

BOROUGH OF KETTERING

Committee	Full Planning Committee - 09/11/2010	Item No: 5.2
Report Originator	Michael Boniface Development Officer	Application No: KET/2010/0584
Wards Affected	St. Michaels and Wicksteed	
Location	89 Broadway, Kettering	
Proposal	Full Application: Extension of store with improvements to pathway	
Applicant	Mrs Y Hossack	

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. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

3. The development shall be only for purposes ancillary to the dwellinghouse as such and for no separate or independent use.

REASON: To clarify the terms of the permission and in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (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 B shall be made in the west or east side elevations 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.

5. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with these approved details.

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

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 4, 5 and 13, and Policy 13 of the North Northamptonshire Core Spatial Strategy. There are no material considerations that indicate against the proposal.

Officers Report

3.0 Information

Relevant Planning History

None.

Site Description

Officer's site inspection was carried out on 06/10/2010.

The site comprises a terraced Victorian dwelling surrounded by further residential properties of a similar character and appearance. An outbuilding stands at the bottom of a long garden and appears to have been recently renovated. Beyond the outbuilding is a pedestrian access leading to Garfield Street. The site stands within a designated Conservation Area.

Proposed Development

Single storey extension to the existing outbuilding to be used as office accommodation ancillary to the existing residential property. The existing pedestrian access to Garfield Street would also be hard surfaced.

Any Constraints Affecting the Site

- Conservation Area
- C Road

4.0 Consultation and Customer Impact

Highway Authority

No comments received.

Northamptonshire Police

No comments received.

KBC Community Services

No comments received.

Environmental Health

No objection.

Neighbours

Six letters raising concerns for the following reasons:

- Overlooking and loss of privacy.
- Office would span half the length of the garden.
- Increased activity and disturbance.
- Outbuilding has already been subject to alterations.
- Applicant seeks sole control of the existing pedestrian access.
- Proposal would prevent access for emergency services.
- Surrounding properties have a right of access over the existing pedestrian access and this is shown in property deeds.
- The pedestrian access should be kept clear.

- Proposed office should be limited to use by a disabled person as a place of work.
- Condition should prevent use of the building as a separate residence.
- Proposed building is not appropriate for a business premises.
- Potential impact on security given increased use of the alleyway.
- Commercial office inappropriate in residential area.
- Conditions should secure ancillary use only, restricted hours, and deliveries to be via the main house.
- No details of foul drainage are provided.
- Inadequate parking and highway congestion.
- Alleyway has been a source of anti-social behaviour in the past.

One letter of support for the following reasons:

- Improvement of the alleyway is welcomed.
- Initiative to provide suitable facilities to enable employment of a disabled person in a local business is welcomed.

5.0 Planning Policy

National Policies

PPS1 – Delivering Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

PPS5 – Planning for the Historic Environment

PPG13 – Transport

Development Plan Policies

North Northamptonshire Core Spatial Strategy

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. Principle of Development
2. Design, Character and Appearance
3. Impact on the Conservation Area
4. Residential Amenity
5. Highways and Parking
6. Crime and Anti-Social Behaviour

1. Principle of Development

Policy 13 of the North Northamptonshire Core Spatial Strategy is supportive of

development subject to a number of general sustainable development criteria, including that the proposals do not result in adverse impact upon neighbouring properties or the highway network and that schemes present a good standard of design.

A Solicitors office currently operates from no.89 Broadway as an ancillary function to the principal residential use. The business currently employs 1 full-time and 2 part-time member of staff and it is not anticipated that this would change as a result of the development. The application is therefore made on the basis of maintaining this ancillary office function, albeit within the outbuildings. No change of use is sought and this application should therefore be considered on the basis of a single storey extension to existing residential outbuildings. The buildings would retain a functional link with the principal building through shared kitchen facilities and a condition could be attached to any planning permission granted which restricts use of the building to ancillary residential use and prevents any independent, self contained business use.

It is acknowledged that the building would retain its direct access to Garfield Street via the alleyway and that employees associated with the ancillary office could utilise this access. Whilst this is so, there is nothing to stop the buildings being used for ancillary purposes at present and it is not consider that the small numbers of staff involved would lead to significant adverse impact to amenity in terms of general activity and disturbance.

2. Design, Character and Appearance

The area is characterised by traditional Victorian terraced buildings with long rear gardens. Outbuildings are common although it is noted that the existing structure at the south of the application site has been modified and renovated now appearing reasonably modern, faced with render and incorporating UPVC windows. The building currently spans the width of the garden under a shallow mono-pitched roof. The proposed extension would be flat roofed and protrude towards the main dwelling. It is proposed that red brick be utilised for the extension under a felt roof. A condition should secure details of these materials for approval. The building is considered appropriate in terms of its scale and appearance.

3. Impact on the Conservation Area

The building stands within a designated conservation area; section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

The proposed structure is small in scale and contained within the rear garden of the property. The addition would not be visible from the public realm and would not therefore impact upon the character and appearance of the Conservation Area. Furthermore, the design and appearance of the building is considered acceptable as discussed above.

4. Residential Amenity

The proposed extension would be well removed from neighbouring dwellings (8.5m at the closest point) and by virtue of its small scale and mass, flat roof and siting relative to neighbouring properties would not result in any adverse impact in terms of overshadowing or overbearing impact. The proposed windows within the north facing elevation would face towards the garden associated within the development and the existing boundary treatments provide sufficient screening to neighbouring properties. As the side elevation of the building would form the boundary of the site, it is considered appropriate to remove permitted development rights to prevent insertion of openings within these elevations.

The building would be used for ancillary accommodation to the existing dwelling with no change of use involved. Whilst it is acknowledged that a small office would occupy the structure, this would not result in significant disturbance and would be compatible with the residential character of the area as an ancillary function. Given that no material change of use is proposed and the application is for an extension to the existing outbuilding only it would not be reasonable to restrict the hours of use.

The application suggests that the building is to be enlarged in order to accommodate a disabled worker for whom it is not practical to access the existing dwelling. The existing pedestrian alleyway from Garfield Street would also be resurfaced in order to provide a level access. A number of concerns have been raised by neighbouring occupants regarding potential for the access to be locked or controlled by the applicant or for their legal right of way to become otherwise restricted. The application details do not however suggest that access by other residents would be restricted or indeed that any alterations are proposed to the alleyway except for resurfacing. Ultimately, any right of way conferred through property deeds is a civil matter and cannot be considered as part of this planning application. No concerns have been raised about the proposed surfacing itself.

A neighbour has raised concerns that no details of foul drainage have been provided. The application forms specify that the building is to be connected to the existing mains sewers and this is considered appropriate.

5. Highways and Parking

The property stands within a traditional Victorian street layout, it does not benefit from off-road parking at present and none is proposed as part of this development. As discussed above however, an ancillary business already operates from the premises and staff numbers are not anticipated to increase as part of this scheme. While the proposed extension will increase the size of the property, the dwelling would remain a single planning unit and would not result in a significant increase in traffic movements and parking requirements. No adverse impact will result to users of the public highway. The Highway Authority has raised no objection to the proposals.

6. Crime and Anti-Social Behaviour

Concerns have been raised regarding potential for anti-social behaviour if the

existing alleyway is not secured. The access to Garfield Street is gated at present and the application does not propose any changes to the current arrangements. The proposed ancillary office use and hard surfacing of the access will not in themselves increase the potential for crime and anti-social behaviour. It would not therefore be reasonable to require additional security measures through this planning application.

Conclusion

The proposed development accords with both national and local planning policy and there are no material planning matters that indicate against the scheme; as such, planning permission should be granted.

Background Papers

Title of Document:

Date:

Contact Officer:

Michael Boniface, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

89 Broadway, Kettering
Application No.: KET/2010/0584



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