



NORTHAMPTON
BOROUGH COUNCIL

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

N/2010/0259: Demolition of existing garage and erection of new dwelling – amendment to previously approved planning permission N/2009/02002
Land to the rear of 115 Fairway, Northampton

WARD: Kingsley

APPLICANT: Mr P. Boyd – Carn Building Solutions Ltd
AGENT: Mr P. Dooley – Architectural Solutions

REFERRED BY: Cllr. A. Simpson
REASON: On account of the level of concerns raised

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

By reason of its design and appearance and with reference to the Inspector's recent decision in respect of an appeal for similar development at this site, the proposed dwelling would have a neutral impact upon residential and visual amenity and would not harm interests of acknowledged importance. It therefore complies with the requirements of Policies E20 and H6 of the Northampton Local Plan and PPS3 – Housing.

2. THE PROPOSAL

2.1 This application seeks planning permission to erect a two storey, one bedroom dwelling on the site of a double garage that serves the two existing dwellings at the site. Three off-street car parking spaces are proposed to be provided to serve the three dwellings. A comparable proposal was allowed on appeal earlier in 2010. This approval permitted the erection of an additional storey to the existing detached garage. However, the applicant now seeks permission to demolish the

garage and erect a new building. Aside from this difference, the scale and design of the proposal is identical to that approved by the Inspector earlier this year.

3. SITE DESCRIPTION

- 3.1 The application site is located within an existing residential area. The property originally comprised of a single semi-detached dwelling. Planning Permission was granted in 2007 for an additional dwelling attached the 115 Fairway. The existing detached garage located at the rear of the garden, would provide car parking for the two dwellings and this would be accessed from Greenview Drive.
- 3.2 Within the vicinity, there is a mixture of building types ranging from the terraced and semi detached dwellings prevalent within Fairway to the more modern buildings of a variety of types within Greenview Drive. Opposite the application site is a low level, modern building containing a brick built surgery.

4. PLANNING HISTORY

- 4.1 90/0719 – Reposition conservatory to rear and erect new conservatory to side – Approved
N/2007/0810 – Demolition of side extension of no. 115 and erection of detached dwelling – Refused, dismissed on appeal
N/2007/1282 – Demolition of existing extension to side of 115 Fairway and erection of new dwelling – Approved
N/2009/0202 – Proposed extension and conversion of existing garage to create new 1 bedroom dwelling with associated parking – Refused, allowed on appeal.
- 4.2 The site originally contained a single semi detached dwelling. Planning permission was originally sought for the development of one detached dwelling. This scheme was refused planning permission but a revised proposed for an attached dwelling gained planning permission in 2007. In 2009, an application to construct an additional storey on the detached garage to form a further new dwelling was refused as it was considered that this would adversely impact upon the character of the area. However, this proposal was subsequently allowed on appeal in January 2010 and a copy of the decision notice is attached to this report as an appendix.

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 A. Simpson** – Requesting that the application be determined by the Planning Committee on account of the concerns raised

6.2 **Public Protection (NBC)** – Would request a condition requiring a study of land contaminants.

6.3 Letters from **60 Brookfield Road, 91 and 113 Fairway, 1 and 43 Greenview Drive and 129 Hazeldene Road** as well as a petition signed by 132 individuals has been received. Comments can be summarised as:

- The design of the building is out of keeping with the surrounding area
- The first floor study could be used as an additional bedroom
- The proposal will result in overlooking and a loss of privacy, as well as adversely impacting upon light levels.
- The proposal would result in an overdevelopment of the site
- The parking provision of the development is insufficient
- On street parking is limited
- Double yellow lines exist to the front and sides of 115 and 115a Fairway, which further reduces car parking
- The alleyway has experienced problems with anti-social behaviour
- The surrounding roads experience a high level of traffic and congestion would be created by this development
- Further comments made regarding drains and sewerage

7. APPRAISAL

Principle of the Development

- 7.1 As the site is identified as a being located within an existing residential area and as planning permission was recently granted for similar development at the site it is considered that the principle of this development.
- 7.2 In terms of the design of the development, it is considered that this is suitable given the traditional suburban context in which the site is located. The applicant has submitted details of materials, which would ensure that the proposal harmonises with its surroundings and a condition is proposed to ensure that the development is carried out with these materials.
- 7.3 It is recognised that this would represent the introduction of a third dwelling onto a plot that originally contained one semi detached dwelling. However, it must be bourn in mind that the proposal under consideration is identical in terms of scale to that allowed on appeal. In considering this matter at the appeal, the Inspector concluded that this arrangement is acceptable. In Paragraph 7 of the appeal decision he states:
- ‘...The appeal site is part of the original garden of 115 which has already been subdivided, allowing for the erection of an additional house at the corner of the two roads. Although allowing this appeal would result in three houses being formed on the site of one original house, such subdivision is not in itself objectionable if an acceptable form of development would result. I have found that the appeal proposal would result in a dwelling, which is compatible with its surroundings and that it would provide a satisfactory form of accommodation.’*
- 7.4 On account of the very significant similarities between the appeal proposal and the current application combined with the limited passage of time since the appeal decision, it is considered that refusal of this application on character grounds would be completely reasonable and could not be sustained at appeal.
- 7.5 The garden size of the proposed development is small, however, it is to serve a one-bedroom dwelling. In addition, the Inspector at the previous appeal considered this arrangement acceptable as set out in Paragraph 7 of the appeal decision, where it is stated that the private amenity space is satisfactory as it provided sufficient room for the sitting outside and the drying of clothes. Therefore, it is considered that the proposal complies with the requirements of PPS3 in this regard.

Impact on neighbouring properties

- 7.6 By reason of the separation distances between the proposed dwelling and those that surround the site, there would not be any undue detrimental impact upon the amenities of the surrounding properties with respect to the levels of light, outlook and privacy. Owing to the significant similarities between this and the proposal considered appeal, significant weight should be placed upon the Interceptor's findings on these matters as detailed within Paragraph 8 of the appeal decision.

'I have considered the relationship of the proposed dwelling neighbouring properties. The position of the proposed house and its windows would not overlook the adjoining houses or their gardens and would therefore ensure that the living conditions, including the privacy of the neighbouring occupiers are preserved.'

- 7.7 It is recognised that future developments may increase the impact on surrounding residents. Therefore in line with the Inspector's decision it is prudent to place conditions on permission removing permitted development rights for the installation of windows on the southern and western elevations and future extensions and dormer windows.

Highways

- 7.8 It is recognised that a number of observations have been made regarding the impact upon the highway system including the impact on parking provision. However, this is unchanged from the previous application, where this was deemed by the Inspector to be acceptable. Therefore the proposal is compliant with PPG13.

8. CONCLUSION

- 8.1 On account of the numerous and significant similarities between the scheme under consideration and that allowed on appeal earlier in 2010, it is considered that the proposal is acceptable and that refusal of this scheme could not be sustained at appeal.

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.

(2) Unless otherwise agreed in writing by the Local Planning Authority, the external facing materials of the development hereby permitted shall be All About Bricks - Banbury Red/Textured bricks and Redland 49 roof tile

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) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the development being first occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy E20 of the Northampton Local Plan.

(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 extensions or other form of enlargement to the dwelling hereby approved or its roof shall be erected

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

(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 additional windows/dormer windows shall be constructed on the south or western elevations.

Reason: In the interests of residential amenity and to secure a satisfactory level of privacy in accordance with Policy E20 of the Northampton Local Plan.

10. LEGAL IMPLICATIONS:

10.1 None

11. BACKGROUND PAPERS

11.1 N/2009/0202

12. SUMMARY AND LINKS TO CORPORATE PLAN

11.1 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.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	23/04/10
Development Control Manager:	Gareth Jones	23/04/10

Appendix – Appeal Decision



Appeal Decision

Site visit made on 25 January 2010

by **Elaine Benson BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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email: enquiries@pins.gsi.gov.uk

Decision date:
23 February 2010

Appeal Ref: APP/V2825/A/09/2111538

Land to rear of No 115 Fairway, Northampton NN2 7JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Paul Boyd, Carn Building Solutions Ltd against the decision of Northampton Borough Council.
- The application Ref N/2009/202, dated 24 March 2009, was refused by notice dated 19 May 2009.
- The development proposed is extension and conversion of existing garage to create new 1 bedroom dwelling with associated parking space.

Decision

1. I allow the appeal, and grant planning permission for extension and conversion of existing garage to create new 1 bedroom dwelling with associated parking space at land to rear of No 115 Fairway, Northampton in accordance with the terms of the application, Ref N/2009/202, dated 24 March 2009 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
 - 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 windows/dormer windows shall be constructed on the south or west elevations.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or other form of enlargement to the house hereby approved or its roof shall be erected.

- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 07/B128/99, 07/B128/105A, 07/B128/106 and Plan 4 (Site Plan).

Main issue

2. I consider that the main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The proposed house would be at the end of the rear garden of 115 and next to a vehicle access which leads to garages at the end of gardens. The ground level slopes down from the houses on Fairway towards a recently extended row of flat roofed shops with flats above on the opposite side of this access. The proposed dwelling would be lower than the Fairway houses, but on a similar level and closer to the shops. As a result I consider that the most relevant visual context of the proposed house is that formed by the buildings on Greenview Drive, which it would front. Development on Greenview Drive is characterised by a variety of building types and uses of differing scales and proportions. It has no distinctive or repeated design elements.
4. In an appeal decision relating to the demolition of a side extension at No 115 and erection of a detached dwelling which is referred to by the Council (ref APP/V2825/A/08/206501); the Inspector indicates that terraced and semi-detached dwellings form a strong design feature within the street scene and make a positive contribution to the character and appearance of the area. I agree that development on the Fairway frontage can appropriately be described in that way. However, I disagree with the Council's view that this is also an accurate description of the appeal site's context, which is as I have set out above.
5. The Council has raised no objection in principle to residential development on this site. The proposed house would be formed by an extension and alterations to a garage which is of little architectural merit. The Council has not objected to the resulting appearance of the proposed house. I find that it would be in keeping with those on the Fairway frontage and not out of character with the design variety found on Greenview Drive. The front of the house would align with that of the shops, its eaves height would be similar to the height of the flat roofs and its width would be close to that of the individual shop units. I conclude that the proposed house would be in scale with its neighbours.
6. The garage and the vehicle access to it are already on the site. Its conversion and extension would not result in a measurable loss of garden space, although there would be some loss resulting from the provision of replacement car parking spaces. However, I do not consider that this would be sufficient to warrant dismissing the appeal in a mixed residential and commercial area which has parking bays at the front of the shops and a large open car park at the medical centre. I therefore consider that the development would not harm visual amenities.
7. Notwithstanding that the proposed garden would be small, it would provide adequate sitting out and clothes drying space. In my opinion sufficient amenity space for No 115 and the recently constructed dwelling would also be retained.

Furthermore, the Council has identified no conflict with internal or external space standards and I am not convinced by the evidence before me that this development would amount to unacceptable overdevelopment. The appeal site is part of the original garden of 115 which has already been subdivided, allowing for the erection of an additional house at the corner of the two roads. Although allowing this appeal would result in three houses being formed on the site of one original house, such subdivision is not in itself objectionable if an acceptable form of development would result. I have found that the appeal proposal would result in a dwelling which is compatible with its surroundings and that it would provide a satisfactory form of accommodation.

8. I have therefore identified no conflict with policy E20 of the Northampton Local Plan (LP) which requires new buildings to adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials or the relevant part of policy H6 of the LP which among other things allows development in primarily residential areas, except where it would be at a scale and density which would be detrimental to the character of the area or result in an over-intensive development of the site.
9. In respect of other matters raised, I have considered the relationship of the proposed dwelling with neighbouring properties. The position of the proposed house and its windows would not overlook the adjoining houses or their gardens and would therefore ensure that the living conditions, including the privacy, of the neighbouring occupiers are preserved. Concern has been raised about the level of parking provision proposed. I saw that the medical centre and most commercial uses in the area have their own parking provision and that there is on street parking available, albeit that there is none on the corner of Fairway and Greenview Drive where there are double yellow lines. I note that the highways authority raises no objection to the proposed development and there are no convincing reasons put forward as to why I should not concur.
10. For the reasons given above and having regard to all other matters raised, which do not outweigh the considerations I have found paramount, I conclude that the appeal should be allowed.

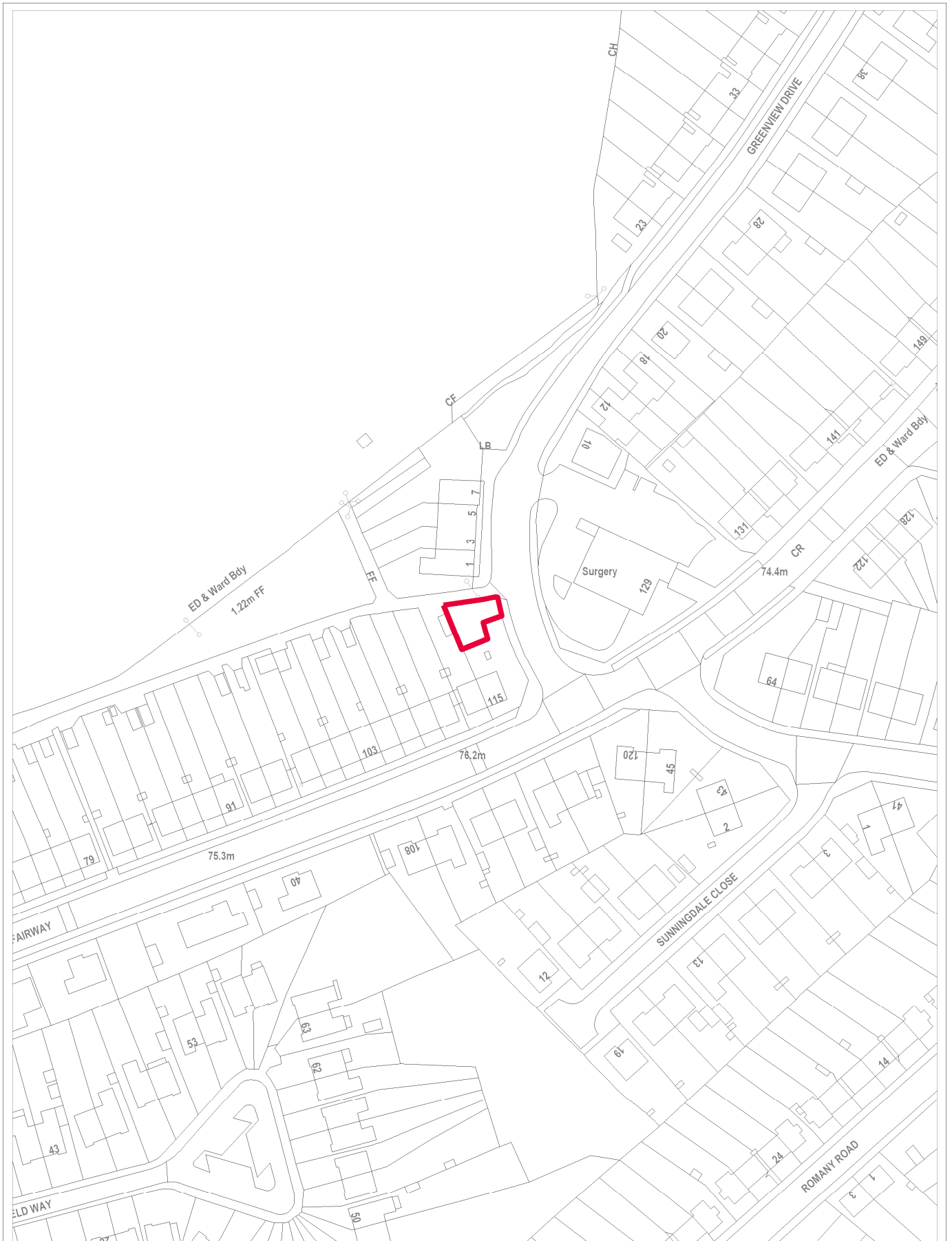
Conditions

11. In order to protect the character and appearance of the surrounding area, a condition requiring details of the external materials to be used is necessary. For the same reason and to protect the living conditions of neighbouring occupiers, details of the boundary treatment are needed. Having regard to the extent of the site that will be covered by the house, I consider it appropriate to remove permitted development rights for any further extensions to the approved dwelling to prevent the overdevelopment of the site. To prevent overlooking and loss of privacy to the adjacent occupiers of 113 and 115 Fairway and the new dwelling next to 115, it is reasonable to prevent windows being installed in the southern and western elevations and roof of the house, other than those shown on the approved drawings. For the avoidance of doubt and in the interests of proper planning I have specified the approved plan numbers. Where necessary I have amended the Council's suggested wording to more closely reflect Circular guidance.

12. I have not prevented the erection of outbuildings, storage tanks, gates or fences under permitted development rights as suggested. Little justification for these limitations has been provided and I consider that such restrictions would unreasonably restrict the residential rights of future occupiers. I have not imposed the Council's suggested condition requiring details of the provision for the storage of refuse and materials for recycling. Such a condition is unnecessary because details of bin storage are indicated in the garden on the approved drawing and in the detail of the submitted application.

Elaine Benson

INSPECTOR



Name: Committee May 13th
 Date: 27th April 2010
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
115a Fairway

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