



May 2013, a further 14 day re-consultation of local neighbours and contributors was undertaken. This is due to expire on 5 June 2013 (following the publication of this Committee Report). Any further responses received shall be reported to Members through the Addendum.

## **2. THE PROPOSAL**

- 2.1 The proposals involve the construction of a standalone bungalow within the rear garden area of No.25 Penfold Lane. The new property's principal elevation would front directly on to Penfold Lane and would be setback approximately 8m from the Penfold Lane boundary broadly in line with neighbouring properties. The footprint of the property would roughly resemble an 'H' with 2no. gable ends being proposed to both its eastern and western sides with dual-pitched roof designs. A standalone single garage is proposed to the southern side of the site. A new vehicular access, driveway and pedestrian access would be created on Penfold Lane involving the removal of 8.5m of existing low-level stone wall and planting immediately behind the wall.

## **3. SITE DESCRIPTION**

- 3.1 The application site constitutes a notable part of the rear garden area of No.25 Penfold Lane. No. 25 is located at the junction of Penfold Lane and Lady Winefride's Walk such that its principal elevation actually faces Lady Winefride's Walk to the south. The rear garden area in question abuts the western side of Penfold Lane (running a distance of 27m to the boundary with No.27 Penfold Lane) where a low-level stone wall is in existence with a mature hedgerow and landscaping located immediately behind. The garden stretches back (to the west) a distance of 32m when measured from the Penfold Lane boundary.
- 3.2 The existing dwelling at No.25 Penfold Lane is a bungalow setback approximately 8m from both its Penfold Lane and Lady Winefride's Walk frontages. It is afforded vehicular access leading to a single integral garage on Penfold Lane. Surrounding residential properties are typically 1½ storeys in built height (i.e. there is living space above the ground floor level with roofs served by either dormer or gable end windows), there are also examples of 2no. storey properties located to the opposing eastern side of Penfold Lane.

## **4. PLANNING HISTORY**

- 4.1 None relevant specifically to this property.

## **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 saved policies of the Northampton Local Plan.

5.2 **National Policies:**

National Planning Policy Framework (NPPF)

5.3 **Northampton Borough Local Plan**

E20 - New Development

H6 - Housing Development within Primarily Residential Areas

H10 - Backland Development

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NBC Access Officer:** No comments received.

6.2 **NBC Public Protection:** No objections in principle to the proposed development, although conditions should be sought to address the matter of elevated levels of naturally occurring arsenic that can exist in soil in the Northampton area.

6.3 **Cllr David Palethorpe:** The proposals represent an overdevelopment of the site, are out of keeping with the area and adjoining existing properties. Also consideration needs to be given to Penfold Lane access.

6.4 **Great Billing Parish Council:** It is thought that, within the area immediately adjoining the village's conservation area, covenants are in place that declare that only one property should ever be built on each plot to ensure that no further development would take place, ease of access, and that no homes would be overshadowed by another. The Parish Council wish to retain this classic 1960s bungalow in its original condition. This proposed overdevelopment would have a detrimental effect upon the character of the area and would set a precedent which would affect the community as a whole.

6.5 In addition, **objection letters have been received from 40no. different local residences.** These letters have been received from the addresses listed in the following paragraph. The matters that have been raised are summarised in the subsequent bullet points.

6.6 York Gates, 22, 24, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, Penfold Lane; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20 Lady Winefrides Walk; 1, 2, 15 Penfold Gardens; 1, 7 Chantry Close; 23 Elwes Way; The Chantry, Church Walk; 16 Cattle Hill; 39 Valentine Way.

- A precedent will be set for similar applications within Great Billing in the future.
- Great Billing has already been completely overdeveloped in the last 10 years.

- This scheme represents overdevelopment of the plot with the dwelling being squeezed in with a contrived boundary arrangement.
- Any backland development would destroy the character of the locality and the village setting.
- Plots on Penfold Lane and Lady Winefrides Walk are characterised by low density housing with regularity in the distances to front and side boundaries – the development is not in keeping with this character.
- The proposed dwelling would be set forward of other properties on Penfold Lane.
- Penfold Lane has a role to play in considering the setting of the Great Billing Conservation Area, the site can be considered to lie within this setting.
- To remove any part of the stone boundary wall would not be in keeping with the character of the area – continuous stone walling is achieved through the positioning of paired accesses.
- There will be increased traffic and parking (during construction and once occupied) causing obstruction to pedestrians and vehicles, particularly if reversing out on to Penfold Lane, which would be necessitated whenever the proposed off-street turning area is occupied by a parked vehicle.
- There is a shared driveway located almost directly opposite the newly proposed driveway, access problems could be caused by increased street parking.
- Should this application be approved, it is likely that subsequent extension applications shall be forthcoming in the future.
- Covenants are in place to ensure that not more than one dwelling is built per plot.
- There will be detrimental impacts upon the amenities of the occupiers of 27 Penfold Lane through overshadowing and the close proximity of the proposals; the property is served by a large side-facing lounge window. The privacy and seclusion of No.27's rear garden would be eroded.
- The side-facing window of No. 27 is shown inaccurately upon the submitted plans and should not be determined on this basis.
- The added noise from the occupation of an additional dwelling would damage neighbouring residential amenity.
- There is no 'in principle' support for the redevelopment of domestic gardens within the National Planning Policy Framework (NPPF). The NPPF requires development to respond to and respect the character of an area, which this development doesn't. The proposals are also in breach of local planning policies – Policies H6, H10 and E20 of the Northampton Local Plan (1997).
- The Penfold Lane frontage of the existing property is extensively planted; this leafy character will inevitably be lost during construction works through tree and shrub removals.

6.7 A further 14-day consultation of local neighbours and contributors was

undertaken following the receipt of a revised plan and additional information on 21 May 2013. Further **objection letters have been received from 9no. different local residences** – see addresses listed in the following paragraph. A **petition signed by a further 13no. residents** has also been received, which states that previous objections remain unaltered. Any additional matters that have been raised are summarised in the subsequent bullet points.

6.8 22, 27, 29, 31, 33 Penfold Lane; 2, 4, 6, 15 Lady Winefrides Walk:

- The proposed minor adjustments merely highlight the problems with the proposed development.
- Moving the footprint of the building a mere 0.5m will have little impact upon its relationship with 27 Penfold Lane.
- The previous letters of objection remain unaltered.
- The density averages calculated by the applicant are selective in the sense that the average plot size for neighbouring dwellings has excluded No. 25 Penfold Lane – the figures demonstrate overdevelopment.
- The proposed driveway remains a concern; cars may still have to reverse out on to Penfold Lane.
- Backland development will contribute to an increase in road use.

## 7. APPRAISAL

### *Principle*

7.1 As detailed within the NPPF (para 49) housing applications should be considered in the context of the presumption in favour of sustainable development. The site is located within a primarily residential area as designated by the Northampton Local Plan – Policy H6 of the Local Plan dictates that planning permission shall be granted for residential development subject to compliance with specific criteria as discussed below. Consideration of the development's scale, density, character and highway implications shall be covered in the following sections of the report, but the principle of residential development is considered to be acceptable on this site.

### *Design & Visual Impact*

7.2 It is considered that the proposed design would harmonise with the character of the area and would respect the visual appearance of nearby dwellings. The proposed low-level, single-storey scale of the proposals (4.5m ridge height) would aid this assimilation with the area and would help to ensure that the scheme would not result in an over-intensive development of the site. The use of varying dual-pitched roof elements and the two gable-ended frontages provides visual interest and feeds off the design cues offered by neighbouring properties.

7.3 It is not considered that the scheme would result in an overdevelopment of the site notwithstanding a notable reduction in the

size of the rear garden area serving No.25 Penfold Lane. This rear garden is particularly generous in its dimensions relative to other rear gardens in the vicinity and would still measure in excess of 100 sq m following the implementation of the proposed scheme. It is felt that the urban grain of the area would be respected – the proposed dwelling's footprint would be positioned on a similar alignment to adjacent properties running the western side of Penfold Lane and would allow the property to be afforded both front and rear garden areas in accordance with the character of the area.

- 7.4 The applicant has submitted, during the application process, further information in respect to density comparisons in the area. They have calculated that the area of the existing plot is 1,405 sq m (comprising 723 sq.m for 25 Penfold Lane and 682 sq.m for the proposed bungalow) compared with the average of 9no. neighbouring plots (located to the western side of Penfold Lane and in the vicinity of the site) of 864 sq m. As a note, an objector to the scheme has pointed out that the average plot size including No. 25 Penfold Lane itself would, in fact, be 918 sq m. The dwelling footprint as a percentage of plot size for the resultant 25 Penfold Lane would be 23% and for the newly proposed bungalow would be 24% - these are percentages that appear reasonable when considered against the percentage figures calculated for neighbouring properties (the applicant has calculated that there are 2no. existing dwellings with equal or higher densities).
- 7.5 It is not felt that the proposed development would set a precedent for similar applications in the vicinity of the site. The existing rear garden is unusually orientated in the sense that it is served by a long side boundary (27m) that directly fronts a highway. It is felt that these special site circumstances afford a development opportunity to this particular site. In any case all planning applications must be determined on their individual merits.
- 7.6 The proposed plans indicate a palette of materials that would match surrounding dwellings – this would constitute concrete interlocking roof tiles, light-coloured brickwork and UPVC window and door openings. Brick coursing would be provided above window openings and under-eaves to the gable ends. Full material samples shall be secured via planning condition. It is felt that the proposals are acceptable in this context in compliance with the requirements of Policies H6 and E20 of the Northampton Local Plan.

### ***Setting of Great Billing Conservation Area***

- 7.7 Comments have been raised through the consultation process in respect to the vicinity of the Great Billing Conservation Area and the potential for the scheme to affect the setting of this designated area. The application site is in fact located approximately 80m from the northern extent of this conservation area, this northern boundary is located at the southern end of Penfold Lane where it feeds into the High Street, Great Billing. It is not considered that the proposals could

be reasonably described as affecting the setting of this area, being setback beyond the access to Lady Winefride's Drive and beyond the existing built extent of No.25 Penfold Lane.

***Residential Amenity, Boundary Treatments, Landscaping***

- 7.8 Policy H10 of the Local Plan refers to the development of residential backland and states that planning permission shall not be granted unless it can be shown that the siting and layout would not be detrimental to the amenity of the locality and would not adversely affect the privacy of adjoining dwellings. The preamble to this Policy (para 3.18) suggests that backland development is problematic when the development consists of one house immediately behind another sharing the same access. In this case the proposed bungalow would front on to and be accessed directly from Penfold Lane.
- 7.9 The proposals would not be overbearing nor cause undue overshadowing by virtue of their single-storey stature. As detailed on the originally submitted plans, the dwelling would be setback 1.5m from the northern boundary of the site (abutting No. 27 Penfold Lane) and would be set far enough forward within the site so as to avoid directly opposing the side-facing window opening of No. 27. It should be noted that this boundary would also be afforded a 1.8m high close-boarded fence treatment to protect privacy.
- 7.10 Notwithstanding the position outlined in the preceding paragraph, in the interests of mitigating neighbour concerns, the applicant has submitted revised plans showing the footprint of the bungalow being moved 0.5m to the south, therefore narrowing the gap between the proposed dwelling and separate garage and allowing for a 2m gap to be allowed between the proposed bungalow and northern boundary of the site.
- 7.11 The occupier of No.27 Penfold Lane has questioned the accuracy of the submitted plan showing the existing arrangements on-site. They have identified a potential discrepancy in terms of the submitted and actual dimensions of their southern side-facing window (with the plans indicating a narrower window in comparison to the actual window in place). Given that the window in question exists in-situ, it is not considered that the precise accuracy of this element in plan-form is a matter of overriding importance. The scale and position of this window are clearly identifiable and assessable on-site in built form. The existing plans are merely intended to support the application. The applicant has however undertaken additional survey work to ensure accuracy in this respect – it is considered that there would not appear to be a material difference between the original and revised drawings.
- 7.12 To the southern side of the site a further 1.8m close-boarded treatment would be installed, which would form the boundary with the existing No.25 Penfold Lane. This would be set a minimum distance of 5m from the built extent of No.25 and would guard against any potential sensitive overlooking concerns.

- 7.13 To the western side of the site is located the grounds of No.2 Lady Winefride's Walk – this is a 1 ½ storey dwelling with an obscure-glazed dormer window opening located to the property's east-facing roof slope. It is not felt that the privacy of the occupiers of this property would be prejudiced by these proposals. In any event, the newly proposed west-facing openings (at ground floor level) would be set at an oblique angle (at least 45%) to the dormer window and existing mature coniferous landscaping is to be retained both along the western boundary of the site and within the rear garden area of the application site. Potential overlooking would be further mitigated as the proposed dwelling would be single storey.
- 7.14 The Penfold Lane frontage would be amended to allow for the introduction of both a new vehicular access (width of 7.5m) and a new pedestrian access (width of 1m). This would result in the loss of approximately 8.5m of the existing low-level stone walling that runs the western side of Penfold Lane in this area. Although it is considered that it would be preferential for this walling to be retained in a visual sense, it is noted that the removal of the wall is essential to allow the new dwelling to be served by its own independent access. 8.5m constitutes a short length of walling in the context of its full length (which is already interrupted by various other access and entry points along Penfold Lane); it is not felt that its removal would be to the detriment of the underlying character of the area. It should be noted that the applicant would be able to remove the walling in question without planning permission in any event. By way of revised plans, the applicant is now also proposing to build the splayed reveals of the new vehicular access from materials reclaimed from the existing wall, which would help the development to harmonise with its context.
- 7.15 Existing shrubbery and trees would be partly retained and trimmed back to the Penfold Lane frontage; there would also be selected removals to allow room for the development to be undertaken within the site. The Penfold Lane frontage would continue to be afforded a buffer of landscaping in the interests of visual amenity and additional planting could also be secured by condition.

### ***Highways & Parking***

- 7.16 The proposals involve the creation of a new vehicular crossover to Penfold Lane – a private drive would be positioned adjacent to the existing driveway serving No.25 and would be afforded 2m x 2m pedestrian visibility splays on either side in accordance with the Local Highway Authority's (LHA) Standing Advice. A new single garage would be located directly at the end of the new driveway, which would also be afforded a new vehicular turning head to its eastern side. Following the submission of revised plans, this turning head feature is able to accommodate 2no. vehicles at any one time. It is felt that this level of off-street parking provision is acceptable to serve a new standalone dwellinghouse and the proposals would not compromise



the existing off-street parking provision of the host property.

- 7.17 There exists the potential for the turning head to become occupied by parked vehicles. Notwithstanding this, it is positive that such a turning facility is proposed (in association with acceptably dimensioned pedestrian visibility splays) in accordance with the Highway Authority's advice for development of this type. It would be the responsibility of future occupiers to use this responsibly in the interests of highway safety to ensure that vehicles do not reverse out on to Penfold Lane.
- 7.18 The details of the proposal are in compliance with the Highway Authority's Standing Advice, i.e. in terms of junction position, access width, etc. It is felt that planning conditions should be imposed, in accordance with the Standing Advice, to secure drainage and hard surfacing details to ensure that both surface water and loose material do not discharge on to the public highway. As a further note, it is not considered that the proposed access would conflict with the usability or safety of any other private drive in the vicinity of the site.

### ***Other Matters***

- 7.19 Neighbour letters also indicate that restrictive covenants may exist preventing more than one dwelling can be built per plot. This is not a material planning consideration and therefore cannot be taken into account in the determination of any planning application. When planning permission is granted it does not override any covenant that may exist in civil law.
- 7.20 It has also been raised through the consultation process that, should the scheme be approved and developed, there exists the potential for subsequent extension applications to be submitted for determination. All planning applications must be assessed and determined based on what is proposed at that time and according to its own individual planning merits. Should any subsequent future applications be forthcoming, they would also be determined on this basis. As a note, the applicant has commented that the low-level design means that there is insufficient height in the roof space within which to add an additional storey.

## **8. CONCLUSION**

- 8.1 The impact of the proposed development on the character of neighbouring properties and the wider area, residential amenity and highway safety is considered to be acceptable and in accordance with Policies E20, H6 and H10 of the Northampton Local Plan.

## **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) The development hereby permitted shall be carried out in accordance with the following approved plans: As Existing (13/H156/2); Location Plan & Proposed Floor Plans and Elevations (13/H156/1B).

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- (3) Details and/or samples of all proposed external facing materials including the new pedestrian access gate to Penfold Lane 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 Policies E20 and H6 of the Northampton Local Plan.

- (4) Prior to the commencement of development, details of hard bound surfacing to the vehicular access hereby permitted shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented, and maintained at all times thereafter, in accordance with the approved details.

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

- (5) Prior to the commencement of the development, details of a positive means of drainage to the vehicular access shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented, and maintained at all times thereafter, in accordance with the approved details.

Reason: To ensure that surface water from the vehicular access does not discharge onto the public highway in the interests of highway safety in accordance with National Planning Policy Framework.

- (6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

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

- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding

seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- (8) Prior to the commencement of development, a desktop study (including a site walkover) in respect of possible contaminants shall be submitted to and approved in writing by the Local Planning Authority. The study shall include details of the scope and methodology of site investigation (if required), the results of any such investigation shall be used to produce a method statement for any remedial work, which, if required, shall be submitted to and approved in writing by the Local Planning Authority. All remedial works found to be required shall be fully implemented in accordance with the approved details and a validation report shall be submitted to and approved in writing by the Local Planning Authority within 2 weeks of the completion of the development hereby approved. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported immediately in writing to the Local Planning Authority and subsequently investigated, remediated and validated in accordance with the full requirements of this condition.

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.

## **10. BACKGROUND PAPERS**

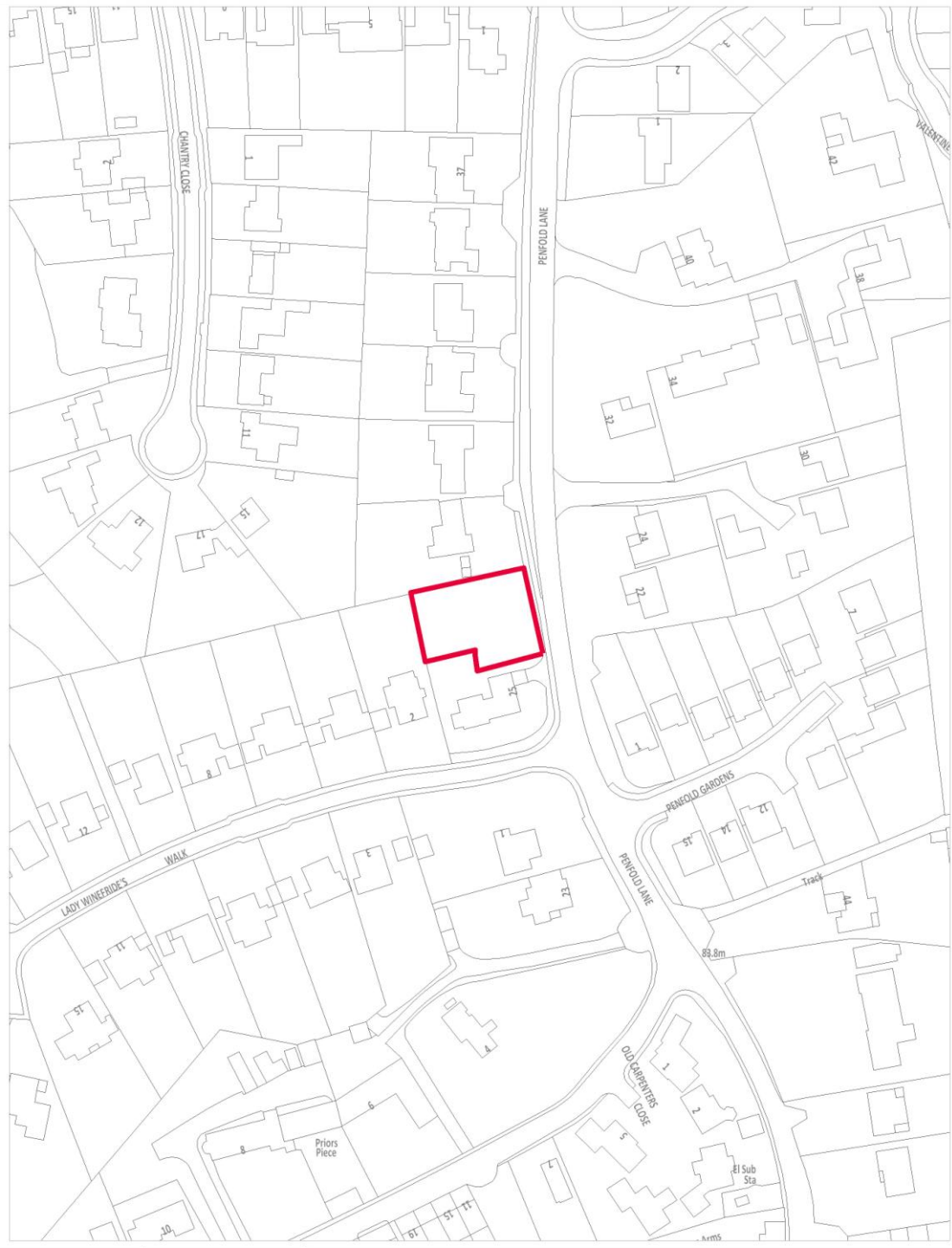
- 10.1 N/2013/0297

## **11. LEGAL IMPLICATIONS**

- 11.1 None for the Council as Local Planning Authority.

## **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.



Name: Planning  
 Date: 24th May 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**R/o 25 Penfold Lane**

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