

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 19/07/2016</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2016/0414</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>2 Langley Court, Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: Two and single storey rear extensions</b>	
<b>Applicant</b>	<b>Mr &amp; Mrs C Neyland</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. 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 detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy and Policy 8 of the Emerging North Northamptonshire Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces (including window frames) 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 and Policy 8 of the Emerging North Northamptonshire Joint Core Strategy.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 upper floor side elevations or roof plane of the extension hereby permitted.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and Policy 8 of the Emerging North Northamptonshire Joint Core Strategy.



## Officers Report for KET/2016/0414

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

### 3.0 Information

#### **Relevant Planning History**

KET/2016/0149 – Two and single storey rear extensions – withdrawn 29/03/2016 following officer concern with respect to its impact on neighbour's amenity

KET/2016/0214 – Two and single storey rear extensions – Refused - 10/05/2016 on the basis of (1) loss of light and overbearing impact to a neighbouring property and (2) its unbroken mass resulting in a poor design

#### **Site Description**

Officer's site inspection was carried out on 24/06/2016

The site is located within an established residential area constructed in the 1960-70's fronting onto a small cul-de-sac with a footpath and a large recreation area beyond the dwellings rear boundary and consists of a two storey semi-detached dwelling adjoining 1 Langley Court to the south-east.

#### **Proposed Development**

The application seeks full planning permission for a rear two and single storey extension

#### **Any Constraints Affecting The Site**

None

### 4.0 Consultation and Customer Impact

**Burton Latimer Town Council:** *No objection* stated with no further comments

*Officer comments: The Town Council returned an objection to the previous applications*

**Neighbours:** One third party **objection** received from 1 Langley Court on the basis of the *height, bulk, position and appearance* of the proposal having an adverse impact toward their residential amenity as a result of *overshadowing* and loss of views and if approved would set a precedent for similar extensions.

### 5.0 Planning Policy

#### **National Planning Policy Framework**

Core Principles and Chapter 7 (Requiring good design)

## **Development Plan Policies**

### **North Northamptonshire Core Spatial Strategy (CSS)**

Policy 13 – General Sustainable Development Principles

### **Emerging North Northamptonshire Joint Core Strategy (JCS)**

Policy 8 – Place Shaping Principles

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of the development
2. Impact on residential amenities
3. Impact on the character and appearance of the area
4. Impact on highway safety and convenience
5. Response to objection

### **1. Principle of the development**

Given the location of the site within the Town confines and the proposal being a residential extension in association with an existing domestic use the principle of the development is considered to be acceptable.

### **2. Impact on residential amenities**

Policy 13 of the CSS, amongst other things, seeks development to *not result in an unacceptable impact on the amenities of neighbouring properties*. This is reiterated in policy 8 of the emerging JCS that seeks to ensure quality of life by amongst other things *protecting amenity*. This is in accordance with point 4 of the NPPF's core planning principles that seeks development to have *a good standard of amenity for all existing and future occupants of land and buildings*.

The neighbouring attached property; 1 Langley Court has the same internal arrangements as the host property. This comprises a lounge to the front with a rear facing kitchen/dining area with only rear facing windows with three bedrooms and a bathroom above. The kitchen/dining area is considered to be a habitable room.

Critical to the success of this application is whether it overcomes the reason for refusal with respect to its impact on neighbours light and outlook that was attached to the recently refused application KET/2016/0214.

The rear extent of the two storey element has been reduced by 0.2m to 3m compared with the recently refused application. Whilst this reduction is relatively slight it is significant and importantly results in the extension conforming to the widely recognised 45 degree angle test and comfortably accords with the 60 degree angle test with respect to the ground floor element in connection with 1 Langley Court. This test involves drawing a 45 and 60 degree line from the middle of the

nearest ground floor window serving a habitable room of an adjacent property. The purpose is to achieve a reasonable balance between the interests of those wishing to extend and the interests of their neighbours, by ensuring that extensions would not adversely affect a neighbour's outlook or daylight. As such it is considered that by reducing the rear extent of the two storey extension this has overcome the reason for refusal attached to the recently determined application with respect impact on residential amenity.

It should be noted that the proposal would have some negative impacts toward 1 Langley Court and it should be acknowledged that its residents will experience change; in particular with respect to light towards the end of the day and outlook currently experienced from the rear facing kitchen/dining room window. These impacts however are not considered to be so detrimental to the quality of life of the occupiers to justify refusal of the application. A safeguarding condition is proposed to prevent the insertion of upper floor openings in the side elevations in the interests of neighbour's privacy.

As a result of the orientation and separation distance of the proposal to other surrounding properties the proposal is not likely to result in a significant increase in harm toward their residential amenities.

As such the proposal is considered to be consistent with the parts of policy 13 of the CSS and policy 8 of the emerging JCS that consider impacts on residential amenity.

### 3. Impact on the character and appearance of the area

Along with seeking to prevent harm to residential amenities Policy 13 of the CSS and Policy 8 of the emerging JCS seek development to respect the character of an area. The NPPF in Chapter 7 also states that development should *add to the overall quality of the area, be visually attractive and respond to local character.*

Whilst located within a rear garden the extension is visible within the public realm, from a footpath and municipal area to the rear and in any event good design should be sought whether or not it is conspicuous from outside the site. As the proposal does not extend the full rear elevation of the host property and has a significantly lower ridge height there is some subservience that means the original property would still be legible.

Whilst the unbroken mass of the extension, when taken together with the existing property, as seen from the west would be significant this side elevation is not particularly evident in the streetscape or from the rear recreational area and as such by itself would not sustain a reason for refusal. Thereby the extension sits relatively comfortable in its context and respects the design of the existing property subject to the imposition of a matching materials condition.

The approval of this application or otherwise would not establish a precedent in the area for similar proposals, with every application considered on its own merits without prejudice and with respect to individual site circumstances.

As such the proposal will have an acceptable impact on the character and appearance of the area and accords with the relevant parts of Policy 7 (NPPF), Policy 13 of the CSS and Policy 8 of the emerging JCS.

4. Impact on highway safety and convenience

As the proposal would retain off-street parking for at least two cars and given that there does not appear to be a congestion issue in the area an increase in the dwellings habitable accommodation the proposal is not likely to cause harm to highway safety and convenience. The rear footpath would not be over-sailed or otherwise affected by the proposal. As such the proposal is considered to be acceptable in this respect.

5. Impact on residential amenities

The objectors concerns with regard impact on residential amenity have been discussed above and whilst some change to their light and outlook is acknowledged that change is not considered to be of sufficient detriment to sustain a reason for refusal. As such the proposal is considered to be acceptable in those regards subject to the imposition of certain safeguarding conditions.

**Conclusion**

In light of the above the application is in accordance with the Development Plan and no other material planning considerations outweigh this. The application is recommended for approval

**Background Papers**

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date: