

## BOROUGH OF KETTERING

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| <b>Committee</b>         | <b>Full Planning Committee - 21/10/2014</b>                              | <b>Item No: 5.9</b>                      |
| <b>Report Originator</b> | <b>Marie Down<br/>Assistant Development Officer</b>                      | <b>Application No:<br/>KET/2014/0549</b> |
| <b>Wards Affected</b>    | <b>All Saints</b>  |  |
| <b>Location</b>          | <b>Nisa Local, 182 Kingsley Avenue, Kettering</b>                        |  |
| <b>Proposal</b>          | <b>Full Application: Demolition of garage and erection of store room</b> |  |
| <b>Applicant</b>         | <b>Mr T Rana</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. Prior to the recommencement of development hereby approved the front elevation wall that has been erected shall be demolished and shall be rebuilt using materials which match in type, colour and texture those on the existing shop. No development shall recommence on site until details of the 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 visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2014/0549**

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

### **3.0 Information**

#### **Relevant Planning History**

ENFO/2014/00117 – Development carried out without permission - Pending

KET/2014/0312 – Change of use on unit 2 from shop to restaurant and take away. Confirm use of unit 1 as shop – Withdrawn

KET/2014/0181 – Replacement shop front – Approved

KE/1998/0432 – First floor extension to form 2 flats – Approved

KE/1998/0431 – Alterations to shop to form 2 shops – Approved

KE/1991/0020 – Alterations to buildings to form second shop, new shop front and side access – Approved

KE/1990/0739 – Extension at first floor level to form 2 flats and parking spaces – Approved

KB/1970/0281 – New shop front, staff room and cold store – Approved

#### **Site Description**

Officer's site inspection was carried out on 05/09/2014. A site visit from the neighbouring property, 180 Kingsley Avenue, was carried out on 30/09/2014. The application site occupies a corner plot at the junction of Kingsley Avenue and Hallwood Road. The site comprises a 1.5 storey Victorian built retail shop which fronts Kingsley Avenue. Adjoining the retail unit to the rear and facing Hallwood Road is a store room along with 2 no. garages. The store room and the larger of the two garages are set back from the footpath while the smaller garage adjoins the path. The application seeks to extend these buildings forward to adjoin the footpath and also to increase the height of the 2 no. garages to the same height as the store room. The enlarged store room will be accessed via a roller shutter off Hallwood Road. At the time of the site inspection the front elevations of the 2 no. garages had been demolished along with the boundary wall between the store room and the footpath. The rear walls of the garages remain in place and these walls form the boundary with No. 180 Kingsley Avenue to the west. The proposed front elevation adjoining the footpath on Hallwood Road has been partly constructed with the brickwork used distinctly different from the bricks used in the construction of the original building.

#### **Proposed Development**

The proposal involves the demolition of 2 no. garages and the erection

of a store room. As outlined above development has partly commenced on site. This application was submitted following an enforcement investigation at the site. A decision as to whether enforcement action will be taken has been postponed pending the outcome of this application. Some discrepancies on the accuracy of the submitted plans have been identified but corrected plans are expected to be available by the time of Committee.

**Any Constraints Affecting The Site**

None.

**4.0 Consultation and Customer Impact**

**Environmental Health**

No objection subject to the application of an informative should the proposed store room be used to store food.

**Environmental Care**

No comments received.

**Neighbours**

Four third party representations received on the following grounds:

- Loss of light (3)
- Overbearing (1)
- Overlooking and loss of privacy (1)
- Materials used to build up the front wall are not in keeping with the brickwork of the existing building (1)

**5.0 Planning Policy**

**National Planning Policy Framework**

Policy 1 – Building a Strong, Competitive Economy

Policy 7 – Requiring Good Design

**Development Plan Policies**

**North Northamptonshire Core Spatial Strategy**

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution and Location of Development

Policy 13 – General Sustainable Development Principles

**Local Plan**

Policy 58 – Employment: Within Towns

**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 Impact on Character
3. Impact on Neighbouring Amenity
4. Comments on other points raised by the proposal

### **1. Principle of Development**

The application site is located within the town boundary of Kettering as defined by Policy 58 of the Local Plan. Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy (CSS) direct development towards the growth town of Kettering. The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development with paragraph 14 stating that development proposals that are in accordance with the development plan should be approved without delay. Paragraphs 18 and 19 of Policy 1 of the NPPF underlines the Government's commitment to promoting sustainable economic growth and states planning should encourage and not act as an impediment to sustainable growth. The proposal involves an extension to an existing retail unit to provide a larger store room. Policies in the development plan support extensions to existing properties subject to the satisfaction of certain criteria. Policy 13 of the CSS supports extensions to existing properties provided there is no adverse impact on character and appearance and neighbouring amenity. The principle of development is therefore acceptable subject to the satisfaction of the development plan criteria as discussed below.

### **2. Design and Impact on Character**

Policy 7 of the National Planning Policy Framework (NPPF) requires good design while Policy 13 (h) of the CSS requires development to be of a high standard of design and to respect and enhance the character of its surroundings. This application seeks to provide a larger store room for the retail unit. The existing store room is located to the rear of the unit which fronts onto Hallwood Road. The store room is currently set back from the highway boundary and the proposal involves extending this building forward so that it abuts the highway boundary. The proposal also involves the partial demolition of the adjacent 2 no. garages connecting the existing store room to this space. The larger of the two garages will also be extended forward to abut the highway while the smaller garage already abuts the highway. It is also proposed to increase the height of the garages to match the height of the existing store room. The extension will have a flat roof similar to that of the existing store room. The design of the proposal is considered to be acceptable and in compliance with Policy 7 of the NPPF and Policy 13

(h) of the CSS.

As discussed above development has commenced on site with the front elevations of the garages and their dividing wall already demolished. The boundary wall between the existing store room and the highway has also been demolished and the proposed front elevation has been partly constructed. The materials used in the construction of this front elevation differ quite distinctly from the materials used in the construction of the shop as a whole. One objection has been received in this regard. The materials used are not considered to be acceptable and will detract from the overall appearance of the development such that it will appear incongruous in the street scene. It is recommended that a condition be added to the permission requiring this wall to be rebuilt using a more sympathetic material, details and a sample of which will need to be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of further development. Subject to this it is considered that the proposal complies with Policy 7 of the NPPF and Policy 13 (h) of the CSS.

### 3. Impact on Neighbouring Amenity

Policy 13 (l) of the North Northamptonshire Core Spatial Strategy requires development not to result in an adverse impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking. Objections have been received from both the owners and occupiers of the adjoining residential property to the west, No. 180 Kingsley Avenue and from the occupier of No. 178. The objections have been made primarily on the ground of loss of light and overbearing. However, it should be noted that the occupiers of No. 180 have raised concern about the potential for overlooking and loss of privacy. There is one existing window in the rear elevation of the larger garage which adjoins the rear garden of No. 180. It is not clear whether it is intended to retain this opening from the submitted plans with the proposed floor plan indicating that the window will be retained and the proposed elevation indicating that the window will be blocked up. Clarification and amended plans have been sought from the applicant and this will be reported in the Committee update. However, as this is an existing window on site and given the window is obscure glazed there will be no impact on neighbouring amenity in terms of overlooking or loss of privacy. Should the window be retained a condition will be added to the permission requiring this window to be permanently obscure glazed.

The proposal involves an increase in height of the 2 no. garages to match that of the existing store room which has a total height of 3 metres. There is a discrepancy on the submitted plans as to the height of these garages at the boundary with No. 180 Kingsley Avenue. Clarification and amended plans have been sought from the applicant and this will be reported in the Committee update. The larger of the two garages steps into the garden of No. 180 and obscures much of the smaller garage from the amenity space, although the occupiers of No.

180 can access their rear garden from Hallwood Road and the smaller garage adjoins this access.

The occupiers of both Nos. 180 and 178 along with the owners of No. 180 have objected to the proposal on the grounds of loss of light and overbearing to these properties. However, given the orientation of the properties in relation to the path of the sun the rear gardens of these properties will only experience a marginal degree of overshadowing in the morning. This impact will occur at the end of the garden only and there will be no impact on the living accommodation of the amenity space immediately adjacent to the dwellings. It is considered that increasing the height of the garages to 3 metres will not have a significant adverse impact on neighbouring amenity in terms of loss of light or overbearing to warrant a refusal of planning permission in this instance. The site is located sufficient distance from other neighbouring properties for there to be no impact on their amenity and therefore it is considered that the proposal complies with Policy 13 (I) of the CSS.

#### 4. Comments on other points raised by proposal

A neighbour has recently raised concern under the enforcement investigation about the erection of 3 no. condensing units - 1 on the side of the existing building fronting Hallwood Road and 2 on the roof of the existing store room. This is outside the scope this planning application and will be dealt with as part of the enforcement investigation.

#### Conclusion

The proposal complies with national policy and policies in the development plan. Subject to securing appropriate materials it raises no adverse impacts in respect of character and appearance. Impact on neighbouring amenity in a material planning consideration and in reaching a determination the issues of loss of light and overbearing have been carefully considered. However, it is considered that there will not be a significant adverse impact on neighbouring amenity to warrant a refusal of planning permission in this instance. The application is, therefore, recommended for approval subject to receipt of amended plans and subject to conditions.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

#### **Previous Reports/Minutes**

Ref:

Date:

Marie Down, Assistant Development Officer on 01536  
534316