



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 7 February 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/1114: **Erection of two and a half storey dwelling for shared residential accommodation (Class C3) 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 **APPROVAL** subject to conditions 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. A shared dwelling is only acceptable on the basis that the use remains ancillary to the existing residential use of 1-3 Hester Street. 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 and would be used for shared residential accommodation in conjunction with the existing property at No. 1-3 Hester Street.

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. There is a large silver birch tree situated to the rear of the site.
- 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- 4.1 N/2011/0403 – Erection of two and half storey dwelling – application withdrawn
- 4.2 N/2011/0403 was reported to the Planning Committee at its meeting on 13 September 2011. The application was recommended for approval on the basis that it would be used as a single dwelling house (use class C3) only and a condition was recommended to control the use. However, when the agent addressed the Committee it became clear, contrary to the details submitted with the application, that the building would be used as shared house (house in multiple occupation use class C4). In light of this Committee resolved:

“That consideration of the application be deferred in the light of the new information provided by the applicant’s representative to allow a reassessment of the application, further discussion with the applicant and revised report to be submitted to the Committee.”

- 4.3 The application was subsequently withdrawn. It is understood that this was in order to clarify the intended use of the property, resulting in the current application.

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 **4 Hester Street – objection**

- Do not want this building attached to no4. The gap between No. 4 and the proposed dwelling would make maintenance of both properties very difficult
- The rear extension would jut out beyond no4 resulting in direct overlooking and shading / loss of light
- Bin storage adjacent to no4 is unacceptable especially given the number of people who could live in the property.
- This proposal would result in a form of multi-occupancy use with an increase in noise and disturbance in an area which is already blighted by a very high number of houses in multiple occupation.
- Concerns that the development might interfere with a concreted-over manhole and construction work could damage foundations of No. 4,
- Would result in parking problems in the street and an impact on highway safety.
- Has resulted in the removal of the lime tree in the front garden.

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 streetscene. 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 No. 4 Hester Street.

Residential Amenity

- 7.3 The proposed building has been sited to reduce any impact on the adjoining property No. 4 Hester Street. The two storey rear addition of the new property has a depth of 3 metres but is situated 2.2 metres from the boundary with No. 4. The occupiers of that dwelling requested that there should be no attachment with the proposed dwelling and to achieve this there is to be a small separation distance between the properties. Although the 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.
- 7.4 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.
- 7.5 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.
- 7.6 The property is to be used for shared residential accommodation by people of the Jesus Fellowship. This is considered to be a sui-generis use and not a HIMO use under Class C4, and potentially a more intense form of residential use than a C3 dwelling with differing families/people in place at any one time. However, this proposal is considered acceptable in an existing residential area especially as the new dwelling would have only 4 bedrooms and have the appearance and layout of a regular dwelling provided that it remains ancillary to and is used in conjunction with the existing residential use of 1-3 Hester

Street. This can be secured and controlled via condition (see condition 8).

- 7.7 The bin storage area is located on the eastern boundary of the site and should not have a significant impact on No. 4 as it is situated over 5 metres away.
- 7.8 It is noted that the occupier of 4 Hester Street raised concerns that the proposed development could effect the foundations and drains 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 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. Ensuring that the use of the property can only be used in conjunction with the use of 1-3 Hester Street will also reduce dependency on the private car.

Trees

- 7.10 At the time that the previous application was submitted there was a heavily pollarded lime tree at the front of the site which has subsequently been lawfully removed.
- 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 proposed application 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 hereby approved shall only be used as ancillary accommodation linked to the use of 1-3 Hester Street as a Christian Community house and shall not be used as a single unit of residential accommodation within Classes C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended).

Reason: For the avoidance of doubt, to ensure that the Council retains adequate control of the use of the property in the interests of residential amenity in accordance with Policy E20 of the Northampton Local Plan.

9. The accommodation shall be used solely in accordance with the approved drawing No.1073/1B dated 3 November 2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants and nearby residents in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

- 10.1 N/2011/0403 and N/2011/1114

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	16/01/12
Development Control Manager Agreed:	Gareth Jones	24/01/12



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Name: Chis Holder Date: 25th January 2012 Scale: 1:1250 Dept: Planning Project: Site Location Plan</p>	<p>Title Land at 1-3 Hester Street</p> <p><small>Produced from the 2011 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</small></p>
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