

PLANNING COMMITTEE: 20th November 2018
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1280

LOCATION: 18 Tanfield Lane

DESCRIPTION: Engineering operations to raise front garden levels to accommodate additional off road parking and sitting area

WARD: Rushmills Ward

APPLICANT: Mr Ifty Choudary
AGENT: RJA Designs

REFERRED BY: Head of Planning
REASON: Applicant is related to a Member of the Council

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposed development would have no adverse impact on the street scene or on the amenities of adjoining occupiers. The proposal thereby complies with Policy S10 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The proposal entails the building up of land levels to bring up the level of the part of the front garden furthest from the house to an equivalent level to the remainder of the front garden and the drive, which slopes gradually from the house.

3 SITE DESCRIPTION

3.1 The site consists of the front garden / driveway area of a detached dwelling situated in a cul-de-sac consisting of similar properties. The property is adjacent to an open field at a lower level.

4 PLANNING HISTORY

4.1 N/2018/0610 - Two storey side and rear extension and detached triple garage to front garden – Withdrawn 11/05/2018

4.2 N/2018/0743 - Two storey side and rear extensions – Approved 04/07/18

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:

Section 12 – Achieving Well-Designed Spaces

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. Policy of particular relevance is:

Policy S10 – Sustainable Development Principles

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 (Design)

5.5 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD

6 CONSULTATIONS/ REPRESENTATIONS

6.1 **Environmental Health** – Any topsoil imported to the site must be free from contaminants.

6.2 Representations received from the occupiers of four neighbouring properties making the following points in summary:

- The addition of parking will set a precedent and other houses will start to remove their front gardens.
- The provision of extra parking would allow multi-occupancy in the future
- Clean topsoil which is brought to the site will be placed on top of builder's rubble which has been dumped.
- The applicant has a collection of unique cars, so the additional space could be to accommodate these vehicles

- Concerned what the boundary will be
- Area may not be a seating area but will be used for parking.
- Parking of more than one vehicle or running a business is contrary to stipulations in the deeds
- A condition should be imposed to prevent any shelters for covering vehicles.
- Rubble should have been removed by hiring a skip.

7 APPRAISAL

- 7.1 The issues to consider are the impact on the street scene and on the amenities of adjoining occupiers.
- 7.2 The proposal involves levelling out the front garden area by raising a small area, set at a lower level, at the edge of the property and adjacent to a neighbouring sports field.
- 7.3 The use of the raised area is shown as a planting and sitting area which would be a garden area. This is not a use which would require permission and it is only the engineering operation to raise the ground level which requires permission. The plans also shows the use of the existing ground level for parking. As this is part of the existing curtilage, with a permeable surface, this also does not require permission.
- 7.4 The considerations therefore relate to the impact of the physical changes in land level. In this respect it is considered that once this work has been completed the fact that the level has been changed would not be particularly noticeable to neighbouring occupiers, other than in respect of the boundary treatment, which itself would be at a low level in comparison to the driveway and the gardens of the neighbouring properties. The use of the area for sitting out would not affect neighbours as a result of overlooking, due to the distance from the nearest neighbouring house.
- 7.5 From the point of view from the neighbouring fields, to the south-east of the site, the edge of the raised land level will be closer, but this would be screened by trees and banking on and beyond the boundary and therefore would not be apparent to those in the field.
- 7.6 Comments have been made by Environmental Health as to the type of material which is imported, however this falls outside the scope of the planning application. It can be noted, however, that the movement of materials from inside the site to this area does not constitute the importation of material, whilst controls over what material is imported are dealt with under separate legislation.
- 7.7 In respect of flood risk, it can be noted that the site is wholly outside the flood zones.
- 7.8 Stipulations in property deeds are a civil matter and not a planning consideration.

8 CONCLUSION

- 8.1 The proposed alterations in ground level would have no undue impact on the amenities of adjoining occupiers, the street scene or the character and appearance of the area.

9 CONDITIONS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: I.C. 9, I.C. 10.

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

(2) Full details of the method of the treatment of the boundaries of the raised levels shall be submitted to and approved in writing by the Local Planning Authority, and the approved boundaries shall be implemented prior to the first use of the raised area and retained thereafter.

Reason: To ensure that the boundaries of the area are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

10 BACKGROUND PAPERS

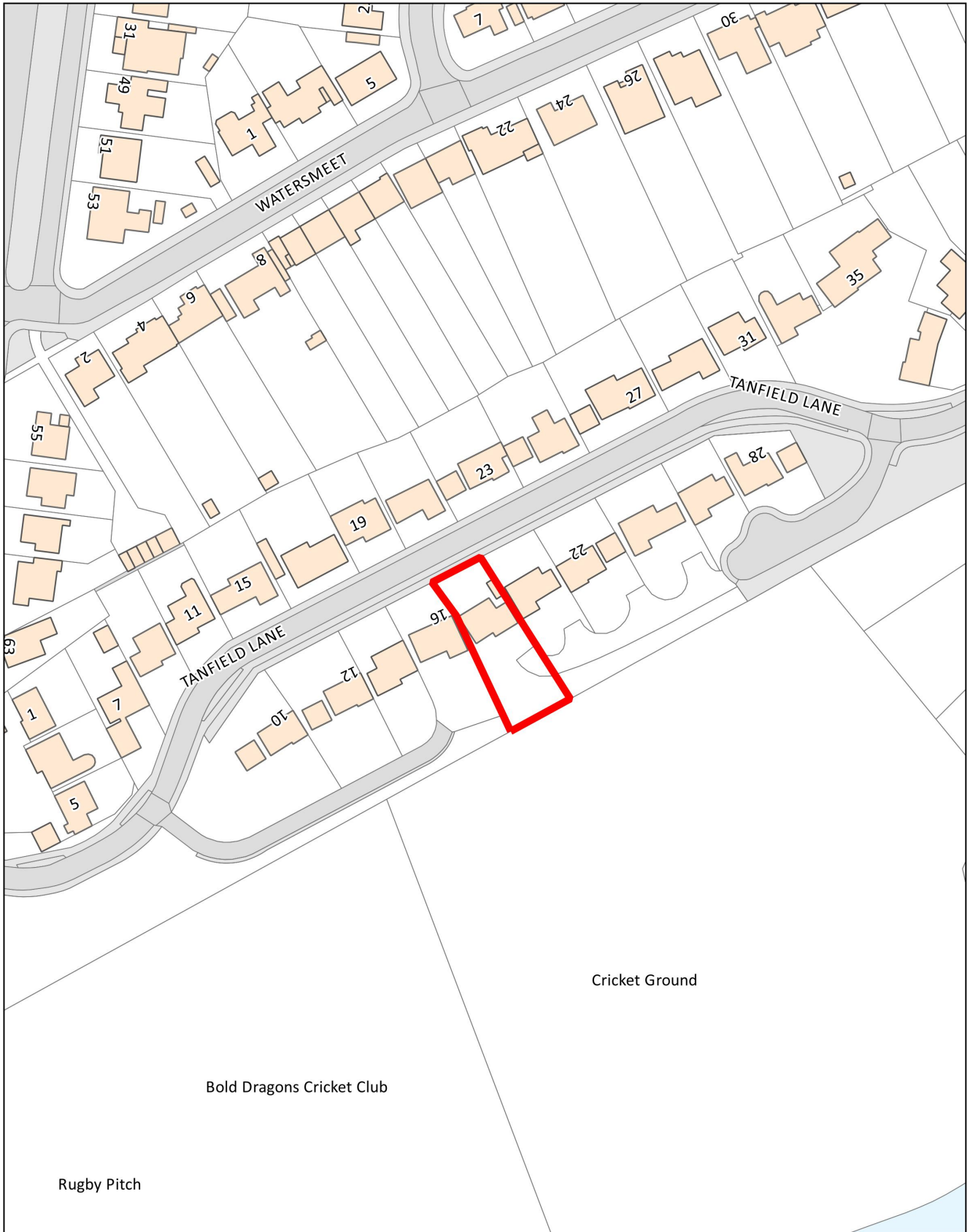
10.1 Application file N/2018/1280

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: **18 Tanfield Lane**

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Date: 06-11-2018

Scale: 1:1,250

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