

BOROUGH OF KETTERING

Committee	Full Planning Committee - 14/11/2017	Item No: 5.4
Report Originator	Alison Riches Development Officer	Application No: KET/2017/0654
Wards Affected	St. Michaels and Wicksteed	
Location	85 Hawthorn Road, Kettering	
Proposal	Full Application: Single storey rear extension	
Applicant	Mr N Purdie	

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 be colourwash render as shown on plan number 17/8/1 Rev C, received by the Local Planning Authority on 19th October 2017.

REASON: In the interests of visual amenity and the amenity of neighbouring occupiers in accordance Policy 8 of the North Northamptonshire Joint Core Strategy.

3. 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 Class A shall be made in the northeast, northwest and southwest elevations of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2017/0654

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

3.0 Information

Relevant Planning History

None

Site Visit

Officer's site inspection was carried out on 31/08/2017.

Site Description

The application site is located in an established residential area just to the south of the centre of Kettering, within walking distance of the town centre and all its facilities and amenities.

The application site is a two-storey red brick Victorian/Edwardian dwellinghouse built in 1904 with a concrete pantile roof and ground floor rounded bay window, located in the middle of a terrace of 12 no. two-storey properties between Garfield Street and Argyll Street on the south side of Hawthorn Road. At the rear of the property there is a two-storey element perpendicular to the rear elevation, with a single storey lean-to element attached to its rear elevation, which were built at the same time as the original dwellinghouse. The windows are replacement casements in white PVCu. The doors are white PVCu.

The dwellinghouse is separated from the highway in Hawthorn Road by small front garden with an alley way, shared with No.83 to the northeast, leading to a long narrow rear plot enclosed by 1.8 metre high wooden panel fencing.

Surrounding properties are a mixture of two-storey Victorian/Edwardian terraces.

Proposed Development

The proposal as originally submitted was for a flat roofed single storey rear extension, which wraps around an existing single storey lean-to, and a first floor rear extension. The ground floor extension has a parapet wall along each flank wall.

Following concerns regarding neighbour amenity, three separate amendments were made to the scheme:

- To remove the first floor element,
- To remove a lantern roof light from the proposal, remove a window in the northeast elevation facing No.83 Hawthorn Road, and annotate levels details on the plans, and
- To reduce the length of the proposal by 3 metres.

The amendments were reconsulted on for 14, 7 and 10 days respectively.

The resultant proposal is therefore for a flat roofed single storey rear extension

which wraps around the existing single storey lean-to. There is a parapet wall along each flank wall.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

Letters of objection have been received in response to the scheme, the material planning considerations of which are detailed below:

Initial Consultation – 24/08/2017 – 21 days

Neighbours

83 Hawthorn Road

- **Objection.**
- The first floor proposal is double the existing footprint and will take all the natural light from our kitchen and seriously reduce the natural light to our dining room and second bedroom. The first floor extension is too invasive.
- The proposed parapet levels are 1.2 to 1.3 metres above the fence line with will further reduce our right to light to our ground floor rooms. The planned proximity will bring the extension to within a metre or so of our boundary which will make the development somewhat oppressive.
- I am mindful that the proposed lantern roof light will be approximately 1.4 metres tall which would be a further incursion.

87 Hawthorn Road

- **Objection.**
- Adverse effect on the amenity and enjoyment of our small short garden as there will be a considerable amount of overshadowing and overbearing effect from the proposed extensions.
- The unacceptable overdevelopment of the existing building. From the rear first floor bedroom we would be looking at a blank wall almost 8 metres long by 14 metres high.
- The ground floor extension will be 8 metres from the existing back wall which would be over half way down the length of our short garden.
- We are concerned about the visual impact of the development on the character of the neighbourhood.
- These are narrow Victorian terraced houses and the proposed extension would not be in keeping.
- The actual bulk and size of the proposed construction would be overbearing and out of scale and character in terms of the appearance compared with existing developments in the vicinity.
- Although we appreciate there is no right to a view this is not irrelevant as the enjoyment of the view from the rear of our property is important and its loss would have an adverse effect on the amenity of our property.
- Natural light would be dramatically reduced in the back bedroom especially in winter months when the sun is low in the sky.

Reconsultation – 08/09/2017 – 14 days – First floor removed

Neighbours

83 Hawthorn Road

- **Objection.**
- Welcome the removal of the first floor extension.
- The building heights from existing ground levels are not indicated in detail on the plans, and it would appear that the parapet would be 1.2-1.3 metres above the fence line and little over a metre from the boundary fence.
- The lantern rooflight appears to have no sense of scale but I doubt it could be much less than 1.4 metres tall which will be a further incursion.

87 Hawthorn Road

- **Objection.**
- The proposed extension will be 8 metres from the back wall along the boundary line with our property. This would be over half way down our small, short garden.
- By the time the extension reaches 8 metres it would be over 4 metres high due to the slope of the garden.
- Concerned about the visual impact of the development on the character of the neighbourhood. The proposal would not be in keeping with the terraced houses.
- The proposal will have an adverse effect on the amenity and enjoyment of our garden as there will be a considerable amount of overshadowing and overbearing effect.
- Although 'there is no right to a view' the enjoyment of the view from the rear of our property will be lost and would adversely impact on the amenity of our property.

Reconsultation – 28/09/2017 – 7 days – Lantern roof light removed, levels added

Neighbours

83 Hawthorn Road

- **Objection.**
- The height and overall footprint of the revised plan still indicates that the scale of the final extension has not changed.
- By scaling from the plan the new structure is overbearing, dwarfing my property and affecting my right to light.
- The boundary fence varies in height along its length as the ground drops away. Projecting the proposed side elevation against the fence levels shows an increase in height from a minimum of 1.2 metres to a maximum of 1.5 metres over the length of the building which is unacceptable.
- Advised by the applicant that the impact of the extension would be

reduced by lowering the ground levels by excavation. It is clear from the latest plans that the new finished floor levels are to be increased and built upon a platform to accommodate those levels within the existing building with a drop of only 200mm. The impact of the platform increases over the length of the extension.

- As the extension sits some 1.1 metres from the boundary fence, the new structure will deny a disproportionate amount of light and overshadow my access yard.

87 Hawthorn Road

- **Objection.**
- The length of the ground floor extension will be 8 metres from the existing back wall along the boundary line of our property. Our garden is 15 metres long which means the construction would be over half way down our small, short garden. The proposer's garden is more than twice the length of ours.
- According to the plans, the height of the extension will be 1 metre above our existing fence line and by the time it reaches its full length would be 1.4 metres above due to the slope of the garden.
- The patio doors are to be installed at the rear of the extension and due to the extreme height would result in our garden being overlooked reducing our privacy.
- Concerned about the visual impact of the development on the character of the neighbourhood as these are narrow terraced houses and the proposal would not be in-keeping.
- The bulk and size of the proposal would lead to a considerable amount of overshadowing and be overbearing leading to a feeling of enclosure.
- Although we appreciate there is no right to a view, the enjoyment of a view from the rear of our property would be lost and affect our amenity.

Reconsultation – 19/10/2017 – 10 days – Rear extension reduced in length

Neighbours

83 Hawthorn Road

- **Objection.**
- The revised plan still indicates that the height of the final extension has not changed.
- By scaling the plan, the new structure is overbearing and dwarfs my property and significantly affects my right to light.
- Given verbal assurances that the impact of the extension would be reduced by lowering the ground levels by excavation. It is clear from the latest plans that the new finished floor levels are as in the last iteration. The impact of the platform increases over the length of the extension.
- As the extension sits some 1100mm from the boundary fence, the new structure will deny a disproportionate amount of light and over-shadow my access yard.
- Whilst acknowledging the length of the building now makes it less impactful, we continue to object to the revised application because height continues to rob us of light.

87 Hawthorn Road

- **Objection.**
- The ground floor extension will be 5 metres from the existing back wall along the boundary line of our property.
- Our garden is 15 metres long which means the construction would be a third of the length of our small, short garden.
- According to the plans the height of the extension where it joins the rear of the property would be 1 metre above our fence line and by the time it reaches 5 metres it would be at least 1.2 metres above the fence height, due to the downward slope of the garden.
- Patio doors are to be installed in the rear elevation, and due to the extreme height of the construction at 3 metres, this would mean our garden would be overlooked, resulting in a reduction in privacy.
- Concerned about the visual impact of the development on the character of the neighbourhood. These are narrow terraced houses and the proposed extension would not be in-keeping.
- There would be a considerable amount of overshadowing and overbearing on our small, short garden.
- Although we appreciate there is no right to a view, the enjoyment of a view from the rear of our property would be lost and affect our amenity.

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 Joint Core Strategy

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 29. Distribution of New Homes

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

1. The Principle of Development

The application site is in an established residential area to the south of Kettering.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

Policy 8 of the North Northamptonshire Joint Core 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 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The impact of the character and appearance of a proposal is determined in terms of its visibility within the public realm.

Although the proposal does not reflect the design of the original dwellinghouse, it is located to the rear of the existing dwellinghouse and is not visible in the public realm. It is considered therefore that, the building will not adversely impact on the general character and appearance of surrounding development and the wider street scene. This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The rear elevations of the terrace of properties including the application site face southeast, with each property having a two-storey projection perpendicular to the rear elevation, which was built at the same time as the original dwellinghouse. These projections face southeast and the path of the sun, the relationship of the dwellinghouses to each other, and their close proximity means some minor loss of daylight and sunlight is experienced at ground floor level, and to a lesser extent at first floor level also, by each property in the terrace.

The proposed extension wraps round the existing outbuilding and has a total length of 5 metres when measured from the back of the two-storey element of the dwellinghouse. The existing outbuilding has a length of 1.9 metres so the proposal adds 3.1 metres to this. The proposal has a total width of 4.5 metres which is 1.4 metres wider than the existing outbuilding. The proposal extends along the southwest boundary with the adjoining neighbour at No.87 Hawthorn

Road and is separated from the northeast boundary with the adjoining neighbour at No.83 Hawthorn Road by 1.1 metres.

The proposal is flat roofed with a parapet wall along each flank elevation with an overall height of 3 metres nearest to the rear elevation of the existing dwellinghouse. The land levels at the site drop gently in a northwest-southeast direction along the rear garden, and this is reflected in the gradual stepping down of the boundary fence on each side of the property. To address this, the applicant's agent has introduced a 20cm step down in the floor level from the existing dwellinghouse into the proposed extension.

Both adjoining neighbours at Nos.83 and 87 Hawthorn Road have registered objections to the scheme and through the application process, in response to the issues raised with respect to an adverse impact on the amenity of these neighbours, the first floor, a lantern roof light and a window in the northwest elevation facing No.83 Hawthorn Road, have all been removed, the length of the proposal has been reduced by 3 metres, and the plans have been annotated to provide floor level details.

Despite these amendments, the resultant proposal has still given rise to objections in terms of the impact of the proposal on the amenity of these adjoining neighbours, and these impacts are discussed in terms of each neighbour, as follows:

No.83 Hawthorn Road

No.83 is to the northeast of the application site and the proposal is located at the end of the existing two-storey element. The total length at 5 metres is 3.1 metres in addition to the existing 1.9 metre long single storey utility room, with an eaves height minus parapet of 2.7 metres where the proposal joins the dwellinghouse and no more than 3 metres at the furthest point of the proposed extension from the dwellinghouse.

The proposal is 1.4 metres wider than the existing two-storey element, resulting in a total width of 4.5 metres. In terms of Class A of the GPDO, only the parts of the proposal which exceed the permitted development limitations fall to be considered under this application, which is the 0.1 metres (10cm) of additional length and the 1.4 metres additional width.

It is considered that the additional 0.1 metres (10cm) of length of the proposal would not lead to a significant loss of amenity over and above that which has already been judged to be acceptable as permitted development.

With respect to the 1.4 metres of additional width, it is considered that although the proposal will extend closer to the neighbour at No.83, it is separated from the boundary by 1.1 metres. The additional 1.4 metres is not infilling the whole of the space to the rear of the existing dwellinghouse and only increases in width at the end of the existing two-storey projection. It is considered that this and the separation distance to the boundary means that the proposal will not

be overbearing and, by virtue of its height in relation to the path of the sun, there will be no significant loss of sunlight or daylight to these neighbours.

In terms of overlooking, no openings are proposed in the northeast and northwest elevations of the proposal and this will be retained by condition. In order to mitigate any impacts caused by the proposal, the applicants intend to use a render colourwash on the external surface of the extension, and this can also be secured by condition.

With respect to the floor levels, the plans show a 0.2 metre (20cm) step down from the existing floor level into the proposed extension. Given that only 0.1m (10cm) of the length of the proposal does not fall within the permitted development limitations under Class A of the GPDO, it is considered that the impact of the proposal as it extends down the garden would not result in an unacceptable impact on the amenities of this neighbour, over and above that which is considered acceptable under the GPDO.

As such, subject to the imposition of the conditions, that in terms of this neighbour, the proposed extension is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy in that it will not result in an unacceptable impact on the amenities.

No.87 Hawthorn Road

No.87 is to the southwest of the application site and the proposal extends along the boundary with this property for a length of 3.1 metres from the back of the existing single storey utility room. The height of the parapet measures 3 metres immediately adjacent to the rear wall of the existing dwellinghouse.

Under Class A of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), single storey rear extensions are permitted to extend beyond the rear elevation of a terraced or semi-detached dwellinghouse by up to 3 metres and have an eaves height of no more than 3 metres within 2 metres of the site boundaries. This means that in terms of this neighbour, the length, eaves and overall height of the proposal would be permitted development, all bar 0.1 metres (10cm) of the length.

With respect to the eaves height, the Government's Permitted Development Rights for Householders - Technical Guidance (April 2017) states the following:

'... the eaves of a house are the point where the lowest point of a roof slope, or flat roof, meets an outside wall. The height of the eaves will be measured from the ground level at the base of the external wall of the extension at the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls.... should not be included in any calculation of eaves height.'

The parapet wall has a height of 0.3 metres, which means the eaves height at the point where the proposed extension is joined to the dwellinghouse is 2.7

metres. When factoring in the sloping ground the eaves measures no more than 3 metres at the furthest point of the proposed extension from the dwellinghouse, which is within the limitations of permitted development under Class A of the GPDO.

In considering the impact of the proposal on this neighbour, only the impact of the part of the proposal which exceeds the permitted development limitations falls to be considered. It is accepted that the garden of this neighbour is considerably shorter than at the application site and that the proposal will extend for a larger proportion of the neighbouring garden's length than at the application site, however, the proposal has been reduced by 3 metres to address this concern and the resultant proposal is 0.1 metres (10cm) over the length permitted by the GPDO. As such, it is considered that the additional 0.1 metres (10cm) of length of the proposal would not lead to a significant loss of amenity in terms of loss of daylight and sunlight and being overbearing, over and above that which has already been judged to be acceptable as permitted development.

Patio doors are proposed in the rear elevation of the proposal. Given the proposed drop down in the proposed floor level, the proposed patio doors are inset 0.7 metres (70cm) from the boundary, and the fact that there is 1.8 metre high boundary treatment between these two sets of neighbour, it is considered that any views over the boundary fence would be negligible due to the height of the viewer in relation to the height of the boundary treatment.

With respect to the floor levels, the plans show a 0.2 metre (20cm) step down from the existing floor level into the proposed extension. Given that only 0.1m (10cm) of the length of the proposal does not fall within the permitted development limitations under Class A of the GPDO, it is considered that the impact of the proposal as it extends down the garden would not result in an unacceptable impact on the amenities of this neighbour, over and above that which is considered acceptable under the GPDO.

In order to mitigate any impacts caused by the proposal, the applicants intend to use a render colourwash on the external surface of the extension, and this can be secured by condition. An additional condition will be added to prevent any openings in the southwest elevation of the proposal along the boundary with these neighbours.

As such, it is considered that in terms of this neighbour, the proposed extension is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy in that it will not result in an unacceptable impact on the amenities.

4. Parking and Highway Safety

Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The prevailing character of the area is for on-street parking. The application site is a terraced two-storey property which has a very small front garden abutting the back of the highway in Hawthorn Road. As with the majority of surrounding dwellinghouses parking is provided on the highway, and it is considered that the extension proposed will not give rise to a significant increase in the number of occupiers of the property that will require any additional parking that could not be accommodated within the surrounding highway.

As such, it is considered that the proposal will not lead to any adverse impact on parking and highway safety which is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Other Issues Raised

Comments have been made regarding access over neighbouring land for the construction of the proposed extension. This is a civil matter but informative notes will be added to the decision notice to remind the applicant of their duties under The Party Wall etc. Act 1996 and of the requirement not to encroach on land outside their ownership.

Conclusion

Subject to conditions regarding materials and further openings, the proposal accords 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: