harm the living conditions of the occupiers.'

Having visited the site, in place on the ground floor eastern elevation of number 98 Britannia Road there is one small glazed obscure glazed window, a single door, with only the upper pane glazed and a small clear window. This single door and window serves a room behind but this room does not have French windows, nor does it have a large expanse of clear glazed fenestration. The planning history for number 98 Britannia Road has been checked and this room is shown on the approved plans to be a utility and cloak room which is served by a single door and side window and further along a frosted window which serves the cloakroom. The utility room is a secondary room of the property with the principal accommodation served by windows to the front and rear of the dwelling.

Having viewed again the east facing elevation to no. 98, and examined the approved plans for that property, the room behind appears as a secondary utility area. The property's principal windows are front and back but with rooms in the roof served by roof lights which are not adversely affected by the proposal. Officers are expecting to have seen the inside of the secondary area of no. 98 prior to committee.

The proposal ridge height is approximately 0.7 m higher than the earlier refusal application to accommodate an improved design, the set back from the neighbouring boundary is 1.2 m.

In urban areas, many locations like the current application site would prove undevelopable if secondary areas along the side boundary of a neighbouring property proved an overriding impediment. In the case, and noting the previous appeal decision, it is judged that because of the facts regarding this secondary area to no. 98, the proposal's impact on the neighbouring property does not represent an overriding planning objection.

On the previous refused scheme (KET/2011/0587), the Inspector considered the impact of the proposed dwellings on the first floor roof lights which serve a bedroom. The Inspector concluded that the roof lights were not the main window into the bedroom and the development would not be overbearing on the outlook or cause undue loss of natural light from the sky light. It is not considered that the increase in height of the proposed dwellings will have any greater impact than the previously refused scheme, particularly with the height of the floor to the new dwelling being at its lowest at that point nearest to number 98 Britannia Road. The proposed dwellings will have minimal impact on rear facing habitable room windows in place at 98 Britannia Road given that the proposed dwellings will not extend further back than the dwelling in place at 98 Britannia Road.

With respect to overlooking, habitable room windows are proposed on the ground and first floor of the rear elevations of the two dwellings proposed. Any overlooking that will result to occupiers of adjacent dwellings would not be unusual within this urban context. The current scheme proposes three roof lights on the western elevation of the new dwellings which will serve the landing, and en-suite and a bathroom, however these are located at a sufficient height not to result in any overlooking. A condition is recommended that restricts permitted development in respect of further windows on this side elevation. At ground floor level 2 windows and a door are proposed, and a condition requiring boundary treatment on this shared boundary will ensure no overlooking result.

The proposed dwellings are considered to be located sufficiently far away from number 112 Britannia Road to the east not to result in any adverse overbearing impact or overshadowing, with a separation

distance of approximately 16 metres between the dwellings. Openings are proposed on the ground floor eastern elevation of the dwelling, however with boundary treatment which can be controlled by condition. Roof lights are similarly proposed at first floor level serving bathrooms and landing and these are again located at a sufficient height not to result in any overlooking.

Other nearby dwellings are located sufficiently far away from the proposed dwellings not to result in any adverse impact on the residential amenity of occupiers in respect of overshadowing, overbearing impact and overlooking.

The scheme proposes an outbuilding to be provided for each dwelling, which will be located adjacent to the rear boundary of the site. These outbuildings are located sufficiently far away from dwellings fronting Britannia Road not to result in any adverse overshadowing or overbearing impact. It is also not considered that the proposed outbuildings will give rise to any adverse amenity implications for the occupiers of 125 Reservoir Road, which is located immediately to the south of the site, given there is a range of outbuildings adjacent to this boundary on the side of 125 Reservoir Road. Concern has been expressed by third parties about the future use of these outbuildings, however this matter can be addressed by restricting the use of these buildings by condition to be used as ancillary residential use only.

In conclusion, subject to conditions restricting openings and the use of the outbuildings, it is considered that the scheme is in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

4. Design and Impact on the Street Scene

Policy 13 (h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings.

The Inspector considered under the previous scheme which was refused at appeal (KET/2011/0587) that the main issue in respect of design was the impact the scheme would have on the character and appearance of the street scene. In this regard the Inspector concluded the following:-

‘The visual context is the varied street scene in Britannia Road. There would be an acceptable elevational and design link between the proposed development and its nearest buildings. The ridge height, approximately mid way between the higher two storey house at no. 112 to the north-east and the bungalow at no. 98 to the south west, would not be at odds within this context.’

‘Other design aspects, such as the scale, height, roof pitches and alignment, fenestration and external materials, would not be out of

keeping with neighbouring buildings. I therefore conclude that the proposal would not harm the character and appearance of the street scene and would satisfy the requirement in the Framework for development to respond to local character and reflect the identity of its surroundings; neither would it be contrary to Core Spatial strategy Policy 13, which requires development to respect the character of its surroundings'.

In his decision notice, the Inspector made no reference to the development of 2 dwellings on this site constituting over development of the site.

The current planning application provides for a pair of semi detached dwellings which whilst two storey reflect more the design characteristics of the one and a half storey dwelling in place at 98 Britannia Road, particularly in respect of the provision gable projections and fenestration. The ridge height of the new dwelling is higher than the previous scheme at 8.2 metres. Whilst the proposed ridge height is higher than number 112 and 98 Britannia Road, it is lower than the two story dwelling in place at 94 Britannia Road. It is considered that the street scene elevation demonstrates that a dwelling of this height will assimilate well into the street. The scheme provides sufficient separation distance between the proposed dwellings and the shared boundaries with numbers 98 and 112 Britannia Road not to result in a cramped appearance. Subject to the use of appropriate materials, which can be controlled by condition, it is considered that the scene is in accordance with policy 7 of the National Planning Policy Framework and policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

5. Highway Safety Implications

Policy 13 (d) and (h) respectively require that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring and do not have an adverse impact on the highway network and will not prejudice highway safety.

The previous scheme provided for one car parking space per dwelling and this was considered to be an acceptable level of car parking for which the Inspector did not raise any issues with. The current scheme also proposes one off street car parking space per dwelling, which is still considered sufficient given the property size and location, which is close to various bus routes and within walking distance of Kettering Town Centre. Concern has been raised by third parties that the parking situation in the general area has changed with the opening of the supermarket on Hallwood Road and this situation is likely to deteriorate further with the redevelopment of the school on Britannia Road. Highways have been consulted on the scheme and have given consideration recent and future developments and are still of the view that sufficient car parking capacity is available for the development. Subject to conditions regarding the access, the scheme is considered to be in accordance with policies 13 (d) and (h) of the North

Northamptonshire Core Spatial Strategy.

6. Sustainable Development

Policy 14(b) of the North Northamptonshire Core Spatial Strategy requires that developments incorporate techniques of sustainable construction and energy efficiency, provide for waste reduction and recycling and provide for water efficiency and water recycling.

In support of the application a Sustainability Statement has been submitted which provides some general principles of techniques that will be used, however no specific detail has been provided. This matter can however be addressed by a planning condition which will require details of specific measures that will be incorporated to meet the requirements of this policy.

7. Other Comments

Concern has been expressed by a third party about the impact of the development on use of their chimney. This matter was referred to by the Planning Inspector on the previously refused scheme, however was not seen as a reason to refuse the application.

Conclusion

The scheme is considered to be in accordance with national and local policy. The design of the dwelling is considered to be acceptable, it will not have any adverse impact on residential amenity and gives rise to no adverse highway safety implications.

Background Papers

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: