

BOROUGH OF KETTERING

Committee	Full Planning Committee - 23/09/2014	Item No: 5.5
Report Originator	Trevor Feary Development Officer	Application No: KET/2014/0392
Wards Affected	Slade	
Location	Isham Lodge, Manor Gardens, Pytchley	
Proposal	Full Application: Garage in rear garden	
Applicant	Mr T Brouillard	

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. 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 openings permitted by Schedule 2, Part 1 Class A shall be made in the Southern elevation of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy13 of the North Northamptonshire Core Spatial Strategy.

3. The building hereby granted shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such and no trade or business shall be carried out from there.

REASON: In the interests of the reasonable amenities of neighbouring occupiers in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0392

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/1990/0942 - Erection of 7 houses. Approved 04/12/1990

Site Description

Officer's site inspection was carried out on 06/08/2014

Application dwelling is one of a small group of dwellings within Manor Gardens constructed of stone and front boundary enclosures of matching materials. This dwelling has a double garage within its front garden and further parking (2 spaces) with turning facilities adjacent. A now widened (private) path runs along the West of the dwelling to meet with a rear patio area.

The base of the proposed building has already been constructed as well as the timber frame up to eaves level. The framework for the proposed roof lies nearby. Most of the rear garden has been cleared awaiting landscaping but there are a number of shrubs/small trees, up to 4 metres high, remaining along the rear boundary. The rear boundary treatment is actually a 1.8 metre high close boarded fence relative to the Applicant's own land level but at this point it is some height below that on which the Applicant's dwelling stands.

The adjacent house to the West is of similar design to the Applicants and only its landscaped garden/summer house is affected by the proposal. Again the boundary treatment here is a 1.8 metre high close boarded fence. To the East is a public footpath and then a further garden area.

The dwelling (formally two) to the rear fronts onto High Street and is part of a terrace of buildings. The terrace being set some distance back from the public highway. The dwelling forms an L shape with a single storey "leg" projecting back towards the Application Site. A conservatory is attached to this leg and runs for approximately 2/3rds of its length. Because of the significant drop in ground level between this site and the Application Site the ridge of the conservatory roof is just below the top of the fence along the mutual boundary.

Proposed Development

Erection of a domestic building for use as a garage for the storage of a classic car. The building is in the rear garden of the property between 680mm and 1200mm from the mutual boundary with the dwelling to the rear. The building is indicated as being 6.1 metres long and 4.5 metres wide, 2.3 metres to the eaves and 3.7 metres to the ridge.

The building needs to be this high to meet the Applicant's requirement

to provide cover for a classic car and which is 1.8 metres to the top of its roof.

It is intended to utilise “green oak wavy edge cladding” on all walls and both gable ends, and finish the roof with “Western red Cedar shake shingles”.

The submitted drawings also indicate a new gate to be placed level with the front of the dwelling and a widened patio area and pathway which will additionally serve as access and “turntable” to the proposed building

Any Constraints Affecting the Site

CA (Conservation Area)

Public Right of Way

4.0 Consultation and Customer Impact

Parish/Town Council

No response has been received

Neighbours

One letter of representation received (from resident to rear):

- garage is close to mutual boundary (0.5 metres) resulting in overshadowing our garden
- Our garden is lower than applicants by 1.5 metres which means garage (including roof) will be 5 metres above our ground level
- Does not wish to impose flat roof because a pitched roof will look nicer for all
- Height should be lower and building further from boundary.
- Two healthy trees giving privacy have been removed to make way for garage.
- Doesn't access currently under construction also require Planning Permission?

5.0 Planning Policy

National Planning Policy Framework

Para 17 - Core Planning Principles

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the Historic Environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 13 - General Sustainable Development Principles.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

According to the Applicant he states that when he visited the Borough Council Offices with his proposal he was mistakenly advised that the proposal did not require Planning Permission.; which is why the base and frame for the building is substantially complete. However, it has subsequently emerged that Planning Permission is required, because although the eaves height is below 2.5 metres and the ridge height below 4 metres – the building is proposed within 2.5 metres of both adjoining boundaries.

The fact that the proposed building has commenced should not be taken into consideration. The key issues for consideration are:-

1. Principle
2. Location/Appearance of proposal and its impact on street scene and Conservation Area
3. Impact upon neighbouring occupiers' amenity.(and other issues raised)

1. Principle

Being located within residential curtilage the principle of a small domestic outbuilding is in accordance with National and Local Policy, particularly in recognition of legislation which allows many forms of such buildings as "Permitted Development".

2. Location/Appearance of the development and its impact on the street scene and Conservation Area

The proposed building is located in the South –Western corner of the Applicant's rear garden, where the Manor Gardens estate backs onto dwellings in High Street.

From the public realm the structure in its present state (i.e. minus roof structure) cannot be seen. The existing fencing alongside the Public Right of Way adjoining obscures any view from that direction. Because of the significant changes in the level of the land at this location it is likely that only the very top of the completed roof may be seen.

The proposed external materials are unusual but since they will provide a "natural" look to the proposed building will not appear too out of place.

To provide the proposed building with a flat roof would be a step backwards visually, and also not meet the Applicant's requirements.

There is only a limited glimpse from Manor Gardens itself down the side of the Applicant's dwelling, a view which will be reduced further once the proposed gate is installed.

Accordingly the impact on the street scene and Conservation Area is virtually none existent.

3. Impact upon neighbours' amenity

The proposal has no impact on the neighbour to the East and only limited to the neighbour to the West since it is well away from that neighbouring house.

It will have impact, however, on the neighbour to the rear because of its

height but more particularly because of the difference in land levels. Obviously moving the proposed building further away from the mutual boundary is likely to reduce any perceived visual impact on the neighbouring property but the proposal needs considering as submitted.

The proposed building will be just over 10 metres from the rear wall of the main building and this is considered a sufficient distance not to compromise by domination (above that created by the existing fence) the adjoining occupiers' amenity whilst within their dwelling. Since the main aspect from the neighbour's conservatory is towards the East away from the proposed building it is not considered that domination by the proposal is such that Refusal of the submission is warranted. The same consideration/conclusion is reached regarding the use of the neighbour's actual garden area.

The proposed building lies North-West of the objector's and so will create very limited over-shadowing. Since no windows are proposed in the rear elevation there will be no loss of privacy.

Conclusion

The submission is acceptable.

Background Papers

Title of Document:

Date:

Contact Officer:

Trevor Feary, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: