

BOROUGH OF KETTERING

Committee	Full Planning Committee - 22/09/2015	Item No: 5.2
Report Originator	Alison Riches Development Officer	Application No: KET/2015/0606
Wards Affected	Desborough St. Giles	
Location	Wildacre, Furlong Road, Desborough	
Proposal	Full Application: Relocation of garage to Plot 1. Reconfiguration of garage roof in relation to KET/2013/0363.	
Applicant	Mulberry Property Developments Ltd	

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 RDC609-SL-100B, received by the Local Planning Authority on 20th July 2015, and RDC609-G-101, received by the Local Planning Authority on 3rd August 2015

REASON: In the interests of securing an appropriate form of development in the interests of the amenities of adjacent neighbours in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The materials to be used in the construction of the walls of the garage hereby approved shall match, in type, colour and texture, those on the existing building. The roof tiles to be used for the garage hereby approved shall be Redland Mini Stonewold concrete roof tiles in slate grey.

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

Officers Report for KET/2015/0606

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

3.0 Information

Relevant Planning History

KET/2015/0527. Non-Material Amendment. KET/2013/0363 (Erection of five no. 4 bedroom homes served from new private drive): Revision to garage details to plots 2-5. Approved 29/07/2015.

KET/2013/0363. Renewal of Extant Permission: KET/2010/0321 (Erection of Five no. 4 bed homes served from a new private drive). Approved 19/07/2013.

KET/2010/032. Renewal of Extant Permission: KET/2007/0076 (Erection of five no. 4 bed homes served from new private drive). Approved 09/07/2010.

KET/2007/1143. High Hedge adjacent to boundary of No.14 Chestnut Drive. Upheld 31/01/2008.

KET/2007/0076. Erection of five no. 4 bed homes served from new private drive. Approved 14/05/2007.

Site Description

The application site is a large triangular shaped area of land, approximately 0.36 hectares in area, located in an established residential area to the southeast of Desborough and accessed from a turning head at the south end of Furlong Road.

The application site contains a large two-storey detached dwellinghouse built in the 1960s. The dwellinghouse has a gable roof and is built of buff bricks with a grey concrete tile roof and has part of the front elevation covered with white render. There is a double flat roofed garage attached by a covered corridor to the southeast elevation and beyond that there is a wooden canopy, with a gap of approximately 2 metres before reaching the southeast boundary of the site. There is a double row of solar panels on the rear (southwest) roof plane and a white PVCu conservatory attached to the rear elevation.

The dwellinghouse is set back from the road but is located towards the north end of the site, with a large mostly gravelled front garden containing a few beds of plants, and a large rear garden containing an orchard. There are a considerable number of large trees within the site.

The site boundaries are wooden panel fencing with tall overgrown planting in front of them.

In addition to the existing dwellinghouse on site, there is planning permission for the construction of 5 no.4 bed dwellinghouses accessed from a new private drive, granted under reference KET/2007/0076 and subsequently renewed by KET/2010/0321 and KET/2013/0363.

Surrounding development consists of single and two-storey residential development in Furlong Road to the north, Leys Avenue to the west and Chestnut Drive to the east.

Proposed Development

Planning permission was granted in 2013 under reference KET/2013/0363 for the construction of 5 no.4 bed dwellinghouses, with detached garages, accessed from a new private drive. KET/2013/0363 was a renewal of KET/2010/0321 which was a renewal of the original grant of planning permission under reference KET/2007/0076.

The plans and details approved under KET/2007/0076 were brought forward without revision onto the renewal applications.

All relevant pre-commencement conditions for KET/2013/0363 were discharged under reference AOC/0363/1301 by 23rd January 2015, after which development commenced on site.

An enforcement complaint was made relating to the garage at plot 1 and following a site visit, it was established that the garage on plot 1 was not being built in accordance with the approved plan. The garage has been measured to be a distance of 1.8 metres from the back of the southeast boundary fence of the application site with No.14 Chestnut Drive. Previous plans showed the garage to be 5 metres from the southeast boundary.

The developers were invited to seek planning permission for the relocation and redesign of the garage for plot 1 and to regularise the development already carried out on site.

The approved garage dimensions (shown on plan G21) are:

- Length 6.01 metres
- Width 4.91 metres
- Eaves Height 2.50 metres
- Maximum Height 4.20 metres

The proposed dimensions are:

- Length 5.529 metres
- Width 5.741 metres
- Eaves Height 2.485 metres
- Maximum Height 4.550 metres

In addition to the garage for plot 1, the garages on plots 2 to 5 were not being built to the approved design, although their locations within the site had not changed from the approved site layout plan. The garages for plots 2 to 5 have been dealt with under a Non-Material Amendment to KET/2013/0363 under reference KET/2015/0527 which was approved on 29th July 2015.

This application is therefore to seek planning permission for the redesign and relocation of the garage for plot 1 of KET/2013/0363.

Any Constraints Affecting The Site

None.

4.0 Consultation and Customer Impact

Desborough Town Council

- No objection.

Highway Authority

- No observations.

Environmental Health

- No comment or objection.

Neighbours

14 Chestnut Drive

- Objection.
- This garage runs from the rear corner of our house extending 19 feet (5.8 metres) down the side of our conservatory and garden. It is partly built just 4 feet 7 inches (1.4 metres) from our fence and 5 feet (1.5 metres) at the bottom end.
- Planning permission was given in 2007 with time extension in 2010 and 2013 to be 5 metres from the boundary. Not only erected in a different place it is wider and higher.
- The height and bulk of the garage in such close proximity will cause severe loss of light and overshadowing to our dining room, rear bedrooms, garden and conservatory especially in winter months. It will have a significant adverse effect on our amenity.
- The fact the ground sloped downwards away from Wildacre makes the garage sit much higher than our building, increasing this adverse effect.
- With the garage sitting right under our bedroom window there is the effect on us of noise and disturbance from banging garage doors and revving of engines at all hours of the day and night.
- Particularly object to the position of this building and fail to see why it should be built as close to us as possible, while standing a distance from the house it serves (i.e. at the very bottom of their garden).
- It is also an ugly blank wall and roof right next to us in completely different materials to ours and surrounding properties (i.e. bricks, roof tiles and white woodwork rather than stained)
- The garage is so close to the dividing boundary (4 feet 7 inches) (1.4 metres) there is no option of soft landscaping to help screen the ugly blank wall and no room on our side which is just 3 feet (0.9 metres) side access.
- Regarding access to light to our property, a precedent was set in August 2008 when a decision was made by the planning inspectorate that a Leylandii hedge which was in the same place and line as the garage is now standing was restricting the amount of light reaching the windows of our property and adversely affecting the reasonable enjoyment of the property. The remedial notice was for action to be taken to remedy the adverse effects and to prevent their reoccurrence. The order was to reduce the height to 3.6 metres above ground level.
- A section of the hedge was uprooted this year to build the garage but remnants at either end prove the line of the hedge. This is much less than the proposed height of the garage.
- Strongly feel the original plans should be enforced.

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

1. The Principle of Development

The application site is in an established residential area to the southeast of Desborough.

Paragraph 49 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.

Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy direct development to existing urban areas and indicate that Desborough is a smaller town which should provide a secondary focal point for development.

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

Planning permission was granted under reference KET/2007/0076 for five No. 4 bed homes served from new private drive and renewed without amendment under reference KET/2010/0621 and again under reference KET/2013/0363.

As such, the site history and the policy provision establish the principle of development, 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.

A neighbour objection has been received regarding the materials used being out of

character with surrounding development and that the garage had an ugly blank wall close to their property.

All the garages originally approved for the development at the application site had gable roofs and a single large garage door across the width of the front elevation. The approved dimensions for all 5 garages were:

- Length 6.01 metres
- Width 4.91 metres
- Eaves Height 2.50 metres
- Maximum Height 4.20 metres

The dimensions of the garages for plots 2-5 were amended by a Non-Material Amendment to KET/2013/0363 on 29th July 2015. The proposed garage for plot 1 is the same as those approved for plots 2-5, and is a gable roofed garage with two standard garage doors on the front elevation. The dimensions are as follows:

- Length 5.529 metres
- Width 5.741 metres
- Eaves Height 2.485 metres
- Maximum Height 4.550 metres

Two dimensions have increased in size and two dimensions have decreased in size:

- Length decreased by 48.1 centimetres
- Width increased by 83.1 centimetres
- Eaves height decreased by 1.5 centimetres
- Maximum height increased by 35.0 centimetres

Under the original approval the ridge for the garage for plot 1 ran in a northwest to southeast direction. For this application the ridge of the garage 1 runs northeast to southwest direction. It is considered that the small changes to the garage sizes and the change in the direction of the ridge will not materially alter the character and appearance of the development as a whole.

Provided the garage is built out in accordance with the approved materials, as previously approved, which can be secured by condition, it is considered the proposal will not adversely impact on the character and appearance of the development, surrounding properties or the wider street scene which is 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.

An objection has been received from the adjacent neighbour to the east at No.14 Chestnut Drive regarding a loss of light and overshadowing of their property and garden, the massing of the proposal close to their boundary, and noise and disturbance from users of the garage.

Under the original approval the garage for plot 1 was located 5 metres from the site boundary with the nearest neighbour at No.14 Chestnut Avenue and the ridge line ran in a northwest to southeast direction. For this application the garage for plot 1 has been measured on site to be 1.8 metres from the back of the boundary fence with No.14 Chestnut Avenue and the ridge runs northeast to southwest.

The proposal does not impact on any neighbouring properties to the west and south as these are part of the same development, and it is considered that there will be no impact on

the existing house at Wildacre to the north due to the separation distance between the proposed garage and the existing buildings on site.

With respect to the neighbour to the east at No.14 Chestnut Drive, the proposal moves this garage 3.2 metres nearer to the boundary with this neighbour. The garage of plot 1 is now in line with the garages of plots 2 and 3, and the siting of these garages has already been considered not to have an adverse impact on the amenities of neighbours further to the south in Chestnut Drive.

The ridge of the proposed garage is turned 90° to the ridge already approved, which means that although the garage is nearer to No.14, it will be the eaves height of 2.485 metres which faces this neighbour rather than the maximum height of 4.2 metres.

A site visit was carried out at the neighbours at No.14 and the distance of their conservatory to the front of the boundary fence was measured to be 1.15 metres, which in addition to the distance on the other side of the boundary fence of 1.8 metres, makes a total separation distance of over 2.95 metres, as this does not include the width of the fence.

The path of the sun in relation to the proposed garage, which is to the west of the neighbour at No.14, means that there will be not be a significant loss of sunlight or daylight to the conservatory, rear elevation and garden of these neighbours due to the fact that the ridge has been turned and is set away from the boundary. With the garage being single storey with a maximum height of 4.55 metres, this means the sun will be above the ridge on all but winter days and then it will only be affected in the very late afternoon and evening, by which time the proposed dwellinghouse on site will shield it.

With respect to the massing of the proposal, it is accepted that the neighbours at No.14 have not had buildings in close proximity to their boundary but they do have a flower covered piece of trellis above their 1.8 metre high boundary with the application site which gives a total height of 2.4 metres.

Regarding a loss of light to the property, the objection received from No.14 stated that a precedent had been set by the upholding of a high hedge complaint.

A high hedge complaint was upheld at appeal on 11th August 2008 with respect to a Leylandii hedge within Wildacre along the boundary with No.14 Chestnut Drive. The Remedial Notice required the hedge to be trimmed back adjacent to the front and back gardens to an action hedge height (AHH) of 3.6 metres and thereafter maintained at a height of no more than 4 metres, and adjacent to the dwellinghouse to an AHH of 4 metres and thereafter maintained at a height of no more than 4.5 metres. A site visit confirmed that the majority of this hedge has now been removed to facilitate the residential development at the application site. This does not set a precedent in respect of the proximity of buildings or other structures to the boundary with No.14. In addition, the requirement of the remedial notice gave rise to a hedge a maximum of 4 metres in height along the boundary which is in excess of the 2.5 metre eaves height of the proposed garage which is set back 1.8 metres from the boundary.

Regarding noise and disturbance, the garage doors are located on the northwest elevation of the proposed garage and by moving the garage 3.2 metres closer to the boundary with No.14 Chestnut Drive will not result in significantly more noise and disturbance that would be experienced if the garage were located in the approved position.

Notwithstanding the above, Class E of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits without the need for a formal application for planning permission, the construction of an

incidental building with an eaves and maximum height of 2.5 metres within 2 metres of a site boundary. Once plot 1 has been constructed and is used as a dwellinghouse, it will attract these permitted development rights and the future occupiers will be able to build up to the boundaries of their plot. The eaves height of the proposed garage is 2.485 metres, and it is considered that the proposed garage therefore does not give rise to any significant adverse amenity impacts over and above that which would be permitted by the conditions and limitations of Class E of the GPDO within 2 metres of the site boundary.

It is therefore considered that provided the garage is built out in accordance with the submitted plans, its siting will not adversely impact on the amenities of the occupiers of No.14 Chestnut Drive and is in accordance 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 proposed garage is set further back into plot 1 than approved which means that there will be a gain of 3.2 metres of additional parking area within the site. As such, this will have no adverse impact on the highway network or highway safety in accordance with policy 13(d) and (n) of the North Northamptonshire Core Spatial Strategy.

Conclusion

Subject to conditions requiring the proposal to be built out in accordance with the approved plans, and materials to match, the proposal complies with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: