

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 17/12/2019</b>	<b>Item No: 5.8</b>
<b>Report Originator</b>	<b>Alan Chapman Development Officer</b>	<b>Application No: KET/2019/0654</b>
<b>Wards Affected</b>	<b>Brambleside</b>	
<b>Location</b>	<b>5 Malham Drive, Kettering</b>	
<b>Proposal</b>	<b>s.73A Retrospective Application: Single storey rear extension and conversion of garage to a habitable room</b>	
<b>Applicant</b>	<b>Mr &amp; Mrs Street</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. 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 verandah, balcony or raised platform permitted by Classes A, B and E of Part 1 of Schedule 2 of the Order shall be erected on the application site.

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

2. Notwithstanding the hereby approved drawings, the ground floor windows on the north elevation shall be fully glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

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

## **Officers Report for KET/2019/0654**

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

### **3.0 Information**

#### **Relevant Planning History**

KE/1999/0860, APPROVED, 20/09/2000, Outline for residential development

KE/2001/0643, APPROVED, 21/08/2003, Approval of reserved matters application: proposed residential development for 58 dwellings estate roads (including phase 2) public open space and ancillary works

#### **Site Visit**

Officer's site inspection was carried out on 08/10/2019

#### **Site Description**

The application site is located on the west side of the private drive known as Malham Drive. The property is understood to be a 5-bedroom two-and-a-half-storey detached dwellinghouse with a detached double garage and driveway to the side. Ground levels across the site are generally flat.

The area is characterised by similar detached dwellinghouses with garages and driveways.

#### **Proposed Development**

Retrospective planning permission is being sought for a single storey rear extension that links to the garage. The proposal includes the conversion of the garage into habitable space to form a single large open plan living/family/kitchen room. Proposals include a new canopy to the side (south) and the insertion of a ground floor window on the existing side (north) elevation.

Due to the development continuing without the benefit of planning permission and changes being made to the proposal not in accordance with the submitted drawings, amended drawings were submitted to account for the changes being made by the applicant.

Enforcement action has not been pursued as in the opinion of the investigation officer, the potential residential amenity and parking impacts were thought to be issues that could be resolved by the imposition conditions; accordingly, this planning application was invited.

#### **Any Constraints Affecting the Site**

Nene Valley NIA Boundary

## **4.0 Consultation and Customer Impact**

### **Neighbours**

Objections (x2) received from Nos. 7 & 11 Malham Drive. Cited reasons are:

- Extension erected without planning permission
- Failure to comply with Party Wall Act
- Foundations made deeper
- New parking space to front of property
- Drawings inconsistent with built form
- Overlooking/loss of privacy
- Noise
- Outlook

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF) (2019)**

Policy 1: Introduction

Policy 2: Achieving sustainable development

Policy 4: Decision-making

Policy 12: Achieving well-designed places

### **Development Plan Policies**

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

Policy 1: Presumption in favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

### **Saved Policies in the Local Plan for Kettering Borough**

Policy 35 – Housing with Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Climate Change Implications**

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. National planning policy and guidance is clear that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The adopted Development Plan for Kettering Borough is consistent with and supports these national policy aims and objectives.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprising the North Northamptonshire Joint Core Strategy, Local Plan and Kettering Town Centre Action Plan makes clear the importance of climate change and seeks to create more sustainable places that are naturally resilient to future climate change. This will be further amplified by the emerging Site Specific Part 2 Local Plan once adopted which is being prepared within this context. Policies contained within the Part 2 Local Plan will help contribute towards a reduction in greenhouse gas emissions and will secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

## **8.0 Planning Considerations**

The main material planning considerations are as follows:

1. Principle of the development
2. Design, layout, scale and effect on character and appearance of the area
3. Impact on living conditions
4. Parking provision
5. Nene Valley Nature Improvement Area
6. Other

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

The application site is in an established residential area within the settlement boundary of Kettering. Policy 11 of the North Northamptonshire Joint Core Strategy is supportive of residential development that is located within the Urban Areas, where Kettering is defined as a Growth Town.

The principle of development for this proposal is established as it is within a defined built-up Urban Area.

### **2. Design, layout, scale and effect on character and appearance of the area**

Policy 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. This is further supported by Policy 12 (Paragraph 127) of the NPPF. Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy (JCS) requires new development to respond to the site's immediate and wider context and local character.

This established residential area is characterised by 2 and 2-and-a-half storey properties with many having garages to their sides. Furthermore, the immediate estate is of a compact design where properties are set very close

to each other and solid brick boundary walls occasionally link one property to another.

This proposal would close the limited gap (approximately 2.2m) between the garage and the main house with a single storey extension that is to have a flat roof design. The garage door is to be replaced with two full length windows.

Taking account of the general appearance of this high density housing estate and the limited views the extension would present to the street, then it is considered that the proposal would not impact adversely upon the character of the local area to any significant extent.

It is therefore considered the proposed scheme accords with Policy 8 of the North Northamptonshire Joint Core Strategy in that it does

### 3. Impact on living conditions

Policy 12 (Paragraph 127) of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 8 (e) of the JCS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

It is accepted that the proposed ground floor window in the side (north) elevation of the proposed extension and the proposed ground floor window in the side (north) elevation of the original part of the dwellinghouse would cause harm to the neighbours by way of overlooking and loss of privacy due to the internal elevated finished floor levels and proximity to the affected neighbour. To mitigate against these impacts a condition shall be imposed to ensure the windows are obscurely glazed. Such a condition has been agreed with the applicant via their agent.

To further ensure that the neighbours' amenities will not be adversely affected then permitted development rights for the erection of a raised platform is recommended to be removed by condition.

At its closest point the angled rear of the proposed extension is approximately 19m from the rear facing ground floor windows of No.11 Malham Drive. The two properties are separated by a close boarded fence up to 2m in height with several tall and mature deciduous trees running along the boundary fence. It is opined that there would be a sufficient separation distance between the rears of the properties to ensure privacy levels would not be overtly compromised by the development. It is further considered that the privacy of the applicant would be more harmed than that of the neighbour as the applicant would create a situation where views in his proposed extension would be possible from the first-floor windows of No.11.

Concerns were raised that as the proposal would extend the property closer to the neighbour then the neighbours would incur higher levels of noise. It is considered that the extension would not give rise to any additional noise levels that could otherwise arise from the use of the rear garden and the dwelling house in its current state from everyday normal domestic activities.

Therefore, subject to the imposition of the above conditions the proposed development would accord with JCS Policy 8 (e).

#### 4. Parking Provision

Whilst the proposal would result in the loss of a garage that could provide 2 parking spaces, the proposal would still deliver 4 on-site parking spaces, which would accord with the County Council's Parking Standards for a 5+ bed dwelling.

The application site and its immediate neighbours to the north and south are served by a private road. Accordingly, as this is a private road then any blocking-up of it by parked cars would be a private matter between the neighbours. The submitted Parking Layout plan (No. 2974/4) clearly demonstrated that the proposed parking space to the front of the property would not infringe onto the private road to cause a blockage.

For the reasons given above the proposal would accord with JCS Policy 8 (b).

#### 5. Nene Valley Nature Improvement Area

The application site is within the NIA boundary; however, the application site is in an established residential area and the proposed scheme is small and on an already developed site. It is considered the small scale of the development proposed will have no any adverse impact on existing wildlife or the improvement of the Nene Valley.

#### 6. Other

Concerns raised over party walls issues, including footings, are not material planning matters and are private matters dealt with under the Party Wall Act (non-planning legislation).

The agent has written to confirm that the dimensions of the proposal fully accord with that shown on the submitted plans.

#### **Conclusion**

The proposal is considered to satisfy national and local planning policy and it is recommended that planning permission be granted subject to the recommended conditions.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Alan Chapman, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

..

