



**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 13 May 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2010/0216**                    **Erection of 2 bed detached dwelling.  
Land to the rear of 47 Park Avenue North**

**WARD:** Kingsley

**APPLICANT:** Mr C. Nunn.  
**AGENT:** Mr D. Collins.

**REFERRED BY:** Cllr Simpson  
**REASON:** Development out of character with the  
locality and detrimental effect on nearby  
residents

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to conditions and for the following reason:

The development of a residential dwelling in an existing residential Area is an acceptable use in accordance with Policy H6 of the Northampton Local Plan. The development will not have an adverse impact on the character and appearance of the locality or have a detrimental effect on the amenities of the nearby residents in accordance with Policies H6 and E20 of the Northampton Local Plan.

**2. THE PROPOSAL**

2.1 The erection of a two storey dwelling with a frontage onto Broadway and a parking space accessed via the adjacent service road.

**3. SITE DESCRIPTION**

3.1 The application site is comprised of the rearmost part of the rear garden of No 47 Park Avenue North and measures 20 metres by 6 metres. The site contained a garage but this has recently been

demolished. A rear access road serving the garages to the nearby dwellings runs along its western boundary. A garage and part of the rear garden of No 49 Park Avenue North lies to the immediate north of the site.

#### **4. PLANNING HISTORY**

- 4.1 672/65 - Bungalow in garden approved in 1965
- 4.2 N/2007/0212 - Two storey dwelling approved by Planning Committee on 11 April. This permission is extant and has recently been commenced.

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

##### **5.2 National Policies:**

PPS 1 – Delivering Sustainable Development  
PPS 3 – Housing  
PPG 13 – Transport  
PPS23 Planning and Pollution Control.  
PPG 24 – Planning and Noise

##### **5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design  
Policy 13b – Housing Provision within Northamptonshire

##### **5.4 Northampton Borough Local Plan**

E20 – New Development  
E19 – Implementing Development  
H6 - Housing Development within Primarily Residential Areas

##### **5.5 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004

#### **6. CONSULTATIONS/REPRESENTATIONS**

##### **6.1 Cllr Simpson objection**

Loss of trees and greenspace  
Lack of adequate amenity space  
Will result in an increase in traffic  
Will result in overlooking  
Will create security issues  
Out of character with the locality

- 6.2 **53 Park Avenue North** objection  
 Rear gardens not suitable for development  
 Reduce level of privacy and result in overlooking  
 Out of keeping with the locality  
 More vehicles may be parked on the road  
 Lower walls will reduce security  
 Each extra dwelling will reduce the amount of green space
- 6.3 **49 Park Avenue North** objection  
 Siting out of position with the surrounding dwellings and will result in overlooking  
 Significant effect on levels of light  
 Small area of amenity space  
 Reduced garden area for No47 due to new vehicular access  
 Removed trees were significant features  
 Will exacerbate parking problems  
 Reduce levels of security  
 Design not in keeping and in front of building line
- 6.4 **55 Park Avenue North** objection  
 Dwelling extends beyond the building line  
 Concerns over security  
 Will create increase in parking problems  
 Will result in overlooking
- 6.5 **57 Park Avenue North** objection  
 Not in keeping with the character of the area  
 Will impact on privacy of nearby residents  
 Will create road safety problems  
 Rear parking space appears inadequate  
 Development not in harmony with the environment
- 6.6 **79 Broadway** objection  
 Change to building environment  
 Loss of garden and green space  
 Increase in traffic and parking  
 Increase in noise and loss of light
- 6.7 **Anonymous** objection  
 Covenants prevent any further development  
 Development opposed by Councillor Simpson in 2007 due to loss of garden, loss of trees and layout.  
 Dwelling to be positioned contrary to all others in the block, will have outlook over

neighbouring gardens.  
Will affect light to rear aspects of 81 Broadway and 49 Park Avenue North.  
Not in keeping with locale as significantly smaller.  
Significantly reduces garden area of 47 Park Avenue North.  
Trees removed in anticipation of permission.  
Removed tree would have prevented overlooking.  
Will add to parking problems in the area.  
Will reduce security due to lower gated access.  
Not in keeping with neighbouring properties.  
Not on the building line  
Only benefits will be developer will make money and Committee will reduce quota by one.  
Committee may be aware of movement by MPs to stop classification of gardens as brownfield sites.  
Inappropriate use of garden / greenspace in an established area.  
Similar application at 15 Park Avenue North was refused.

6.8 **Petition of 40 names** against the proposal.

## 7. APPRAISAL

7.1 This application is an amendment to the previously approved scheme of 2007. The differences between the two schemes are:

- a) Smaller application site as the parking area and new vehicular access for the existing dwelling at no. 47 is not included within the site. The new vehicular access shown in the approved scheme for no. 47 has already constructed as permitted development.
- b) Garage to the rear approved as part of the 2007 scheme is not included in the current proposal and is replaced by a proposed parking space
- c) A bay window has been added to part of the first floor front elevation of the current scheme
- d) A chimney shown on the approved scheme has been omitted from the current scheme.

7.2 The principle of residential development for one dwelling is well established by the extant 2007 approval, which has recently been commenced.

7.3 The detail of the amended scheme is also considered acceptable as the proposal still includes on site parking provision and the alteration

to the front elevation is considered to represent an improvement to the design and overall appearance of the dwelling. The footprint of the building is unaltered and located in the same position. The area of rear garden space also remains unaltered.

- 7.4 Most of the objections to the scheme relate to the principle of the erection of a dwelling on part of the rear garden or to aspects of the development that are unchanged compared to the scheme approved under the extant planning permission. The new proposal will not have any significant effect on highway safety or security to nearby properties, as there would be one parking space provided with 1.8 metre high gates.

## **8. CONCLUSION**

- 8.1 The proposed dwelling is acceptable as it is a relatively small amendment to the approved extant planning permission and will not have any significant impact on the character of the area or amenity of nearby residents beyond that of the extant scheme.

## **9. CONDITIONS**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) Prior to the commencement of development details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan

- (3) Prior to the first occupation of the dwelling hereby approved the front boundary walls shall be erected in accordance with the details shown on the approved plan, and shall be retained thereafter.

Reason: To protect the character of the street scene in accordance with Local Plan Policy E20.

- (4) Notwithstanding the provisions 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 windows shall be installed at first floor level or roof level in any elevations of the proposed development without the prior approval of the Local Planning Authority.

Reason: To protect the privacy of the occupiers of the adjacent residential properties in accordance with Local Plan Policies E20 and H6.

- (5) Notwithstanding the provisions 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 porches, extensions or outbuildings shall be erected to the residential development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site, in the interests of protecting the character of the area and the amenity of the adjacent residents in accordance with Local Plan Policies E20 and H6

(6) Prior to the occupation of the dwelling, the first floor window in the western elevation of the dwelling shall be glazed in obscure glass, and permanently retained in this manner thereafter.

Reason: To protect the privacy of the occupants of the adjacent dwelling in accordance with Local Plan Policies E20 and H6

(7) Prior to the occupation of the dwelling, the parking space to serve the new dwelling shall be formed and completed, and shall be retained thereafter.

Reason: In the interests of highway safety in accordance with PPG13.

(8) The remediation works recommended in Listers Geotechnical Consultants report reference 09-10-017 shall be implemented prior to the occupation of the development. Confirmation of the full implementation of the scheme and validation reports shall be submitted to the local planning authority within 2 weeks of completion of the required works.

Reason: To ensure the effective investigation and remediation of the site and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

(9) Prior to the commencement of any development on site a construction management scheme, detailing the method of dealing with noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be followed during the development process.

Reason: To protect the amenity of local residents in accordance with Local Plan Policies E20 and H6

## **10. LEGAL IMPLICATIONS:**

10.1 None.

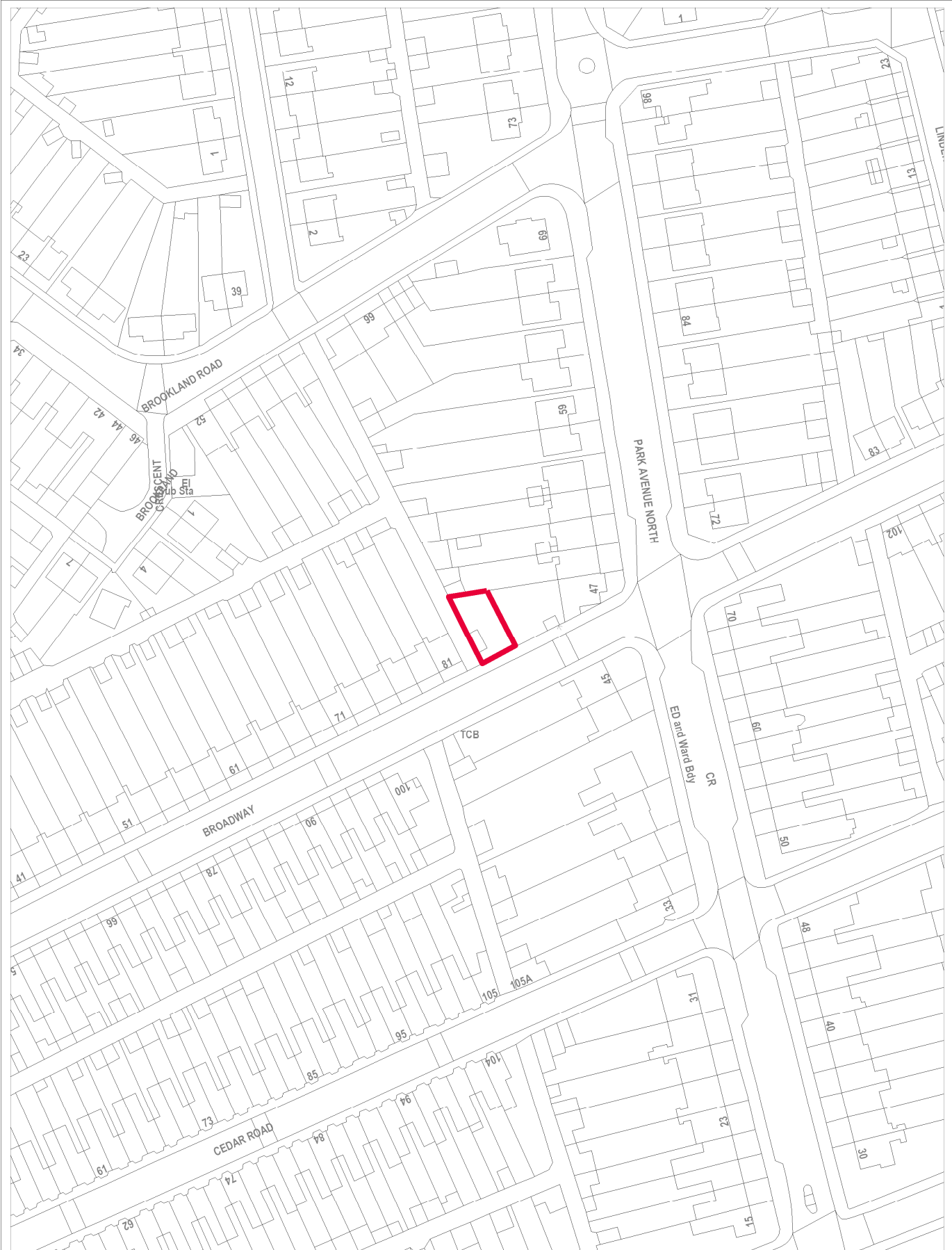
## **11. BACKGROUND PAPERS**

11.1 N/2007/0212 & N/2010/0216

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Geoff Wyatt	26/04/10
<b>Development Control Manager:</b>	Gareth Jones	27/04/10



Name: Committee May 13th  
 Date: 28th April 2010  
 Scale: 1:1250  
 Dept: Planning  
 Project: Location Plan

Title

## Land to the rear of 47 Park Avenue North

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