

BOROUGH OF KETTERING

Committee	Full Planning Committee - 11/02/2020	Item No: 5.2
Report Originator	Mark Coleman Development Officer	Application No: KET/2019/0758
Wards Affected	Slade	
Location	13 Long Breech, Mawsley	
Proposal	s.73A Retrospective Application: Garage conversion and rear infill extension connecting to side elevation of existing house to create annexed accommodation, and side extension to house and loft conversion.	
Applicant	Mr & Mrs J Den Drijver	

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 converted garage and attached side extension [annexe accommodation] comprising lounge, kitchen, shower room and bedroom which connects [the annexe accommodation] to the existing dwellinghouse via the shared utility room hereby permitted shall not be occupied other than as part of a single residential use known as 13 Long Breech, Mawsley, NN14 1TR. In addition, the annexe accommodation shall not be occupied unless and until the access doorway between the kitchen of the existing house and the proposed shared utility room, and the doorway between the proposed shower room and proposed utility room have been created and made available for use. The doorways serving those rooms shall thereafter be made permanently available to connect the proposed annexe with the existing dwellinghouse and vice versa.

REASON: In order to prevent the creation of a separate dwelling, which would give rise to unacceptable impacts in terms of loss of residential amenity (including noise disturbance and loss of privacy through overlooking and insufficient private amenity space) and highway safety impacts as a result of insufficient parking and manoeuvring space within the site the access to which is located within close proximity of a 'T' junction in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. The materials to be used in the construction of the external surfaces of the annexe extension linking the main house with the converted garage hereby permitted shall match, in type, colour, texture and size, those used on the converted garage [former garage located adjacent to no. 15 Long Breech, Mawsley].

REASON: In the interests of protecting the character and appearance and visual amenity in general of the surrounding area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The annexe accommodation (comprising lounge, kitchen, shower room, and bedroom) hereby by approved shall not be occupied until the existing window serving the lounge (southeast elevation) of the annex has been removed, the opening enlarged and the approved window installed as shown on drawing no.13LB-P02A received by the Local Planning Authority on 8th January 2020. The lounge window shall thereafter be retained in that form.

REASON: In the interests of protecting the character and appearance and visual amenity in general of the surrounding area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. 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/2019/0758

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

3.0 Information

Relevant Planning History

KET/2019/0759 – S73a: Detached garage and office (PENDING)

KET/2015/0632 – Single Storey Side Extensions, conversion of garage into habitable accommodation and loft conversion (Approved, 11.09.15)

KET/2014/0827 – Construction of additional detached garage and home offices (Approved, 22.01.15)

KET/2004/1341 – Approval of Reserved Matters: 41 no. houses, roads, sewers and associated works – Approved

KET/2004/1083 – Approval of Reserved Matters: 42 no. houses, roads, sewers and associated works – Refused

KET/2004/0317 – Outline for residential development – Refused

KET/2004/0186 – Approval of Reserved Matters: Infrastructure: sewers serving remaining land at Mawsley, including foul pumping station – Approved

KE/2000/0594 – Variation of condition 1 on outline planning permission KE/1995/0016 to permit reserved matter applications to be made not later than 11 years beginning with the date of the outline permission – Approved

KE/1999/0415 – Application to vary conditions attached to outline consent for Mawsley new village – Approved

KE/1999/0216 – Application to vary conditions attached to outline consent for Mawsley new village (Condition 21 Highways) – Refused

KE/1995/0016 – Proposed new village – Approved

Site Visit

Officer's site inspection was carried out on 5th December 2019.

Site Description

The site is located towards the northern end of Mawsley on the edge of the village adjacent to an area of open space and open fields. The site is occupied

by a large, 5 bedroomed, two storey, detached dwellinghouse, which occupies a corner plot. To the front of the site is a partially converted garage (which is the subject of this planning application). In addition, there is a detached 1.5 storey building which is the subject of pending planning application KET/2019/0759 which is also being considered by Members at this Planning Committee meeting. Attached to the building is a metal and glass framed balcony (which does not form part of the planning application) and mono-pitched lean-to shed.

Proposed Development

Planning permission is sought for conversion of an existing double garage and an extension to join it to the existing dwellinghouse on the northeast elevation, in order to provide annexed accommodation in the form of a lounge, bedroom, kitchen, shower room and utility room (shared with the existing house). In addition, a side extension is proposed to create an additional reception room to the main house. Conversion of the existing roof space of the existing dwellinghouse is also proposed, to create additional living space in the form of two no. bedrooms with associated storage and en-suite and a storage room, enlarging the existing house to a 7-bedroom property with annexed accommodation.

This planning application has been submitted as a result of an on-going planning enforcement investigation which identified unauthorised development. In terms of what has been built out, the unauthorised development comprises a change to the roof design and materials of the roof of the single storey side extension compared to what was approved; the street facing and courtyard facing windows of the converted garage are also different to that approved. The applicant seeks to retain all these features through this planning application except for the street facing window, which under officer advice, they are seeking to replace with a window of similar design/proportions to the street facing windows on the main house and neighbouring properties. Considered together, these changes are materially different to that which was approved under planning application KET/2015/0632 and has been the driver for submitting this planning application.

Through this planning application, the applicant is also proposing to set back the proposed link extension [not yet built] from the boundary of no. 15 Long Breech to address any future potential boundary dispute issues. A number of roof lights servicing the proposed utility room and bedroom of the annexed accommodation have also been removed from this proposal compared that approved under KET/2015/0632 and [in accordance with officer advice] two no. roof lights serving the proposed 2nd floor bedrooms have also been reduced in size and shown as a standard 'Velux' type design in an attempt to reduce residential amenity impacts.

Any Constraints Affecting the Site

SSSI
Potential LWT (Open space) adjacent

4.0 Consultation and Customer Impact

Parish Council

No comment received

Neighbours

Comment of objection received from occupiers of 15 Long Breech on 26th November 2019. Grounds of objection include: blocking access to natural light to a room and create a tunnelling effect. The street facing window and new entrance on the (proposed) converted garage will change the street scene and is not in keeping. *Additional comments are made with respect of pending planning application KET/2019/0759 and the cumulative impact which will result in a more commercial character than residential.* Adverse impact on highway safety and parking is also raised.

Further comment received on 9th December 2019 objecting to the proposed cabrio balcony roof lights which will be intrusive.

Objection received from the occupiers of 11 Long Breech on 12th December 2019. Grounds of objection include over-development of the site to provide an annexe. Concern raised regarding the use being sub-let as a private dwelling due to location of proposed entrance door facing the street, and associated noise/disturbance, particularly from traffic. The existing window facing the street on the proposed garage conversion is out of character.

Objection received from the occupiers of 17 Long Breech, Mawsley on 7th December 2019. Grounds of objection include overdevelopment and intensification of the site which will change the character of the site from a single dwelling to more than one dwelling; insufficient parking provision which will result in adverse highway safety impacts; overlooking from the balcony (loss of privacy).

Matters relating to disregarding planning regulations and neighbours is not a material planning consideration. In addition, matters relating to loss of privacy from a balcony are not relevant to this planning application and relate to pending planning application KET/2019/0759.

5.0 Planning Policy

National Planning Policy Framework

Section 2: Achieving Sustainable Development

Section 9: Promoting Sustainable Transport
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

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 7: Protection of the Open Countryside

Emerging Policies (Local Development Framework)

Policy LOC1 – Settlement Boundaries

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 adaption to, climate change.

8.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on residential amenity
3. Impact on the character and appearance of the area
4. Parking and Highway Safety
5. Overdevelopment
6. Wildlife and Biodiversity

1. Principle of development

Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.

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.

Policy 7 of the Local Plan for Kettering Borough restricts new development in the open countryside. However, despite not having a settlement boundary defined by policy, the site is located within an existing built residential area of Mawsley, which was granted planning permission as a new village identified within superseded Policies 36 and RA2 of the Local Plan for Kettering Borough 1995. As Mawsley is not a scattered settlement, significant weight is given to the existing residential use of the site and the surrounding residential area which defines the extent of the village. Emerging Policy LOC1 of the SSP2 Local Plan - publication plan defines the extent of defined settlements (including Mawsley) which are set out on a proposals map. Due to the stage of the emerging SSP2 Local Plan preparation (publication plan stage) only limited weight can be attached to it. However it remains a material consideration as the application site also falls within the emerging settlement boundary.

Policy 11 (JCS) seeks for development to strengthen the network of existing settlements in accordance with their roles. Policy 8 (JCS) is also supportive

of development within the curtilage of residential properties provided there is no adverse impact on character, appearance and residential amenity. The proposal accords with the relevant parts of Policy 11 (JCS) and the principle of development is considered acceptable, subject to other matters being satisfied through compliance with Development Plan policies as discussed within this report. In addition, significant weight is attached to the grant of planning permission for a similar, yet materially different development in the same location. This was granted under planning permission KET/2015/0632, and whilst it was determined under an earlier iteration of the Development Plan, the key policy issues remain; as a result, the principle of development has also been established through the grant of this earlier planning permission also.

2. Impact on residential amenity

Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.

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.

An objection from the occupier at 15 Long Breech was raised with respect of the proposed cabrio roof lights in the second-floor loft conversion on the grounds that they would be an intrusive feature. Cabrio designed roof lights extend from the floor upwards, enabling them to be opened up to form a balcony area; within built up areas such as Mawsley where houses are in close proximity of each other, this design of roof light is not normally acceptable as they give rise to opportunities for significant loss of privacy affecting neighbouring properties through overlooking. In line with officer advice, amended plans have been received, seeking to replace the originally proposed cabrio roof lights with standard 'Velux' style windows which will ensure that adequate levels of privacy are secured with only fleeting oblique views of the neighbouring garden to the north east possible.

Objections relating to the cumulative impacts of this proposed development and the pending planning application KET/2019/0759 are noted, however consideration is given to the fact that both proposals have previously been approved by the Council in a similar format (KET2015/0632 [delegated] and KET/2014/0827 [full planning committee]); the cumulative impact has therefore previously been taken into account and considered acceptable. Considered afresh, the proposed side extension and loft conversion will have negligible impact on residential amenity, beyond what has already been discussed, particularly as the use will remain residential.

Whilst the potential use of the site will be increased through this planning application to provide two additional bedrooms and reception room to serve the existing house and annexed accommodation with an additional bedroom and self-contained lounge/kitchen/wash facilities, the actual building envelope will not be increased significantly, and will leave large parts of the site open as either garden or driveway.

Whilst the proposal increases the capacity of the property to accommodate more people who may give rise to noise disturbance impacts, the property shall remain a residential dwelling and such impacts would normally be typical of a large residential dwelling. Paragraph 163, Section 15 (NPPF) makes it clear that *'the focus of planning...decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes....planning decisions should assume that these regimes will operate effectively....'* As a result, where noise disturbance gives rise to statutory nuisance, these can be dealt with through Environmental Protection legislation.

The issue of tunnelling effect of the ground floor link extension is considered in the context of overbearing. Any perceived impact affecting the occupiers of 15 Long Breech will be from a side alley and utility door which serves 15 Long Breech. Neither are habitable areas of the property where amenity will be significantly adversely affected; as a result, the impact is considered acceptable.

Issues relating to parking and highway safety associated with overdevelopment are discussed in section 8.4 of this report; in summary however, it is considered that the size of the site can reasonably accommodate the development proposed without giving rise to significantly adverse residential amenity impacts and is not considered to be an overdevelopment of the site.

As a result, the proposal is considered acceptable in terms of its impact on residential amenity and in accordance with the relevant parts of Section 12 (NPPF) and Policy 8 (NNJCS).

3. Impact on the character and appearance of the area

Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraphs 124 and 127 set out that good design is a key aspect of sustainable development.

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 proposed side extensions are subservient in scale and respond to the building hierarchy. The alteration of the roof design on the side extension (southwest of the host property) from mono-pitched (as approved under KET/2015/0632) to ridge design is more in-keeping with the design of the host property. Whilst the roof tile used (grey concrete tile) do not match those used on the roof of the host property (smaller red clay/concrete tile) this does not detract from the overall appearance of the building as the two roof lines appear sufficiently visually separated.

Conversely, the proposed annexed linked extension (not yet built) has a strong visual relationship with the existing garage (partially converted) owing to both their scale and proximity to each other, where the choice of materials is more important. Subject to a planning condition securing materials used in the construction of the proposed annexed extension to match those used in the construction of the original garage (now converted), this aspect of the proposal will have an acceptable impact on the character and appearance of the area.

The existing window serving the lounge to the proposed annex (partially converted already) faces on to the street and detracts from the visual amenity of the area. The proposed replacement window is more in-keeping by following a traditional casement design which matches that on existing neighbouring properties. As this is a retrospective application a condition is recommended to secure the replacement of the existing window with the one approved, prior to occupation of the annexe accommodation.

The proposed Velux style windows to the main ridge of the host property do not have a significant impact on the character and appearance of the area. As a result, subject to the planning conditions controlling materials and insertion of the replacement window, the proposal will have an acceptable impact on the character and appearance of the area in accordance with Sections 2 and 12 (NPPF) and Policy 8 (NNJCS).

4. Parking and Highway Safety

Section 9, paragraph 108(b) (NPPF) states that when considering applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'*.

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.

Current Northamptonshire Parking Standards (September 2016) set a requirement for 3 spaces per 4+ bedroomed dwelling and 1 space per visitor across the development.

Due to the site size, there remains sufficient parking for at least 4 vehicles in accordance with Northamptonshire Parking Standards, in addition to the space provided northeast of the access gates to the property and the additional by the new garage / office building subject of the pending planning application KET/2019/0759.

Whilst it is accepted that the proposed annexe will provide additional living accommodation which is likely give rise to additional vehicle movements, either directly or indirectly associated with the additional user, together with the loft conversion it is expected that vehicle movements are unlikely to be significantly increased beyond that which would typically be generated by a large family home and would not change the character of the property overall.

Although the site access is located on a bend and within very close proximity of the junction of Lensway / Long Breech, the level and speed of traffic within Mawsley, particularly this part of the village is limited. As a result, the proposed development is not considered to give rise to a significant adverse impact on highway safety in this relatively quiet residential area, and the proposal is considered acceptable in terms of impact on parking and highway safety and accords with the relevant parts of Section 9 (NPPF) and Policy 8 (NNJCS).

5. Overdevelopment

Concerns raised regarding overdevelopment of the site which may result from the grant of planning permission for this application and the pending application KET/2019/0759 (retrospective application for a garage and home office) is a material consideration. However, subject to sufficient controls over both applications being in place, it is considered that the site has the capacity to accommodate both proposals without giving rise to unacceptable harm.

6. Wildlife and Biodiversity

Section 15 (NPPF) places an emphasis on ensuring that planning decisions contribute to and enhance the natural local environment including protecting the natural environment, including biodiversity and SSSI's.

Open space is located adjacent the site to the west which is designated as a potential wildlife site (LWT). Birch Spinney and Mawsley Marsh SSSI is also located in excess of 300 metres to the north of the site. In both instances, the proposed development falls outside of these designations and does not directly affect them and is considered to be of a scale that would not have an indirect significant impact on their integrity either. Whilst these constraints are a material consideration, the proposal is considered acceptable and in accordance with the general approach set out in Section 15 of the NPPF.

Conclusion

The proposal is considered acceptable in principle and in terms of its impacts on residential amenity, character and appearance of the area, parking and highway safety, wildlife and biodiversity and is not considered an overdevelopment of the site. Subject to conditions already discussed, and in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Coleman, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

