

PLANNING COMMITTEE: 13th February 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1045

LOCATION: Land at and rear of 36 Booth Lane South

DESCRIPTION: Hybrid application including outline application with all matters reserved except access for the demolition of the existing garage and construction of 3 houses to the rear of the property and making good side wall of existing dwelling

WARD: Westone Ward

APPLICANT: Mr M Rose
AGENT: Aitchison Raffety

REFERRED BY: Councillor B Markham
REASON: Backland development and impact on neighbours

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The principle of residential development on the site for new dwellings is considered acceptable in a residential area and would contribute towards the Council's five year housing land supply. As part of a balanced assessment, it is considered that objections cannot be sustained to the proposals under Policies S1, S10, H1 and BN9 of the West Northamptonshire Joint Core Strategy, Saved Policies E20 and H10 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal is a hybrid application and seeks full permission for the demolition of the existing garage and making good of the side wall of the existing dwelling and outline approval for the construction of 3 houses to the rear of the property with all matters reserved except access.

2.2 The existing garage is single storey and attached to the north western side of the existing dwelling. It measures 7.2 metres in width, 9.8 metres in depth and 4.2 metres in height with a hipped roof. The application proposes the demolition of the majority of the garage, with only a 1.5 metre wide single storey side projection remaining. The flank wall of the remaining projection would be made good in brick to match the existing dwelling and would have a gabled roof form.

- 2.3 The new houses would be located to the rear of the site with the details of appearance, landscaping, layout and scale of this new residential development to be submitted as a reserved matters application in the event that the current application is approved. The proposal does however include full details of access for the development and this would be located to the northern side of the frontage with a width of 4.5 metres. The application has also been accompanied by an indicative site plan, this shows an access drive running from the new access along the north western side of the plot to three houses set out in a linear arrangement in the rear third of the plot, facing towards the rear of the application property and No. 34 Booth Lane South. The Planning Statement accompanying the application sets out that the houses would be two storey in height.

3. SITE DESCRIPTION

- 3.1 The application site comprises a large detached 2.5 storey dwelling set in a substantial plot. The plot has a depth of some 90 metres and a width of 21 metres to the frontage with Booth Lane South. However, the plot is L-shaped to the rear and, for a 30 metre deep section to the rear of the site, it also extends across the full width of the rear garden of No. 34 Booth Lane South such that it has a maximum width of 35 metres. This rear section of the site appears to have recently been cleared of vegetation and, whilst there are trees to the boundaries, these have been heavily pollarded and pruned over time.
- 3.2 The site is located on Booth Lane South and the immediate vicinity of the application site is characterised by large detached dwellings set in substantial plots, with rear gardens generally undeveloped.
- 3.3 The site backs onto properties on Coaching Walk and specifically Nos. 19 and 21, which are set at an angle to the rear boundary of the application site. These neighbouring properties are set on a lower ground level to the application site and the closest part of the nearest dwelling (the conservatory at No. 21) is some 27 metres from the rear boundary of the application site.
- 3.4 A small portion of the site to the south east corner also backs onto a playing field accessed off Conifer Rise.

4. PLANNING HISTORY

- 4.1 N/1995/15: Single storey rear dwelling in rear garden. Withdrawn.
- 4.2 N/1999/645: Ground floor side extension (garage). Approved; implemented.

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:

- 5.3 Paragraphs 6, 7, 8 and 14 - Set out that the presumption in favour of sustainable development.
- 5.4 Paragraph 17 - Core Principles seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.
- 5.5 Paragraph 32 - Details that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that development should only be refused on transport grounds where the impacts of development are severe.
- 5.6 Paragraph 49 - Housing applications should be considered with a presumption in favour of sustainable development.
- 5.7 Paragraph 50 - seeks to deliver a wide choice of high quality homes
- 5.8 Paragraph 53 indicates the need to resist inappropriate development of residential gardens where they would cause harm the character of the area.
- 5.9 Section 7 requires good design, with paragraph 56 detailing that good design is a key aspect of sustainable development. Furthermore, paragraph 60 sets out that it is proper to seek to reinforce local distinctiveness and paragraph 64 states that permission should be refused for development of poor design.

5.10 **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 S1- Distribution of Development
Policy S10 - Sustainable Development Principles
Policy H1 - Housing Density and Mix and Type of Dwellings
Policy BN9 - Planning for Pollution Control

5.11 **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 (Design)
Policy H10 - Backland development

5.12 **Supplementary Planning Documents**

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

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Councillor Brian Markham** - Requests that the application be referred to Planning Committee and be subject to a Member Site Visit. Three houses at the back of the No. 36 would represent over development of the site and have a harmful effect on the amenity of future residents of the

new houses and of neighbouring properties. Also concerned that the proposed access drive for the new properties is too close to No. 36.

- 6.2 **Highway Authority (NCC)** - The development should be altered to secure acceptable vehicle to pedestrian vision splays and ensure that surface water does not discharge into the highway. In addition, as the access is over 45 metres in length, it is advisable to seek comments of Northampton Fire and Rescue and Building Regulations regarding access for fire appliances and refuse collection arrangements.
- 6.3 **Public Protection (NBC)** - No objections, but recommends an informative relating to construction hours.
- 6.4 **Arboricultural Officer (NBC)** - An arboricultural report and method statement should accompany the application.
- 6.5 **Seven letters of objection** have been received from neighbouring properties including the following points:
- There are no other backland style developments in the vicinity of the site and the dwellings and plots would be uncharacteristically small resulting in a cramped and incongruous form of development that would be an overdevelopment of the site. The development would be clearly visible from Booth Lane South and harm the character of the area.
 - Proposal would set a precedent for a new road and further inappropriate backland development between Booth Lane South and Coaching Walk.
 - The boundaries of neighbouring properties would be exposed to crime.
 - The new two storey houses would overlook the gardens and houses of surrounding properties on both Booth Lane South and Coaching Walk, and also affect outlooks, block sunlight and daylight, and generate light and activity to the detriment of neighbour amenity.
 - Noise, disturbance and activity from the shared drive would specifically harm the amenities of future occupiers of Nos. 36 and 38 Booth Lane South
 - Future occupiers of the new houses would have poor amenity, with the gardens in persistent shade and inconvenience from the narrow access drive and tandem parking.
 - The development would add traffic on an already busy road to the detriment of highway safety.
 - The footpath and verge to the front of the site is heavily trafficked by pedestrians and a driveway for multiple dwellings at this location would be unsafe.
 - The access drive would not be wide enough.
 - Wildlife frequent the application site and gardens in the vicinity; habitats and green space would be lost by the new development.
 - No tree or ecology studies have been submitted, but if they had they would reveal that the site has recently been extensively cleared.
 - Water would run off into the gardens of neighbouring properties.
 - Boundary fence of No. 32 may be affected by the proposal and the fence line to the rear of the site is likely to have a piecemeal appearance over time.
 - Proposal would devalue neighbouring properties.
 - An application in 1995 for a sole bungalow to the rear of the site was refused on the basis that it was an uncharacteristic development and loss of amenity to adjoin properties and the existing dwelling.
 - The property has also been subject to a pre application advice and the officer objected to the proposal on the basis of the character and appearance of the area and residential amenities.

7. APPRAISAL

Principle of development

- 7.1 The application site is located in a residential area within the urban area of Northampton and therefore residential development of the site is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 The Council cannot however presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 14 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Character and appearance of the area

- 7.3 The proposed demolition of the garage and making good of the remaining single storey side projection would not adversely impact on the character and appearance of the area.
- 7.4 Whilst the proposed housing element of the application is in outline only (with all matters reserved except access), the applicant has submitted an indicative layout and also set out in the Planning Statement that the dwellings would be two storey houses located to the rear of the site. The proposed houses would therefore comprise a backland form of development and there are no other similar backland style developments in the vicinity of the site. In addition, and whilst part of the site extends across the rear garden of No. 34 Booth Lane South, the width of the plots and new houses would need to be narrower than properties fronting Booth Lane South to accommodate three dwellings within the site. As such, three new backland dwellings on the site would not reflect the prevailing form and pattern of development in the locality.
- 7.5 However, the application property benefits from a very deep plot (some 90 metres) and the plots to Coaching Walk are also reasonably deep (some 45 metres) such that it is considered that views of the new houses would be limited in the streetscene. It is acknowledged that the new access would be relatively wide and that the long drive set close to the side boundaries of properties fronting Booth Lane South would be an unusual feature in the locality. However, this new drive and the views along it would only be readily apparent from public vantage points immediate forward of the site. Therefore, in this instance, whilst the proposed backland development would not be reflective of existing development in the vicinity of the site, the impact of this on the character and appearance of the area would only be limited due to the plot depths of properties in the locality of the site.

Residential amenity

- 7.6 The proposed alterations to the existing garage projection would have no implications with regards to residential amenity.
- 7.7 Turning to the impact of the new houses, whilst neither of the occupiers of Nos. 34 and 38 Booth Lane South) have objected to the application, it is nonetheless important to consider the future occupiers of these neighbouring properties. In terms of No. 34, the position of the new access and the indicative plan show that the driveway serving the houses would run to the far side of the site to No. 34 and thus would not impact on the amenity of this property. The indicative plan does however show a dwelling set to the rear of No. 34, but this dwelling is shown set in from the boundary at first floor level and the No. 34 has a 40 metre rear garden. As such, it is considered that there is scope for an acceptable scheme to come forward at the reserved matters stage with regards to the amenity of No. 34 Booth Lane South.
- 7.8 The access drive would however need to run alongside the side boundaries with No. 38 Booth Lane South and the existing dwelling on the application site (No. 36 Booth Lane South). As such, vehicle movements alongside the access drive are likely to have some impact on the amenity of

these properties. However, these existing properties are set in large plots, with No. 38 set in from the side boundary. In addition, the altered single storey projection to the side of the application property would not include any habitable accommodation such that it would act as a buffer to activity along the access drive. The indicative plans also show the development could be accommodated whilst still allowing a sizeable plot to remain for the existing dwelling (some 16 metres in width by 40 metres in depth). It is also noteworthy that the Environmental Health Officer has not objected on noise grounds. Given that the proposal is for three dwellings only, it is considered that a sensitively designed reserved matters scheme would not give rise to an unacceptable impact on the amenity of these existing properties on Booth Lane South.

- 7.9 The indicative plans show a house neighbouring the side boundary of No. 32 Booth Lane South. However this neighbouring property has a rear garden of similar depth to the application property (some 70 metres) and the new dwelling would be adjacent to the rear part of the garden such that it is considered that it would not have an unacceptable impact on the amenity of this property.
- 7.10 The new houses would back onto properties fronting Coaching Walk and these neighbouring dwellings are set on lower land levels than the application site. However, properties on Coaching Walk have generous rear garden sizes compared to modern developments, with No. 21 Coaching Walk, for example, having a separation distance of some 27 metres from its rear conservatory to the boundary with the application site. Furthermore, the indicative plans show the new dwellings set in some 10 metres from the rear boundary of the site. As such, it is considered that there is scope for a well-designed scheme to come forward at the reserved matters stage for two storey dwellings on the site that would not have an unacceptable impact on the amenity of properties on Coaching Walk.
- 7.11 In respect of the amenity of future occupiers of the new houses, it is considered that the application site is of sufficient size such that adequate amenity for future occupiers could be secured at the reserved matters stage.
- 7.12 Comments have received regarding the impact of the proposal on existing boundary treatments and these matters can be addressed at the reserved matters stage to ensure that the boundaries are secure and of an acceptable appearance.

Parking and highway safety

- 7.13 The proposal would result in the loss of garaging for the existing property. However, a large proportion of the frontage of the application site is hard surfaced such that sufficient parking would remain within the site for the existing property.
- 7.14 The application includes full details of the access arrangements for the outline proposals for the three new dwellings. The new access would accord with guidance provided by the Highway Authority and it is recommended that conditions are imposed requiring the provision of the access and its associated pedestrian vision splay.
- 7.15 Whilst the details of the access drive and parking would be addressed at the reserved matters stage, it is considered that the indicative plans demonstrate that there is sufficient space within the site to accommodate a suitable access drive and parking for the new dwellings to accord with the parking Standards.
- 7.16 Comments have also been made regarding the length of the access drive and the implications of this for the attendance of the Fire and Rescue Services if necessary and bin collection. However, fire safety is a matter that will be considered under the Building Regulations and may require additional measures such as hydrants to address concerns if they arise. In respect of bin

collection, such arrangements are not unusual for backland development and the presentation of bins would ultimately be the responsibility of future occupiers.

Other considerations

- 7.17 Environmental Health have assessed the application and recommend an informative relating to construction hours should planning permission be forthcoming.
- 7.18 The Arboricultural Officer has requested that Arboricultural Reports accompany the application. However, none of the trees on the site are subject to a Tree Preservation Order and during the case officer site visit it was noted that the trees on the site are generally set to the boundaries and have historically been pollarded and pruned such that they are not high quality specimens that would prevent development on the site coming forward. It is however recommended that an Arboricultural Report accompany a reserved matters to inform the layout of the development and this matter can be addressed by condition.
- 7.19 Comments have been received from neighbours regarding wildlife on the site. However, the officer site visit revealed that the rear portion of the site shown to accommodate the new housing on the indicative plans has been cleared of the bulk of its vegetation such that it is considered that there is not a reasonable likelihood of protected species being affected by the application.
- 7.20 Representations have been received referring to objections being made to the scheme as part of the Council's pre-application advice service on the grounds of backland development and the amenity of the existing application property. In this instance, the case officer was not able to visit the site as part of the pre-application advice, however case officers visit all planning application sites. Therefore, having had the opportunity to visit the site and, also given that the planning application is accompanied by additional details, it is considered reasonable for the comments of the case officer to be reviewed in such circumstances.
- 7.21 A neighbour has raised concerns regarding water runoff from the new houses, but this matter would be addressed under the Building Regulations.
- 7.22 Third parties have also raised the issue of the effect of the development on property values, however this is not a material planning consideration.

8. CONCLUSION

- 8.1 To conclude, the alterations to the existing garage would have no adverse impacts on the character of the area, residential amenity or parking.
- 8.2 Turning to the proposed new dwellings, the site is in an existing housing area within the urban area of Northampton and therefore the principle of new residential development on the site is acceptable under the development plan. However, the Council cannot presently demonstrate a five year housing land supply and, as such, it is necessary to assess the proposal against the presumption in favour of sustainable development. In this respect, whilst the application for new housing is in outline with all matters reserved except access, indicative details have accompanied the application. Having regard to these indicative details and the proposed access arrangements, it is considered that there would be some harm to the character of the area arising from the provision of an uncharacteristic backland form of development. However, this harm would be limited due to the large size of plots in the locality of the site. Furthermore, as part of a balanced assessment, it is considered this limited harm would not significantly and demonstrably outweigh the benefits arising from the contribution of additional housing to the Council's five year housing land supply, and associated social and economic benefits. Therefore, in this instance, it is recommended that planning permission is granted.

9. CONDITIONS

1. Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") of the new residential development shall be obtained from the Local Planning Authority in writing before any new residential development is commenced.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, AIT269PA100; and AIT269PA001A.

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

5. The residential development of the site hereby permitted shall be for a maximum of 3 dwellings only.

Reason: To accord with the terms of the planning application and to ensure a satisfactory standard of development in the interests of the character and appearance of the area, the amenity of the occupiers of adjacent residential properties and highway safety in accordance with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

6. The vehicular access and pedestrian vision splays shown on drawing no. AIT269PA001A shall be constructed prior to the commencement of the construction of the new houses hereby approved and the new access and the splays shall be retained thereafter, with the splays kept free of all obstacles to visibility over 0.6m in height above access / footway level.

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.

7. Any subsequent reserved matters applications shall include an Arboricultural Impact Assessment that details any trees to be retained as part of the final layout on and adjoining the site; a plan identifying the location and specification of fences to be installed for the protection of the retained trees; and an arboricultural method statement detailing any works to be carried out within the root protection areas of the retained trees.

Reason: In the interests of securing a good standard of development in accordance with Policies BN3 and S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

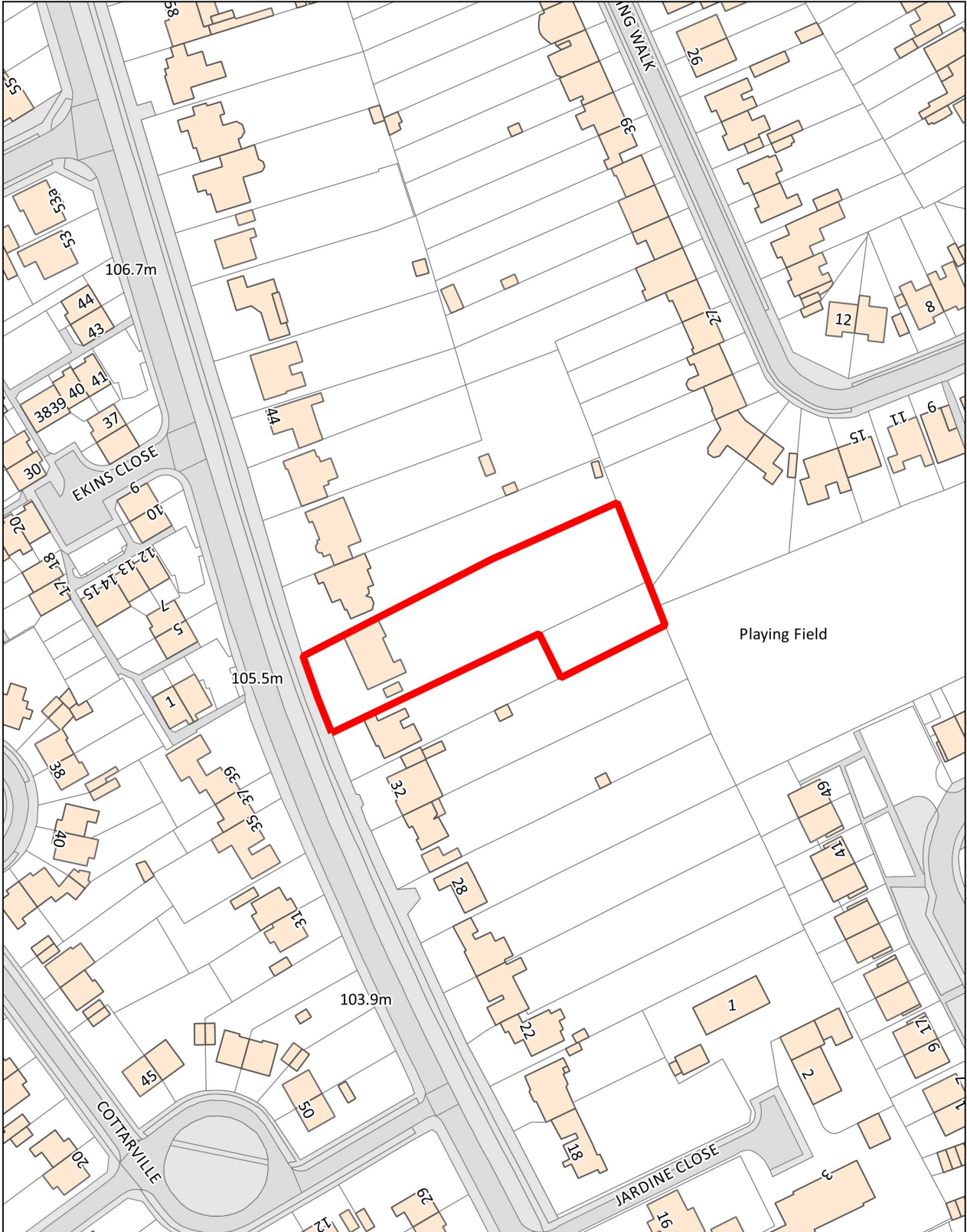
- 10.1 None.

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: **Land at & rear of 36 Booth Lane South**

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Date: 01-02-2018

Scale: 1:1,250

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