

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

APPLICATION REF: N/2017/1591

LOCATION: 95 Clarence Avenue

DESCRIPTION: Conversion of existing dwelling into 2 flats including single storey rear extension

WARD: Trinity Ward

APPLICANT: Mr G Ribokas
AGENT: Mr Mizanur Rahman

REFERRED BY: Councillor J Birch
REASON: Parking, refuse and impact on character of area

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

As the site is within an established residential area, there is no objection in principle to conversion to flats. The proposal would also contribute to the Council's 5 Year Land Supply. Due to its scale, layout and design the proposal would not have an undue detrimental impact on the appearance and character of the host building, wider area, residential amenity and highway safety to accord with Policies E20, H21, H23 and H24 of the Northampton Local Plan, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought to convert an existing two bedroom dwelling into two one bedroom flats together with a 6 metre deep single storey rear extension to create a larger kitchen, and a smaller rear infill extension to create a bathroom. The proposed extensions would be built in matching materials and have a flat roof, with a roof lantern above the larger extension. The proposed ground floor flat measures 88 square metres floor area, and the first floor unit 43 square metres. The existing basement would be retained for storage purposes. Refuse storage would be provided at the front of the property. No off road parking would be provided as part of the proposal.

3. SITE DESCRIPTION

- 3.1 The property consists of a three storey terraced dwelling with a long rear garden, approximately 27 metres in length. The property is situated on a residential street comprising a mix of houses, flats and houses in multiple occupation, and in an area where on road parking is prevalent on an unrestricted basis along the length of Clarence Avenue. The site is located in a sustainable location close to Kingsthorpe District Centre with many shops, services and public houses. The property is not in a conservation area.

4. PLANNING HISTORY

- 4.1 Permission was refused in 2017 (reference N/2017/1308) for a similar proposal which included the basement to be converted to a bedroom. On the current proposal, the basement would be used for storage purposes only. The refusal reason was as follows:

“The proposed basement bedroom would have an unacceptable level of outlook and light for future occupiers detrimental to residential amenity and therefore contrary to Policy H1 of the West Northamptonshire Joint Core Strategy, Policy H24 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework (NPPF).”

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 sections are of particular relevance to this application:

Paragraph 17 relates to good design and encourages high standards of residential amenity for all existing and future occupants of buildings.

Paragraphs 49 and 50 encourages proposals for sustainable housing development and seeks to provide a variety of house types to meet a wide range of differing housing needs.

Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduces the potential for conflicts between pedestrians and traffic.

Paragraph 56 requires that new developments be of a good quality design.

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:

S10 Sustainable Development Principles

H1 Housing Density, Mix and type of dwellings

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:

E20 New development
H21 Conversion to flats
H23 Conversion to flats
H24 Conversion to flats

5.5 **Supplementary Planning Documents**

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

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Highways (NCC)** - no comments.

6.2 **Councillor Jane Birch** - called in to committee due to concerns over parking, refuse and already a high proportion of similar uses in area.

6.3 23 neighbour objections, the comments of whom are summarised as follows:

- Parking concerns/ highway safety
- Street would be increasingly used as a rat run
- Increase in refuse/ fly tipping
- Noise disturbance
- Over-concentration of similar uses
- Greater number of occupants than existing use
- Limited access for emergency vehicles
- Property has been empty for 10 years and poorly maintained
- Impact on street scene from front refuse storage

7. **APPRAISAL**

Main issues

7.1 The main issues to consider are whether there is sufficient residential amenity for future occupiers, impact on neighbouring amenity, parking, impact on the street scene, and whether the previous reason for refusal has now been addressed.

Principle of development

7.2 By reason of the site's allocation for residential use in the Northampton Local Plan, it is considered that the development of this site for residential purposes is acceptable in principle subject, to the further considerations outlined below. If permitted the proposal would also contribute, albeit on a small basis, to the Council's 5 Year Housing Land Supply.

Amenity of future occupiers

- 7.3 In assessing the living conditions of future occupiers, the proposal needs to be considered against Saved Policies H23 and H24 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy.
- 7.4 Policy H23 specifies that planning permission will not be granted for the conversion to flats with a combined ground and first floor area of 100 square metres or less and with a frontage of less than 4.7 metres. The 2 flats have a combined ground and first floor area of approximately 108 square metres. The frontage of the flats is 5.3 metres which exceeds the minimum of 4.7m set down. On balance, it is considered that the proposal would accord with this policy. However, as this policy is dated, it cannot afford much weight in decision making.
- 7.5 In terms of the recent refusal, the basement is now proposed as storage. A condition is to be secured to ensure that the basement is retained for storage purposes only and does not become a habitable room. The current proposal is therefore in accordance with Policy H24 of the Local Plan which relates to basement conversions, seeking to ensure that adequate light and outlook is maintained.
- 7.6 Policy H1 of the Joint Core Strategy can be afforded more weight in decision making given that it is up to date development plan policy; criteria (f) relates specifically to the amenity of future occupiers. It is considered that the proposal accords with the aims of Policy H1 in terms of residential amenity due to the sufficient room sizes, given that all habitable rooms would have sufficient light and outlook.

Impact on appearance and character of host building and wider area

- 7.7 Given the siting of the rear extension behind the existing house, and not visible from Clarence Avenue, it is considered that there would be minimal impact on the street scene. Although the level of projection is large at 6 metres, the proposed rear extension has previously been approved through a recent Prior Approval application. The general appearance and design is considered in keeping with the host building and any materials would be agreed by condition to match the host building to ensure a satisfactory external appearance of development.

Impact on amenity of neighbours

- 7.8 The principle of the rear extension has been established under the prior approval process. It was considered that due to the relationship to the two adjoining neighbours' rear and side windows, that there was no undue impact on light, outlook, privacy and overbearing. Conditions that the side facing kitchen window be obscure glazed, and permitted development rights be removed for additional side windows, would be secured to prevent future overlooking.
- 7.9 In respect of the conversion itself, given that the comings and goings would likely be similar to those as the lawful use as a C3 family dwelling, it is not considered that there would be any significant impact in terms of noise and disturbance.

Parking and Highways

- 7.10 The proposal relies upon on street parking along Clarence Avenue. Given that the proposed accommodation would be unlikely to generate traffic and parking significantly beyond the existing use as a C3 dwelling, it would be difficult to object to on highway grounds. The existing house is 2 bedroom property and the proposal relates to two 1-bedroom flats, therefore the parking requirement is the same when assessed under the Northamptonshire Parking Standards. The site is also only a ten minute walk from Kingsthorpe District Centre, and bus stops on Harborough Road North and Kingsthorpe Grove are a short distance away. The Local Highway Authority raise no objections.

Other issues

- 7.11 Although there are other examples of flats in the area, it is not considered that the proposal would result in an over-concentration of such uses as there would still be a large number of family dwellings retained in the vicinity of the site.
- 7.12 The arrangement for access for emergency vehicles is no different than most other properties on the street which also mainly benefit from on road parking.

8. CONCLUSION

- 8.1 The site is located within a residential area in a sustainable location where the principle of residential use is acceptable. The proposal would not have an undue adverse impact on parking or highway safety, residential amenity or the character of the area and would contribute to the Council's 5 year housing land supply. The proposal is therefore recommended for approval, subject to the conditions below.

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: A592-2a.

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

3. The external walls of the rear extensions shall be constructed with materials of the same type, texture and colour as the external walls of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan and Policy S10 of the West Northamptonshire Joint Core Strategy.

4. The development hereby approved shall not be occupied as two flats until after the construction and completion of the approved single storey rear extensions.

Reason: In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy.

5. The basement shall be used only as a storage area and shall not become a bedroom or other habitable room.

Reason: In the interests of residential amenity to comply with Policy H24 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

- 6: Prior to the occupation of development, full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy

7. Prior to the occupation of the development hereby permitted, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

8. The side facing kitchen window in the rear extension shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining property in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

9. 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 in the side facing elevations of the proposed extension.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy..

10. BACKGROUND PAPERS

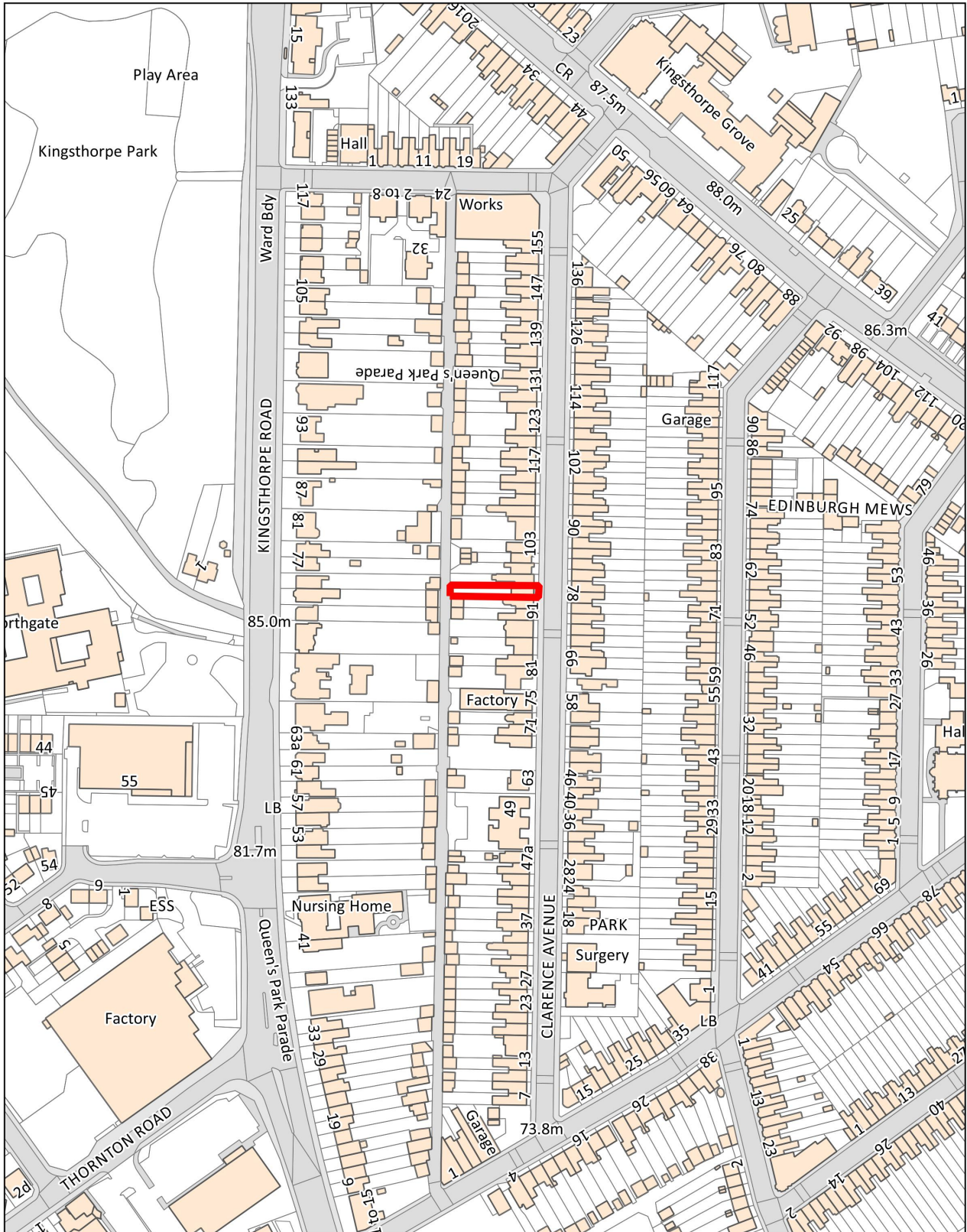
10.1 N/2017/1591

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: **95 Clarence Avenue**

© Crown copyright and database rights 2018 Ordnance Survey licence no. 10019655

Date: 02-02-2018

Scale: 1:2,289

Drawn by: -----