



PLANNING COMMITTEE: 13 September 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0403 **Erection of two and a half storey dwelling (as amended by revised plans received on 28 June 2011) at Land at 1-3 Hester Street.**

WARD: **Semilong**

APPLICANT: **Ms. A. Hawker**
AGENT: **HDA Architecture**

REFERRED BY: **Cllr Marriot**
REASON: **Detrimental impact on the adjoining dwelling No.4 Hester Street**

DEPARTURE: **No**

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 That the application be approved for the following reason

The principle of a residential development in an existing primarily residential area is acceptable and in accordance with Policy H6 of the Northampton Local Plan. The siting, design and appearance of the building will compliment the existing street scene without being detrimental to residential amenity and highway safety in accordance with Policies H6 and E20 of the Northampton Local Plan and the guidelines contained within PPG13.

2. THE PROPOSAL

2.1 To erect a detached two storey dwelling 11 metres deep and 7 metres wide. There would be two small dormers to the front with rooflights to the rear to provide an extra bedroom in the roof. The proposed dwelling would have a design and appearance to match the terraced properties to the west and be constructed of brick.

- 2.2 The property would have a large rear garden but no on-site parking provision. This proposal would result in the removal of a lime tree situated to the front of the site which tree has been heavily pollarded.

3. SITE DESCRIPTION

- 3.1 The plot has a depth of 30 metres; a width of 8 metres and at present forms the side garden to a building used for communal living at 1-3 Hester Street.
- 3.2 Hester Street is a residential street containing predominantly terraced dwellings. Parking is available on both sides of the street.

4. PLANNING HISTORY

- 4.1 None.

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:

PPS1 - Delivering Sustainable Development
PPS3 – Housing
PPG13 - Transport

5.3 Northampton Borough Local Plan

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

5.4 Supplementary Planning Guidance

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

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Arboricultural Officer:** No objections as long as Silver Birch in the rear garden is protected during construction of the new dwelling.
- 6.2 **Bosworth Independent College** have concerns that an increase in the number dwellings would result in an extra demand for parking which could be detrimental to highway safety.

6.3 **4 Hester Street – objection:**

- The gap between No. 4 and the proposed dwelling would make maintenance of both properties very difficult;
- An additional multiple occupation house would impact upon residential amenity;
- Would result in parking problems in the street and an impact on highway safety;
- Would result in the removal of the lime tree in the front garden;
- Would result in direct overlooking and shading of the rear garden; and
- Construction work could damage foundations of No. 4.

7. **APPRAISAL**

7.1 The site is located in an existing residential area and, therefore, the principle of a residential development is acceptable. The plot size is comparable in area to the existing dwellings in Hester Street.

Siting and Design

7.2 The proposed dwelling has been sited in line with most of the existing dwellings situated on the Northern side of Hester Street, which results in a uniform and attractive street scene. The size, scale and design of the building also reflects the dwelling situated to the west with windows and doors of similar proportion. The property is to be constructed of brick to match the adjoining dwelling 4 Hester Street.

Residential amenity

7.3 The originally submitted plans showed the proposed dwelling set back by 1.5 metres in order to provide sufficient space for two car parking spaces to the front. This was considered unacceptable as it resulted in an unattractive street frontage and would have an impact on the outlook and amenity of the occupiers of the adjoining dwelling at 4 Hester Street as the building would have had a corresponding set back to the rear of 4.4 metres. By moving the dwelling forward there is a significant improvement on the amenity of the adjoining property as the two storey rear addition is reduced to a depth of only 3 metres and sited 2.2 metres from the boundary with 4 Hester Street.

7.4 The occupiers of that 4 Hester Street requested that there should be no attachment with the proposed dwelling and this was achieved on the revised plans. Although a separation distance (7.5 centimetres) is relatively minimal, it is considered that a more substantial gap would impact upon the continuity of the street scene, which this proposal would create.

7.5 The proposed development could potentially cause some overlooking, overshadowing and loss of outlook to the adjacent properties at 1-3 and 4 Hester Street. The rear gardens of 1-3 and 4 Hester Street would potentially be overlooked primarily from the rear elevation

windows of bedroom 2 on the first floor and bedroom 4 on the second floor. However, it is considered that this overlooking would not be significantly adverse given that the proposed windows would look out over the most northern parts of the adjacent rear gardens with the areas of garden nearer to the rear elevations being only potentially viewed at an oblique angle.

- 7.6 The proposal would partially infill the gap between 1-3 and 4 Hester Street and thereby cause some loss of light and outlook to the western side elevation windows at 1-3 Hester Street and a small amount of overshadowing to the rear garden of 4 Hester Street. However, the impact upon 1-3 Hester Street would be mitigated by the current orientation of the existing side elevation windows and the fact that a separation distance of about 3 metres would be maintained between the two buildings. Hence, it is considered that the proposed development would not have a detrimental impact upon 1-3 Hester Street in terms of overshadowing and overbearing impacts. It is also considered that any overshadowing of the rear garden at 4 Hester Street would be slight and not impact upon the adjacent property significantly more than the existing two/three storey properties situated to the east and south.
- 7.7 The wider area of Semilong and Hester Street is characterised in part by houses in multiple occupation (HMO). High numbers of HMOs have the potential to change the character of an area and impact upon residential amenity. In order to limit the spread of HMOs an Article 4 Direction will come into force in March 2012, which will remove permitted development rights for change of use from C3 to C4. Hence from March 2012 planning permission will be required to change a dwelling house to a small HMO. In light of the impending Article 4 and the potential impact of an additional HMO on Hester Street, it is considered that a condition removing permitted development rights for a change of use from C3 to C4 would be necessary to safeguard residential amenity.
- 7.8 It is noted that the occupier of 4 Hester Street raised concerns that the proposed development could effect the foundations and damage the property. However, this issue cannot be taken into consideration, as it does not constitute a material planning consideration. Moreover the applicant has submitted details that indicate that the development, including the footings, would not encroach on neighbouring properties.

Highway matters

- 7.9 The revised proposal provides no on-site parking provision but as the site is in a very sustainable location being adjacent to a bus route and close to a local centre and the facilities of the Town Centre, the proposed occupiers would not need car ownership. There is parking available on Hester Street but it is recognised that there is little capacity in the evening period.

Trees

- 7.10 The lime tree situated to the front of the site is to be removed. The Arboricultural Officer noted that although the tree's retention is desirable it has been previously heavily pollarded and has a considerable aphid infestation. Therefore the tree's amenity value does not warrant legal protection via Tree Preservation Order.
- 7.11 There is also a large silver birch to the rear of the site and a condition is required to ensure this tree is protected during the construction of the proposed dwelling.

8. CONCLUSION

- 8.1 The proposal is considered acceptable, as it would result in a new dwelling, which would reflect other properties in Hester Street and would enhance the street scene without being detrimental to the residential amenity of nearby properties.

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) 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) 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 in the side elevations of the proposed extension without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H6 of the Northampton Local Plan.

- (4) Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

- (5) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites 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.

- (6) All trees shown to be retained in the approved plans shall be protected for the duration of the construction of the development by stout fence(s) to be erected and maintained on alignment(s) to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan.

- (7) The window in the ground floor eastern side elevation shall be glazed with obscured glass and be of fixed type before the development hereby permitted is first occupied and shall thereafter be retained in that form at all times.

Reason: To safeguard the privacy of the adjoining property in accordance with Policy H6 of the Northampton Local Plan.

- (8) The premises shall only be used as single unit of residential accommodation within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended).

Reason: For the avoidance of doubt and in the interests of residential amenity in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 N/2011/0403.

11. LEGAL IMPLICATIONS

11.1 None.

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.

Position:	Name/Signature:	Date:
Author:	Geoff Wyatt	28/08/2011
Principal Planning Officer Agreed:	Gareth Jones	01/09/2011



Name: LZ
Date: 11th August 2011
Scale: 1:500
Dept: Planning
Project: Site Location Road

Title
Land at 1-3 Hester Street

Produced from the 2008 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655