



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 16th February 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/1400

LOCATION: 91 Fairway

DESCRIPTION: Erection of decking (retrospective application)

WARD: Kingsley Ward

APPLICANT: Sara Pownal
AGENT: None

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Applicant is a NBC employee

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to the conditions as set out below and for the following reason:

The retention of the decking would have a neutral impact upon the character and appearance of the locality; visual amenity and neighbour amenity. The development is therefore in conformity with the requirements of the National Planning Policy Framework; Policy S10 of the West Northamptonshire Joint Core Strategy; and Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The applicant seeks permission to retain an area of decking with a width of 5.7m and a projection away from the rear wall of the house of 6.5m. The first 3.4m of the decking has a fixed projection of 36cm above ground level. After this point, due to the general topography of the site, the projection of the decking gradually increases from 36cm to 93cm.

3. SITE DESCRIPTION

3.1 The application site consists of an end of terraced property located in a residential area. The general topography of the area means that the gardens are at a lower level than the associated dwellings. The gardens slope downwards towards the rear boundary. The side boundaries of the gardens are marked by wooden fences.

4. PLANNING HISTORY

4.1 None.

5. PLANNING POLICY

5.1 Statutory Duty

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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system.

5.3 Of particular relevance is paragraph 17, which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.4 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Of particular relevance is:

5.5 Policy S10 which states that developments should conserve, preserve and enhance the natural and built environment.

5.6 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

5.7 Policy E20 requires that new buildings ensure a satisfactory impact upon the occupiers of neighbouring properties in terms of matters such as light, outlook and privacy.

6. CONSULTATIONS/REPRESENTATIONS

6.1 **89 Fairway** – Objecting as the development has effectively reduced the height of the fence, which reduces privacy and security. In addition noise levels have increased as the fence can no longer screen as much noise as was previously the case.

7. APPRAISAL

7.1 As the decking is not readily viewable from outside the application site, the overall impact on visual amenity of the locality arising from the retention of the decking would be neutral. In addition, the scale of the development and existing

boundary treatment is such that there would be no undue impact upon the amenities of surrounding properties in terms of matters such as light and outlook.

- 7.2 Due to these conclusions, the primary material consideration is whether the retention of the decking would lead to a significant adverse impact upon the amenity of surrounding properties arising from a loss of privacy.
- 7.3 The closest residential properties are the dwellings at 89 and 93 Fairway. In the case of 93 Fairway, it is noted that the decking would be set back from the shared boundary by a distance of approximately 2m. As a consequence, any views from the decking towards this property would emanate from some distance and would be at an oblique angle. As a result of this, it is considered that the retention of the development would not cause any undue detriment towards the occupiers of this particular property.
- 7.4 It is acknowledged that the decking is adjacent to the shared boundary with 89 Fairway; however, in considering the impacts of the development it is necessary to consider the fallback position available to the developer. Under permitted development rights, decking can be constructed in a garden without planning permission, provided that it does not project more than 30cm above ground level. As a consequence, the first 3.4m of the decking is marginally higher than that permissible under permitted development rights (6cm). As a result of this, the impacts arising from this section are not materially different to that which can be implemented without planning permission.
- 7.5 Notwithstanding this conclusion, the remaining 3.1m of the decking projects off of the ground by a greater distance. Whilst the topography of the area means that some views of the neighbouring garden would be possible, it is considered that the extent of these would be limited with the fact that they are predominantly towards the rear of the garden and the likely general level of use of the decking, it is considered that the development would not unduly impact upon the privacy of the adjoining property.
- 7.6 It is noted that representations have been made regarding the transfer of noise from the decking to the adjacent property at 93 Fairway. In respect of this point, it is considered that a reasonable transfer of noise is to be expected in situations where open gardens are adjacent. It is also noted that the fence could readily be replaced with a boundary treatment that features less noise absorbent properties without planning permission.

8. CONCLUSION

- 8.1 It is considered that the decking has a neutral impact upon the character and appearance of the site and its environs and neighbour amenity. As a result the retention of the decking is in accordance with the requirements of national and local planning policies.

9. BACKGROUND PAPERS

- 9.1 N/2015/1400.

10. LEGAL IMPLICATIONS

- 10.1 None.

11. 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.



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