



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 29th October 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0951: Erection of a 3-bed bungalow with car parking at land adjacent to 25 Penfold Lane

WARD: Billing

APPLICANT: JJ Moon Ltd
AGENT: None

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: Committee decision on a previous application on this site

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions for the following reason:

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 and the National Planning Policy Framework.

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 onto Penfold Lane and would be set back 10.5m to 12.5m from the Penfold Lane boundary broadly in line with neighbouring properties. The footprint of the property is in the form of a single block, with small front and rear projections. A parking area is proposed to the front of the proposed dwelling. A new vehicular access and driveway would be created to Penfold Lane involving the

removal of 7.5m 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 former rear garden area of No.25 Penfold Lane, which has now been separated from the remainder. 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 An application for the erection of single storey dwelling including detached garage was refused by the Planning Committee on June 6th 2013 (reference N/2013/0297) and a subsequent appeal against this was dismissed by the Planning Inspectorate on 5th December 2013.

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.

5.2 National Policies - National Planning Policy Framework (NPPF)

The NPPF states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.3 Northampton Local Plan

Policy E20 deals with new development and states that planning permission for new development will be granted subject to the design of any new building adequately reflecting the character of its surroundings and being located and used in a manner which ensures adequate standards of privacy, daylight and sunlight.

Policy H6 deals with new housing development and sets out the criteria against which this is assessed, in respect of its scale and density being appropriate to the area, compliance with highway standards, not being piecemeal in character and not resulting in the loss of facilities for which there is a need in the area.

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.

5.4 Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy.

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF.

The Inspector's report on the examination into the JCS was published on 7th October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

Policy H1 of the JCS states that new housing development will provide for a mix of house types, sizes and tenures to cater for different accommodation needs and that housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents and the impact on the amenities of occupiers of neighbouring properties.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 **Environmental Health** - No objections to the proposal, but would suggest that a standard site investigation condition is attached to any decision document to ensure that the site is suitably investigated for naturally occurring contaminants such as arsenic.

6.2 **Parish Council** – No comments received.

6.3 Objections received from neighbouring occupiers **at 4, 8, 9, 10, 11, 14, 15, 17, and 19 Lady Winefrides Walk, 22, 24, 26, 27, 28, and 30 Penfold Lane, 11 Cattle Hill and 1 and 15 Penfold Gardens** making points which can be summarised as follows:

- Garden has been divided before being sold to obviate ban on back land development.
- All dwellings are characterised by large gardens, would set a precedent for similar development.
- Would be in breach of covenants.
- Would change the balance between built form and garden space.
- Would result in permanent loss of mature trees.
- Impact on conservation area should be assessed.
- Additional exit onto Penfold Lane would result in increased risk to vehicles and pedestrians.
- Would involve knocking down a portion of the stone wall, a feature of the village
- Would result in loss of light to neighbouring dwelling.
- Plans differ only slightly from those refused last year.
- Does not deal with objections made at appeal.
- Objections remain the same as with previous application.

7. APPRAISAL

Principle of Development

7.1 As detailed within the NPPF 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 which states that planning permission shall be granted for residential development subject to compliance with specific criteria as set out above. The principle of residential development is therefore considered to be acceptable on this site.

- 7.2 In respect of Policy H10 of the Local Plan, which refers to backland development, it is considered that as the proposed bungalow would front on to and be accessed directly from Penfold Lane this would not lead to the problems of tandem development in respect of which the policy was introduced.

Impact on the Street Scene

- 7.3 The proposal is for a bungalow 14m in width and 4.8m in height, which would therefore be of similar dimensions to the neighbouring properties. This would front onto Penfold Lane at a similar degree of set-back to the neighbouring properties and it is considered that this would be in keeping with the street scene and the character of the area.
- 7.4 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.
- 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 event 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.
- 7.7 The Penfold Lane frontage would be amended to allow for the introduction of both a new vehicular access (width of 7.5m). This would result in the loss of this width of the existing low-level stone walling that runs the western side of Penfold Lane in this area. Existing shrubbery

would also be removed and trees and shrubbery trimmed back to the Penfold Lane frontage. 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.

7.8 This 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. Furthermore as the site is outside a conservation area the removal of the stone wall would not in itself require planning permission.

7.9 Whilst the dwelling would be screened by the stone wall and retained planting, it is not considered that simply screening an otherwise unacceptable development represents a satisfactory approach. However, even in the absence of any screening it is considered that the design of the dwelling now proposed is acceptable and in keeping with the general street scene.

Impact on the setting of Great Billing Conservation Area

7.10 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.

Impact on residential amenity

7.11 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.

7.12 To the southern side of the site a 1.8m high close-boarded fence has now been installed, which forms the boundary with the existing No.25 Penfold Lane. This serves to 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 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.

Highways & Parking

- 7.14 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 parking area would be provided, together with a turning head feature. 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.
- 7.15 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.

Covenants

- 7.16 Some neighbour responses have referred to restrictive covenants which 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. However, any planning permission does not override any covenant that may exist in civil law.

Previous Appeal Decision

- 7.17 As stated above, the previous application on this site was refused by the Planning Committee and the subsequent appeal was dismissed. It is therefore necessary to also consider whether the reasons given by the Planning Inspector for the dismissal of the appeal have been overcome.

- 7.18 The concerns as raised by the Inspector and which form the reasons for dismissing the appeal can be summarised as follows:
- Character and appearance – Would be some distance forward of the building line, would be much closer to and obvious from the road.
 - Garden Size – Would result in a garden area and plot size which would be considerably smaller than those in the immediate area.
 - Living Conditions – Would be around 2m from the side of 27 Penfold Lane, would result in a significant change of outlook when looking from the window in the side elevation and would be overbearing.
- 7.19 In order to attempt to overcome these reasons for the dismissal, the siting of the dwelling has been amended to be in line with the neighbouring properties, the scale of the proposed dwelling has been reduced and the design amended to remove the prominent gables and replace these with hipped ends. The overall height of the building has, however, been slightly increased.
- 7.20 The proposal is now for more of the wall to the front of the site to be retained than under the previous refusal, as the separate pedestrian access is not now proposed. More of the mature planting would also be retained due to this and the smaller size of the bungalow. The plot size remains the same but due to the smaller footprint of the dwelling the available garden area is increased.
- 7.21 It is considered that the reduced scale of the proposed dwelling would reduce its visual impact on the street scene, as would the retention of the stone wall and boundary planting.
- 7.22 The inspector also refers to the plot size being significantly smaller than those in the immediate area, and in this respect the applicant has produced a diagram showing plot sizes. This indicates that the plots of 25 Penfold Lane and the application site would be smaller than their neighbours, although by a slight amount in some cases, and would be larger than other plots in the immediate area. In this respect, it is considered that the garden area for the proposed dwelling would be adequate, given the absence of any adopted policy setting a minimum garden size.
- 7.23 In respect of the impact on No. 27 Penfold Lane, the siting of the part of the proposed building closest to this neighbour has now been extended to 3m, the distance to the nearest wall of the neighbouring property is 5m. The design of the building has been adjusted such that there is a hipped end rather than a gable end facing this neighbour. Furthermore, it must be recognised that the affected window of this neighbour is only a secondary window and on this basis it is considered that the impact on this neighbour would be acceptable.
- 7.24 The visual break in development also referred to by the Inspector

would also be lost, however the applicant has pointed out that there is not a similar break on the other side of Lady Winifrede's Walk and in fact this is not a common feature. It is considered, therefore, that a refusal on this point alone would be difficult to defend.

8. CONCLUSION

8.1 Overall, it is considered that the development as now proposed is acceptable in respect of its impact on the street scene and on the amenities of adjoining occupiers, subject to the conditions as proposed, and the concerns raised by the Inspector have been addressed.

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: 13/H156/20A, 13/H156/100B.

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 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.

(9) 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 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 accordance with Policies H6 and E20 of the Northampton Local Plan.

(10) 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 dormers or additional windows shall be constructed in the roof of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of nearby residents in accordance with Policies H6 and E20 of the Northampton Local Plan.

(11) The existing stone boundary wall fronting onto Penfold Lane shall be retained apart from the section that needs to be removed and altered to provide access to the development as shown on drawing 13/H156/100B.

Reason: In the interests of visual amenity and to safeguard the setting of the conservation area in accordance with Policy E26 of the Northampton Local Plan.

(12) Visibility splays of 2.0 x 2.0m as shown on drawing 13/H156/100B shall be provided prior to the occupation of the development and retained thereafter.

Reason: To ensure vehicular and pedestrian safety in accordance with the NPPF.

(13) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to OS Datum shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policies E20 and H6 of the Northampton Local Plan.

10. BACKGROUND PAPERS

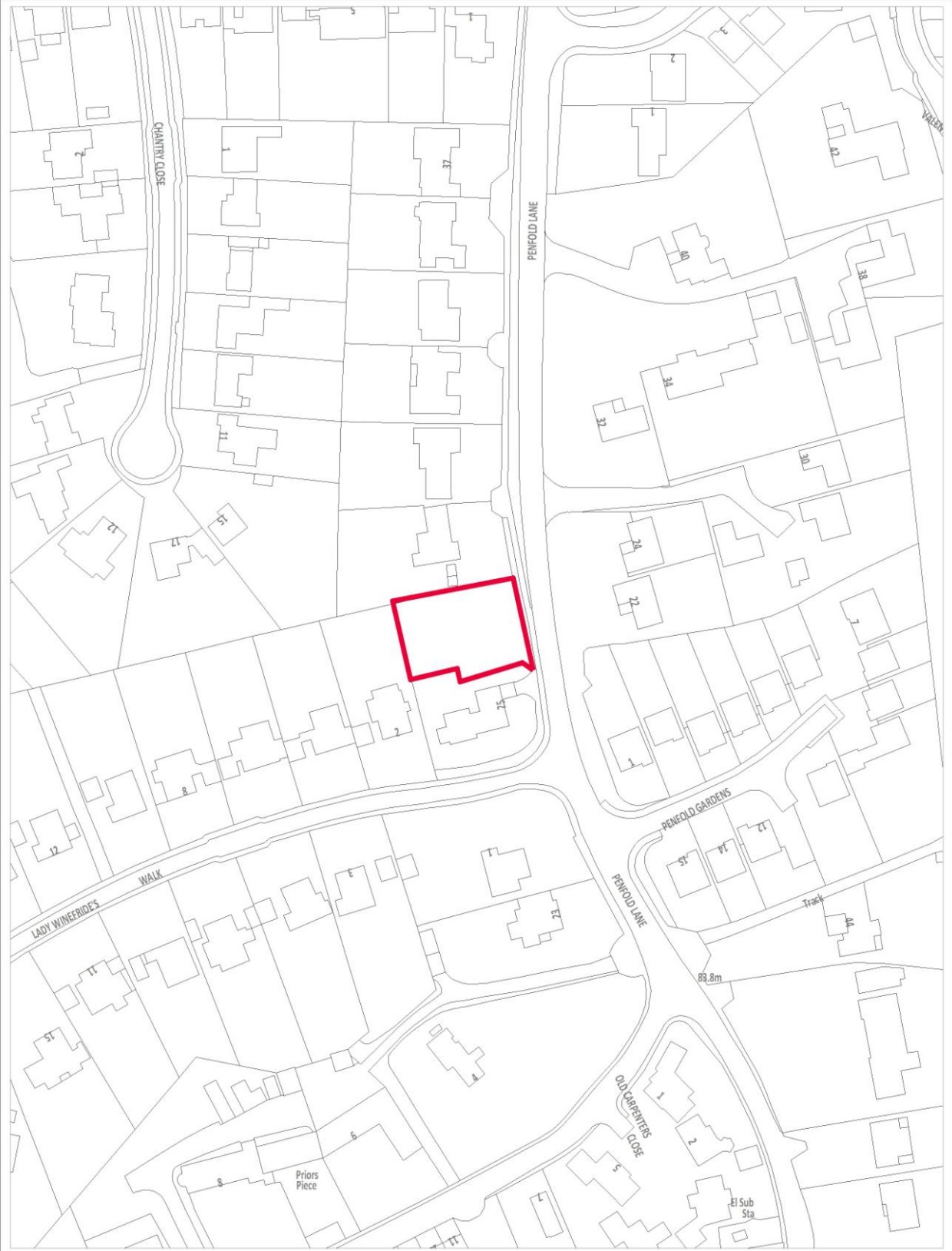
10.1 Application file N/2014/0951

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.



Name: Location Plan
 Date: 14th October 2014
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
Land Adjacent to 25 Penfold Lane

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