

**PLANNING COMMITTEE:** 5<sup>th</sup> September 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/0519

**LOCATION:** Five Gables , 341 Billing Road East

**DESCRIPTION:** Proposed demolition of No. 341 Billing Road East and construction of replacement new dwelling, together with construction of three further dwellings to rear with detached garages

**WARD:** Park Ward

**APPLICANT:** Fountain Homes Ltd  
**AGENT:** Archi-tec Architectural Design

**REFERRED BY:** Called in by Councillor P Flavell  
**REASON:** Cumulative impact of the development

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

#### **1. RECOMMENDATION**

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

The proposed dwellings and garages would be located within a residential area and would contribute towards the Council's 5-year housing supply. The design and layout is considered acceptable and would not lead to any demonstrable harm on the character and appearance of the wider area or any significant impact on adjacent residential amenity, trees or existing highway conditions and is considered to be in accordance with Policies H1, S10 and BN3 of the West Northamptonshire Joint Core Strategy, Policies E20 and H10 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

#### **2. THE PROPOSAL**

2.1 The application relates to the demolition of 341 Billing Road East and the construction of a replacement dwelling, with the construction of three further dwellings to the rear of 341, 343 and a parcel of land behind 339 Billing Road East.

2.2 Plots 1 and 2 are 5-bedroom dwellings and plots 3 and 4 will be 4-bedrooms. The proposed dwellings are all two storey in height. Plots 1, 2 and 4 would have detached garages with office/playroom above. Plot 3 would have an integral garage.

- 2.3 The proposed access is from Billing Road East serving all four properties. The proposed buildings will have a rendered and brick finish, with large areas of glazing and tiled roofs.

### **3. SITE DESCRIPTION**

- 3.1 341 Billing Road East is a bungalow set back from the highway with a wider grassed area between the dwelling frontage and the footway. It has been extended over the years and has a detached garage located to the side and rear of the dwelling. To the rear of the property is an extensive garden, typical of the properties in this area.
- 3.2 The adjacent property at 343 Billing Road East is a two storey dwelling set a similar distance from the highway to 341 and on a similar size plot.
- 3.3 The properties in this area all have established gardens which contain mature trees, glimpses of which can be seen from the highway. These trees are of varying quality. However, during the course of the application, some have suffered severe damage during a recent storm.
- 3.4 The rear boundary of the application site abuts 7 to 11 Brayford Close.
- 3.5 The character of Billing Road East is such that all the properties are set back by a substantial distance (approximately 16m) from the highway on the northern side of the road, whilst those on the southern side are much closer. The properties are in a variety of styles and ages, the majority of which have been altered over the years.

### **4. PLANNING HISTORY**

- 4.1 N/2015/0482 – Rear extension and erection of balcony to side. 341 Billing Road East. Approved 19/06/2015.
- 4.2 N/2015/0965 – Detached dwelling, double detached garage, create vehicular access drive and demolish existing double garage (as amended by revised plan received on 18/11/15). Land rear of 341 Billing Road East. Approved 18/12/15.
- 4.3 N/2015/1478 – Proposed new dwelling on land to the rear of 343 Billing Road East together with associated access. Approved 04/03/16.
- 4.4 N/2016/0755 – Variation of condition 11 of N/2015/1478 (proposed new dwelling) to alter the position of the dwelling on the site (land rear of 343 Billing Road East). Approved 04/10/16.

### **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. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 7 – There are three dimensions to sustainable development. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role, an environmental role.

Paragraph 14 – Central to the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 17 – sets out core land-use planning principles, which seek to secure high quality design and a good standard of amenity for existing and proposed occupiers; encouraging the effective use of brownfield sites; managing patterns of growth to make fullest use of sustainable locations.

Paragraph 35 – sustainable transport – developments should be located and designed where practicable to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians.

Paragraph 47 – requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 – 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.

Paragraph 50 – To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, Local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

Paragraph 53 – Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 56 – Good design is a key aspect of sustainable development and should contribute to making places better for people.

### 5.3 **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. Policies of particular relevance are:

Policy SA: Presumption in Favour of Sustainable Development - requires the Council to take a positive approach that reflects a presumption in favour of sustainable development and that proposals should be determined in accordance with the development plan.

Policy S4: Northampton Related Development Area - sets out the housing needs for the plan period for Northampton.

Policy S10: Sustainable Development Principles – seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy H1: Housing Density and Mix and Type of dwellings – considers the location and setting of the site, the character of an area, living conditions for future residents and amenities of occupiers of neighbouring properties. The principles of Policy H1 require that development should make most efficient use of land.

Policy BN3: Woodland Enhancement and Creation – development will not be permitted that leads to loss of veteran trees unless benefits of development outweigh the loss.

#### 5.4 **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 policies are material to this application:

Policy E20: New Development - requires new development to reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and be located in a manner which ensures adequate standards of privacy, daylight and sunlight.

Policy H10: Backland Development – planning permission of residential backland will not be granted unless it can be shown that the siting and layout of the development will not be detrimental to the character and amenity of the locality and will not cause disturbance to or adversely affect the privacy of adjoining dwellings. This includes the existing dwelling(s) within whose curtilage the development is proposed.

#### 5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

#### 5.6 **Other Material Considerations**

### 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NCC Highways and Access** – comments regarding the visibility splay and compliance with the Building Regulations due to the length of the drive.

6.2 **NBC Public Protection** – as the property fronting onto Billing Road East is now being replaced, a scheme to protect the property from road traffic noise will be required. This can be covered by a condition requiring the submission of further details.

6.3 **NBC Arboricultural Officer** – following the submission of a revised tree survey, the applicant has tried in part to overcome the tree related issues by removing a number of the trees. It is not considered that the tree are worthy of a Tree Preservation Order.

6.4 **Councillor P Flavell** – Request that the application be called into Planning Committee on the grounds of the cumulative impact of the development.

6.5 Fifteen properties were directly consulted on the application and a site notice was placed outside the property. As a result four letters of objection and one letter offering comments have been received. The representations have raised the following issues:

- Design important in this location (observation).

- The existing property is in poor condition and needs extensive work throughout, no objection to this dwelling but if any changes to the properties at the rear are proposed this may have an impact (observation).
- Previous application was approved following amendments to overcome objections.
- Whilst there is a precedent established for single dwellings to the rear of these properties, there is no precedent for a micro-estate.
- Object to the development of four new dwellings. The use of planning by stealth is unacceptable.
- Cumulative impact is unacceptable.
- Not a sustainable development.
- Out of character with the area.
- Concern regarding the impact on Brayford Close due to balconies and amount of glass in the rear elevation, massing, height, overlooking, noise and light pollution.
- Contrary to the adopted Planning Policies.
- Concern regarding flooding and the scheme, if approved should include a sustainable urban drainage system.
- Suggested conditions have been supplied in the event that consent is granted including removing permitted development rights including no balconies or roof terraces, details of lighting scheme, parking scheme to prohibited motor vehicles from being parked in the rear garden, the addition of an Article 4 Direction to prevent the properties being converted in houses of multiple occupation, new tree planting on rear boundary is welcomed but an acoustic fence should also be added, hours of operation of construction works.
- Disappointed that the trees identified to be retained in previous applications have since been removed.
- Concern regarding the number of dwellings served off the single access.

## **7. APPRAISAL**

### **Principle of Development**

- 7.1 The principle of two new dwellings on the site has already been established under previous planning permissions which are still extant. The proposed dwellings were to be served by two separate accesses from Billing Road East. The current application proposes an additional dwelling, which can be accommodated due to additional land to the rear of 339 Billing Road East being acquired. This proposal also proposes a replacement dwelling on the site of no.341, on a slightly smaller footprint to allow for one single access point to serve all four dwellings.
- 7.2 The overall site remains of sufficient size to accommodate the development proposed and it is considered that the development would have a neutral impact on the character of the area, which was previously considered to be limited in any event, the site not being prominently visible within the wider area.
- 7.3 In terms of design, whilst there is no uniform design of dwellings in this area, the contemporary design of the proposed dwellings will replicate some of the features of the surrounding dwellings, and as a result would not be out of keeping with the properties in the area.
- 7.4 The existing bungalow on the frontage is in a poor state of repair and would require substantial work to bring it back into a good standard of habitable use. The replacement dwelling on the frontage whilst two storey, would not have a demonstrable adverse impact on the street scene, and the design is considered acceptable in this location.
- 7.5 The principle of development in the rear gardens of properties in Billing Road East has been established through previous permissions. Whilst in general there is a resistance for backland development, in this particular instance the original properties are set in gardens significantly

greater than expected on modern residential developments. This allows for sufficient distance to protect the residential amenities of the occupiers of the adjacent properties.

- 7.6 Some of the objectors have expressed concerns over the cumulative impact or the potential for further similar developments to the rear of adjacent properties. All applications are assessed on their merits, unless harm can be demonstrated. It would be difficult to defend an appeal based on precedent in this instance.
- 7.7 The Council currently is unable to demonstrate a five year land supply within its most recent assessment and as such, it is considered that this development provides additional provision as a windfall development site.

### **Impact on Amenity**

- 7.8 The layout of the dwellings indicates a distance of approximately 25m separation back to back with the rear of the properties in Brayford Close. The site layout indicates mature trees that are to be retained as well as additional planting.
- 7.9 Although the proposed dwellings are two storeys, the distance combined with landscaping and new planting, provides adequate provision to protect privacy. It is considered that the level of residential amenities currently enjoyed by the properties in Brayford Close would not be affected to an unacceptable degree.
- 7.10 In respect of the impact on the neighbouring properties to either side of the proposed dwellings, in the case of the relationship between plot 4 and 345 Billing Road East, the main windows at first floor serve an ensuite (with obscure glazing), whilst others are high-level roof lights. The relationship between plot 4 and the existing dwelling would still be some 48m away and would retain a rear garden of some 33m in length.
- 7.11 In the case of the relationship between plot 2 and 339 Billing Road East, the windows include those to serve a bedroom, ensuite and rooflights. It is considered that the private area to the rear of no.339 is protected due to the siting of the existing garage, the approved extension to the rear of the property and the existing landscaping on the site.
- 7.12 The proposed dwellings (plots 2 to 4) indicate Juliette balconies on the rear. Whilst appearing as balconies, they allow for little difference in terms of overlooking and loss of privacy to a standard window. Although this has been raised as a concern within one of the representations, it is not considered that the proposal would result in unacceptable overlooking, overbearing and overshadowing to nearby properties.
- 7.13 In addition, the massing and scale of the development is considered to be acceptable and in line with the character and appearance of nearby dwellings.
- 7.14 Representations received raise concerns about flood risk and suggest that the development should include a sustainable urban drainage system. In this instance, due to the size of the development, drainage will be covered under the Building Regulations and applicants are encouraged to adopt such means of drainage.
- 7.15 A further representation suggested the removal of permitted development rights, to restrict additional windows and extensions. Conditions will be included, as on the previous application on this site. The area is not covered by an Article 4 Direction to restrict house in multiple occupation use. However, to consider such controls over such a small area is considered unreasonable in this instance.

### **Access and Highways**

- 7.16 The Highway Authority has no objection to the amended scheme, although comments have been made regarding the visibility splay which has been addressed. Comments have also been made regarding the length of the access drive (to allow for Fire and Rescue Services to attend if necessary). This is a matter that will also be considered under the Building Regulations and may require additional measures such as hydrants to address concerns if they arise.
- 7.17 One of the representations referred to the number of dwellings served from a private drive. There is no obligation for the Local Highway Authority to adopt such access roads and there is no mechanism for the Local Planning Authority to insist on this. The implications of private drives is that the maintenance of these drives would be the responsibility of the owners of the dwellings (and is normally covered through a covenant contained within the Deeds of the property when the land is transferred).
- 7.18 The proposed access arrangement remains as previously approved for one dwelling and has resulted in the loss of an additional drive. The submitted plans indicate the provision of an access 4.5m in width in accordance with Highway Authority's requirements. Parking for the existing house would be retained to the front.
- 7.19 On the previous application the Highway Authority requested the provision of 2m x 2m vehicle to pedestrian visibility splays. Whilst these could be achieved on one side of the existing driveway, the other visibility splay would extend over land outside the applicant's control. However, the area is clear of structures and there is a significant setback with extensive grass area before there could be interaction with pedestrians.
- 7.20 The highway verge from the front boundary of the site to the footway is approximately 7m deep, with a further smaller depth of grass verge up to the kerbside. In view of the character of the access layout where vehicles are likely to emerge with caution up to the footway and roadside with unrestricted visibility once passing plot 1, even with a neighbouring driveway alongside, the additional vehicle movements are unlikely to be of such significance that they would impact on highway safety.
- 7.21 The proposed dwellings, apart from plot 3 which would be a combination of a single integral garage and on plot parking, would have garage facilities. In addition, each plot would have adequate parking and turning areas to serve the development.

### **Trees**

- 7.22 The scheme proposes the removal of a number of mature trees on site. The application has been supported by an arboricultural report, which identifies that some of these are in poor condition or have grown to a size that will in the near future require substantial works, given that they are currently located in residential gardens, and of a size that is already impacting on the residential amenities of the existing properties.
- 7.23 Whilst measures to protect the trees have been considered, in terms of the siting of the dwellings, the removal of some trees is inevitable. As stated above, during the course of the application, some trees have been removed following storm damage. Other trees are to be removed due to their height and the impact on the properties to which they relate to, and the impact on residential amenity through loss of light that is currently occurring. It is not considered that the loss of some of the trees is unacceptable in this instance.
- 7.24 Whilst the upper tree growth is visible from Billing Road East, they are not considered to be of significant amenity value to the area that would wholly meet the criteria for protection by means of a Tree Preservation Order, in that it would be difficult to justify the Order and defend any future appeals.

7.25 The layout does indicate a significant area of permanent hard surfacing within the root protection areas of, in particular, four trees on the eastern boundary of the site. Methods of protection during construction can be addressed by considering the design of the foundations. The details will be secured by a planning condition.

## **8. CONCLUSION**

8.1 The application proposal comprises backland development. However, due to the size of the plot in which the proposed dwellings would sit, and the separation distances with existing properties, and that the proposal would not be visually prominent in the wider area, it is considered that it would be difficult to demonstrate any significant harm arising from the development.

8.2 The proposed dwellings and garages would be located within a residential area and would contribute towards the Council's 5-year housing supply. The design and layout is considered acceptable, and would not lead to any demonstrable harm on the character and appearance of the wider area, or any significant impact on adjacent residential amenity, trees or existing highway conditions and is considered to be in accordance with Policies H1, S10 and BN3 of the West Northamptonshire Joint Core Strategy, Policies E20 and H10 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

## **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: F28 (site location plan and block plan), F28 - 14A, F28 - 15A, F28 - 16B, F28 - 17, F28 - 18, F28 - 19.

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

3. Details of all proposed external facing materials shall be first 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the dwellings hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure shall take place.

Reason: To prevent overdevelopment of the site in accordance with Policy S10 and H1 of the West Northamptonshire Joint Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed to the dwellings hereby permitted.



Reason: To safeguard the privacy of nearby properties in accordance with Policy S10 and H1 of the West Northamptonshire Joint Core Strategy.

6. The development shall be carried out in accordance with the details contained within the submitted Arboricultural Survey and Assessment by Steve Jowers Associated Limited and the details shown on drawing no. SJA305.02.A with the tree protection fencing extended to include tree numbers T22 and T30 as shown on drawing no. SJA305.100.A. The protection measures shall be in place prior to the commencement of development and maintained throughout the construction period.

Reason: In the interests of the protection of existing trees in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7. Full details of the method of the treatment of the external boundaries of the site shall be first submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the development 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 H1 of the West Northamptonshire Joint Core Strategy.

8. The access, parking and garages shown on the drawing no. F28-14A shall be constructed prior to the first occupation of the development hereby approved and retained thereafter.

Reason: To ensure a satisfactory standard of development and that the proposed development does not prejudice conditions of highway safety in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

9. Prior to the commencement of development, full details of the proposed surface treatment of all accesses and parking areas, footpaths and private drives including their gradients and visibility splay 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: To secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. The condition is required pre-commencement to ensure materials, gradient and splay are appropriate to the surroundings and do not have an adverse impact on highway safety.

10. 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 the adjacent dwellings, along with details of the method of construction of the foundations, 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 and the protection of trees in accordance with Policies S10 and BN3 of the West Northamptonshire Joint Core Strategy and Policies E20 and H18 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

## **10. BACKGROUND PAPERS**

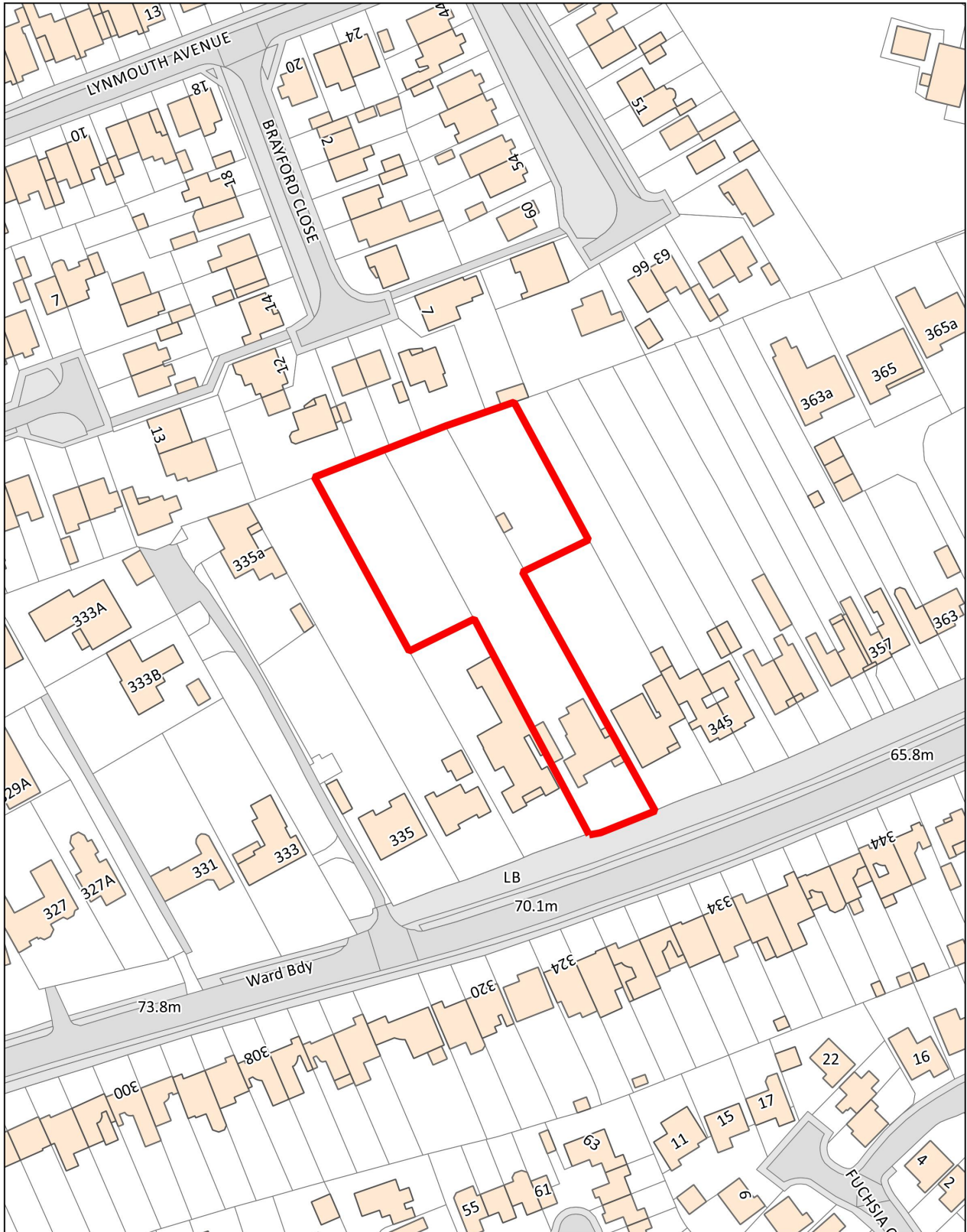
- 10.1 N/20170/519.

## **11. LEGAL IMPLICATIONS**

11.1 The development is CIL liable.

**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.



Title: **341 Billing Road East**

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Date: 23-08-2017

Scale: 1:1,250

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