

BOROUGH OF KETTERING

Committee	Full Planning Committee - 24/09/2013	Item No: 5.7
Report Originator	Alison Riches Development Officer	Application No: KET/2013/0531
Wards Affected	Brambleside	
Location	101 Cleveland Avenue, Kettering	
Proposal	Full Application: First floor front and rear extensions	
Applicant	Mr C Lyles	

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 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 building.

REASON: In the interests of visual amenity in accordance with policy 13 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 additional openings permitted by Schedule 2, Part 1 Class A shall be made at first floor level in the west elevations of the front and rear extensions.

REASON: To protect the amenity and privacy of the occupiers of adjacent properties at Nos.16, 17 and 18 Cleveland Avenue in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The window at first floor level on the northeast elevation of the development hereby approved shall be high level as show on the amended plan received 3rd September 2013 by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and the high level window shall thereafter be retained in that form.

REASON: To protect the privacy of the adjacent property at No.103 Cleveland Avenue and to prevent overlooking in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2013/0531

3.0 Information

Relevant Planning History

None.

Site Description

Officer's site inspection was carried out on 02/09/2013.

The application site is located in an established residential area to the north of Kettering, at the west end of a private drive serving 4 no properties which runs parallel to Cleveland Avenue.

The application site was built in the mid 1990s and is a detached two-storey red brick dwellinghouse with a grey tile gabled roof. There is a two-storey and single storey gable-roofed projection to the front elevation, a single storey gable-roofed projection to the rear elevation, and a detached double gable-roofed garage at the end of the private drive, with the front elevation perpendicular to the front elevation of the dwellinghouse. All windows and doors are white PVCu.

The application site plot is slightly triangular in shape with the front boundary being wider than the rear boundary. The plot is open plan at the front but the private drive is screened from Cleveland Avenue by a low brick wall, less than a metre in height, surrounded on all sides by a low mixed hedge. To the rear, the property is surrounded on all sides by 1.8 metre high wooden panel fencing.

Surrounding properties form part of the same development and are of similar style and design.

Proposed Development

The proposal is for a first floor extension above the existing front and rear single storey projections.

Amended plans were received replacing a first floor window in the northeast elevation with a high level window.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

Neighbours

16 Regal Drive

- Objection.
- Currently no overlooking into my garden.
- Should this application be approved the rear second floor extension will overlook into my garden taking away privacy and could devalue my property as a consequence.
- In the past the applicant has written via his insurance company to houses adjoining his property requesting they remove their trees. I believe this would be the case again therefore the rear elevation window would overlook directly into my garden.
- Propose the applicant has the window to the side elevation overlooking his own garden.

Comments relating to devaluation of the objectors property and the removal of trees outside the application site are not material planning considerations in the determination of this application.

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

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

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. The Principle of Development.
2. Character and Appearance.
3. Residential Amenity.
4. Parking and Highway Safety.
5. Other Issues Raised by the proposal.

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.

The application site is in an established residential area to the north of Kettering. Policy 13(h) 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 and the highway network. The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2. Character and Appearance

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires new development to reflect, respect and enhance the character of its surroundings.

The submitted proposals are reflective of the existing dwellinghouse in terms of their proportions, window style and location, and the roof pitch replicates that on the existing single storey projections they are being built above. Both first floor extensions are subordinate to the main roof and to the existing two-storey front projection, which respects and does not unbalance the appearance of the existing dwellinghouse.

Provided the materials match those on the existing dwellinghouse, as stated in the application form, the proposals will not adversely impact on the character and appearance of the existing dwellinghouse, surrounding development or the wider street scene.

As such, subject to a condition requiring materials to match those on the existing dwellinghouse, the proposals are in accordance with policy 13(h) of the North Northamptonshire Core Spatial Strategy.

3. Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires new development not to result in an unacceptable impact on the amenities of neighbouring properties.

Each part of the proposal is to be considered separately in terms of amenity:

First Floor Front Extension

The proposed first floor front extension will have no impact on the amenities of surrounding occupiers. No openings are proposed on the southwest elevation so there will be no direct overlooking of the rear amenity space of the neighbouring properties to the east at Nos.17 and 18 Regal Drive. To prevent any possibility of future overlooking a condition will be added preventing any further openings at first floor level in the west elevation.

Window openings are proposed to the front elevation and the southeast elevation. The existing front elevation faces onto Cleveland Avenue but is behind the existing double garage. The proposed first floor window in this elevation will therefore be

partially shielded by the roof pitch of the existing garage and will not lead to any issues of window to window intervisibility or overlooking with properties opposite the application site. This is due to separation by the existing private drive, public footpath and public highway, and the fact that the opposing property has its flank wall facing onto Cleveland Avenue.

The window in the southeast elevation is located at the west end of the property and will look across the front elevation of the application site property. The front elevation of the neighbouring property to the east, at No.103 Cleveland Avenue, is set back slightly from the application site and any views from the proposed window will be into the open plan front garden, parking area and shared access drive for this property, and not into any habitable rooms.

In addition, as this area is in the public realm and is not private amenity space, the impact of the appearance of the proposal is considered to be greater than the impact of limited overlooking, and therefore it is considered acceptable for there to be some form of limited overlooking rather than amend the design which would adversely impact on the character and appearance of the dwellinghouse, and in turn surrounding development and the wider street scene.

First Floor Rear Extension

The proposal as originally submitted had full size windows at first floor level in the rear elevation and the northeast elevation.

When considering the location of the existing windows of surrounding neighbours in relation to the proposed windows, the siting of the proposed windows would not give rise to window to window intervisibility between these neighbours but, concerns have been raised regarding the overlooking of the gardens and private amenity space of neighbouring properties.

The proposed window in the northeast elevation would have directly overlooked the rear garden, and in particular the area of private amenity space immediately behind the dwellinghouse, of the neighbouring property at No.103 Cleveland Avenue. As this window would be a secondary window to the one proposed in the rear elevation, amended plans were provided changing the original window for a high level window to overcome this issue. A condition will be added requiring this window to be permanently retained in this form.

With respect to the proposed window in the rear elevation, an objection has been received from the neighbour at No.16 Regal Drive regarding overlooking of their rear garden. Under existing circumstances, if the existing planting above the 1.8 metre high boundary fences between these neighbours were to be removed, both the applicants and the occupiers of No.16 Regal Drive would be able to overlook the top of each others gardens from the first floor bedroom windows.

As there is no planning control regarding the removal of planting, consideration has to be given as to whether the proposed rear first floor window would cause any adverse impacts on amenity to these neighbours over and above those impacts already experienced.

The proposed extension will cause the rear first floor window to move 2 metres closer to the eastern site boundary. This is due to the triangular plot shape. However, the proposed first floor window would cause no more overlooking of the rear garden of No.16 Regal Drive, and in particular the area at the top of the garden rather than the area immediately outside the dwellinghouse, than would currently be experienced if the boundary planting were removed.

It is considered that the impact of the proposal will lead to no more loss of amenity than already experienced by the occupiers of No.16 from the adjacent neighbour to the north at No.15 Regal Drive, whose first floor rear windows overlook the whole of the garden of No.16 Regal Drive.

As such, it is considered that the proposed first floor rear extension will not lead to a significant increase in loss of amenity to the occupiers of No.16 Regal Drive, over and above that which is already experienced.

High Level Window (Southwest Elevation)

A high level window is proposed in the existing northwest elevation of the dwellinghouse.

Under the conditions of Class A of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, an upper floor window in a wall forming a side elevation of the dwellinghouse is permitted provided it is obscure glazed and non-opening, unless the parts of the window to be opened are more than 1.7 metres above the floor of the room in which the window is installed.

As such, this window is permitted development and can be installed outside of this planning application.

Conclusion

Subject to conditions retaining the proposed window in the northeast elevation as high level, and preventing further openings at first floor level in the west elevation, the proposals for the front and rear first floor extensions comply with policy 13(l) of the North Northamptonshire Core Spatial Strategy.

4. Parking and Highway Safety

Policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The existing parking provision at the site comprises a detached double garage with two parking spaces in front of it. The proposed extensions are contained within the existing footprint of the dwellinghouse and do therefore not have any impact on the existing access, parking and manoeuvring arrangements.

As such, the proposals do not have an adverse impact on the highway network nor prejudice highway safety in accordance with policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy.

5. Other Issues Raised by the Proposal

The trees and high level planting along the boundary of the application site with the neighbouring properties are all in the gardens of the neighbouring properties at Nos.16, 17 and 18 Cleveland Avenue to the west, and not within the curtilage of the application site.

The loss of trees outside the application site is out of the control of this planning application and can happen at any time. This may result in some overlooking of garden space and window to window intervisibility between properties, due to their close proximity to each other, but this has already been assessed as acceptable in the granting of the original planning permission for the development of the area.

This can be done without reference to the planning system and existing circumstances cannot be taken as material planning considerations in the determination of this 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.

The proposed development is strongly supported by the aims and objectives of the Development Plan policies listed in the report, and there are no material considerations which would outweigh the Development Plan, subject to the imposition of the recommended planning conditions.

The proposal 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: