

PLANNING COMMITTEE: 26th September 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1075

LOCATION: 39 Wheatfield Road

DESCRIPTION: Retention of wooden summer house

WARD: Headlands Ward

APPLICANT: Miss Tracey Brough
AGENT: Miss Tracey Brough

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The outbuilding has no significant undue impact upon the visual amenity of the street scene and residential amenity and is therefore considered acceptable. The development will be in accordance with saved Policy E20 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The current application seeks retrospective application for an outbuilding in the rear garden of the application site.

2.2 The outbuilding is 3.810 metres deep and 4.862 metres wide and has been erected over a 265 mm decked platform, which adds to the height of the shed, which is 2.284 metres to the eaves and 2.646 metres to the highest point of this structure.

2.3 The outbuilding is built in shiplap timber panels and is used ancillary to the existing dwelling.

3. SITE DESCRIPTION

- 3.1 The application site is the rear garden of the property, 39 Wheatfield Road, which is a terraced property. The application property has a long rear garden and the outbuilding is erected along the rear boundary of the site.
- 3.2 The local area is predominantly residential along Wheatfield Road, however, there are commercial units to the rear of the property along Birchfield Road.

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), 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 section is of particular relevance to this application:

Paragraph 17 – 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.

5.3 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 S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design, incorporating safety and security considerations and a strong sense of place.

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 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **2 neighbour representations** have been received. The objections are summarised as follow:

- Retrospective application should be refused.
- The cabin has electrical cable attached to the main house and the running in the rear garden.
- No provision of rain water disposal.
- The log cabin is above permitted development rights and results in loss of light and detracts the view.
- Once lit, the lightening of the log cabin result in light pollution.
- Activities carried out in the outhouse results in noise pollution and its potential for business uses.
- The siting of the outbuilding in close proximity to the shopping units has resulted in dampness.

7. APPRAISAL

7.1 The main issues to consider are the impact on the character of the area and neighbour amenity.

Design and appearance

7.2 The outbuilding is a single storey structure erected over a decked platform. Owing to the location of the outbuilding in the rear garden, it would not be visible from the street and is not considered to have any adverse impact on the character of the area. It is therefore considered that the proposal will not have any undue impact upon visual amenity of the street scene. The development would comply with the saved Policy E20 of the Northampton Local Plan.

7.3 The outbuilding is made of shiplap timber panels and is erected over the decked platform. It is not uncommon to have outbuildings of this type in domestic properties. The platform is 265mm above ground level which resulted in a total height marginally over (17cm) the provision of permitted development rights.

Residential amenity

7.4 The neighbouring property No.241A shares its rear boundary with the side boundary of the application site. The outbuilding is located at the bottom of the rear garden at No.39, therefore, is sited away from this property. The outbuilding would be visible from the rear garden of No.241A, but owing to the scale and siting away from the boundary, it is not considered to result in any adverse impact on residential amenity in terms of overshadowing or overbearing for that property. Owing to the height of this outbuilding and the siting to the northwest, it is not considered to result in loss of light for No.241A.

7.5 The application site sits near to a corner with the commercial units to the rear and side at No.241. The commercial units to the rear shares the side boundary and rear boundary with the application site. As the outbuilding is located approximately 0.8 metre away from the side boundary and 1.9 metres from the rear boundary, it is not considered to result in any adverse impact on the amenity of this property.

7.6 The applicant has provided internal lighting to this outbuilding. Owing to the scale and location, the outbuilding is not considered to result in any adverse residential amenity issues to any adjoining neighbours.

Other Matters

Retrospective application

7.7 As per the Town and Country Planning Act 1990, Local Planning Authority has the responsibility to determine the application according to its merits. The fact that it is retrospective is not a material planning consideration that warrants a refusal of the application.

Electrical circuits and connections

- 7.8 Electrical works are not within the remit of planning legislation. The onus is on the applicant to do the necessary checks for electrical works. Therefore this issue cannot be accounted to determine the current planning application. However, during the course of the application, the applicant has submitted the certification for the electrical works.

Potential business workshops

- 7.9 The outbuilding will be used ancillary to the enjoyment of the existing dwelling and not for business purpose, and it would be unreasonable to restrict the hours of use of such a domestic installation. Planning permission will be required if the building is to be rented out or used as a separate planning unit. A condition has been recommended to restrict the outbuilding to be used ancillary to the application property, 39 Wheatfield Road.

Rainwater goods and dampness

- 7.10 There is no requirement for a domestic outbuilding to provide any rainwater goods under planning legislation. However, the applicant has submitted further details during the course of the application that guttering has been installed to this outbuilding, which will discharge the rainwater into the water retaining butts.

8. CONCLUSION

- 8.1 It is considered that the shed is of a scale and design which would not have any undue impact on the visual amenity of the local area. The proposal would be in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy, saved Policy E20 of the Northampton Local Plan and advice given within the National Planning Policy Framework.
- 8.2 The proposed development is acceptable and is recommended for approval subject to the condition below.

9. CONDITIONS

1. The outbuilding hereby permitted shall be used ancillary to the enjoyable of 39 Wheatfield Road as a dwellinghouse and shall at no time be used for any commercial purpose or formed a separate planning unit.

Reason: For the avoidance of doubt as a separate planning unit would be undesirable in this location in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

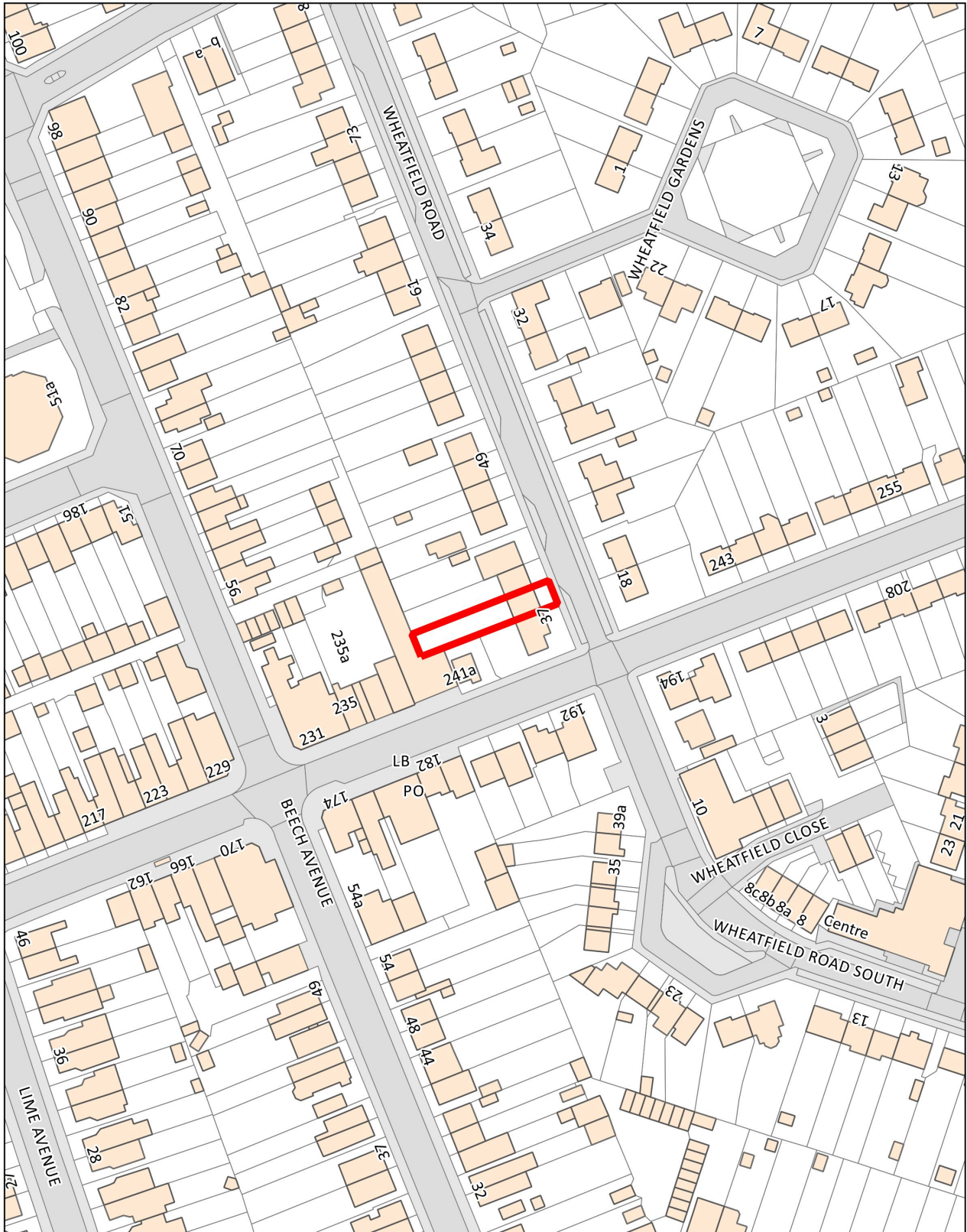
- 10.1 N/2017/1075.

11. LEGAL IMPLICATIONS

- 11.1 The development is not 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: **39 Wheatfield Road**

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Date: 15-09-2017

Scale: 1:1,250

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