

PLANNING COMMITTEE: 19th November 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1140

LOCATION: 5 Laceby Walk

DESCRIPTION: Construction of 1no terraced two storey dwelling

WARD: Talavera Ward

APPLICANT: Mr C Waite
AGENT: Zielinski Baker & Partners

REFERRED BY: Councillor D Meredith
REASON: Parking and access concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

- 1.1 The principle of residential development on the site for a single new dwelling is considered acceptable in an established residential area and would contribute towards the Council's five year housing land supply. The proposed siting, scale and design is considered acceptable and would not have undue impact upon the character and appearance of the surrounding area, neighbouring amenity, trees, security and parking/highway safety. The development is therefore compliant with the aims and objectives of the National Planning Policy Framework, Policies S1, S3, S10, H1, BN3 and BN9 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan
- ##### **2 THE PROPOSAL**
- 2.1 Permission is sought for the erection of a two-bedroom two storey terraced infill dwelling. The proposed dwelling would be attached to the existing house at no. 5 Laceby Walk, leaving a gap with the dwelling next door at no. 6 Laceby Walk of approximately 1.8 metres between side walls. The two storey element of the new dwelling would be set forward of the front elevation of no. 6 Laceby Walk by approximately 2.7 metres.
 - 2.2 The dwelling would have a ground floor kitchen, lounge, dining room and WC and two bedrooms above with a shared bathroom. The proposed dwelling would also have a rear garden measuring approximately 7.5 metres deep with pedestrian access taken from the rear garden to the parking

court at the rear of the site. The existing property would have pedestrian access through the existing garage at the rear of the site.

3 SITE DESCRIPTION

- 3.1 The site is located along a residential street comprising primarily two storey terraced dwellings generally with front gardens and dwelling houses set back from the pavement. There is car parking to the rear in a garage court and the existing property has its own garage at the rear of the site that forms part of a garage court with 15 single garages. Behind this, parking is provided on street. The site is not in a conservation area or near any listed buildings.

4 PLANNING HISTORY

- 4.1 N/2015/0040 Permission granted for additional use of dwelling for boarding for 3 dogs.

5 PLANNING POLICY

Statutory Duty

- 5.1 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.

6 National Policies

- 6.1 **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:
- 6.2 Paragraphs 7-12 - Presumption in favour of sustainable development.
Paragraph 60 - Housing needed for different groups in the community.
Paragraph 127 - Create places with a high standard of amenity for existing and future users.
Section 8 - Promoting healthy and safe communities.
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places.

West Northamptonshire Joint Core Strategy (2014)

- 6.3 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:
- 6.4 S1 Distribution of development
S3 Scale and distribution of housing
S10 Sustainable Development Principles
H1 Housing Design, density and mix
BN3 Trees
BN9 Pollution Control

Northampton Local Plan 1997 (Saved Policies)

- 6.5 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 policy is material to this application:

E20 Design of new development

Supplementary Planning Documents

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

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **NBC Tree Officer** consideration needs to be given to the Silver Birch tree to front of the site and recommend that a tree protection condition is secured on the grant of planning approval.
- 7.2 **NBC Environmental Health** No objections subject to consideration of electric charging points, low emission boilers and controls on construction hours.
- 7.3 **Northamptonshire Highways** There are already too many users of the private driveway, to add more would only exacerbate the situation and intensify risks to safety, and further erode the amenity of the local residents. Likewise, parking on the public highway should not result due to overspill parking occurring through development, which this proposal would result in.
- 7.4 **NCC Ecology** no objection to make in terms of effect on bio-diversity.
- 7.5 **Neighbour representations** received from 8 addresses on the following grounds:
- Parking and highway concerns
 - Concerns on storage of materials
 - Noise during construction
 - Access concerns
 - Over-development
 - Impact on wildlife
 - Pollution
 - Would be detrimental to the area
 - Impact on traffic in area
 - Impact on privacy and amenity
 - Security concerns
 - Concerns relating to construction process
- 7.6 **Councillor D Meredith** Call in the application due to parking and access concerns and the proposal would have a detrimental impact on the area.

8 APPRAISAL

Main issues

- 8.1 The main issues for consideration are the principle of new residential development, impact on the character of the surrounding area, impact on adjacent and proposed residential amenity, and highway conditions/ parking, trees and security.

Principle of residential development

- 8.2 The application site is located in an established residential area and would comply with Policy S1 of the Joint Core Strategy, which details that development should be concentrated primarily in and adjoining the principal area of Northampton. However, the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 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 one dwelling would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits to the local area.

Design and impact on the appearance and character of the area

- 8.3 Saved Policy E20 of the Northampton Local Plan and Policies S10 and H1 of the Joint Core Strategy place importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design.
- 8.4 The proposed design and general appearance are in keeping with other dwellings in the area, in terms of roof forms, proportions and height. In addition, the proposal would very much respect the prevailing pattern of development on this part of Laceby Walk, with the building line being staggered along the row of terraces. Any approval would also be subject to a materials condition to ensure that appropriate external appearance could be achieved. Due to the degree of site coverage, it is not considered that the proposal would be over-intensive. Even though the proposed rear garden would be a little smaller than that of the adjacent properties at 7.5metres long, the size is not considered out of keeping with the surrounding locality and would provide meaningful amenity for the future occupants.

Impact on amenity of neighbouring occupiers

- 8.5 The site is adjoined by two storey terraced dwellings on either side at nos. 5 and 6 Laceby Walk. Beyond the front garden is a public footpath serving the front of the row of existing properties, Kingfisher Lake and at the immediate rear is a garage court with residential properties behind on Marchwood Close.
- 8.6 The main neighbour impact would be on the existing windows belonging to nos. 5 and 6 Laceby Walk. In terms of no. 5, the rear wall of the new house would project 2.5m beyond the rear wall of the existing house. Although the proposal would be on the south and result in some overshadowing, the relationship is such that the impact would not be so overly significant that would justify refusal of planning permission. In terms of privacy, there would be no new side windows proposed. There would be additional overlooking to the rear garden, however, this relationship is not uncommon for terraced properties. A condition is recommended to remove permitted development rights for additional windows.
- 8.7 In terms of the effect on no. 6 Laceby Walk, the proposed dwelling would be set 2.7 metres forward of the front elevation of this property, however a gap of 1.8m would remain between the two properties. There would be some impact in terms of outlook, however, given the degree of separation, it is not considered that the impact would be sufficiently adverse to warrant a refusal of the application. The development would also be on the north of this neighbour and therefore given the orientation of the sun, loss of sunlight would be very limited as a result. In terms of privacy, there would be no first floor side windows proposed. There would be glimpsed views of the rear garden from proposed first floor rear windows but it is not considered that the overlooking is unacceptable in this instance.
- 8.8 Given front separation, there would be no adverse impact on any properties opposite the application site due to the presence of a lake. Beyond the rear garage court are the back of residential properties on Marchwood Close, however, due to much lower ground level and back to back separation of approximately 27 metres, it is considered that the degree of overlooking and loss of residential amenity would be acceptable in this instance.

Amenity of future occupiers

- 8.9 Saved Policy E20 of the Northampton Local Plan and H1 of the Joint Core Strategy all seek to secure a sufficient standard of residential amenity for future occupiers. All habitable rooms would be served by adequate light and outlook and the private amenity space would be reasonable length and appropriate for a two bedroom dwelling house. Matters relating to the energy efficiency

of buildings are addressed under the Building Regulations. Any new property will have to comply with these, the proposal complies with Policy S10 of the Joint Core Strategy.

Parking and Highways

- 8.10 The existing property owns one of the garages in the parking court at the rear of the site and there is additional parking available on street beyond this, although it is acknowledged that parking can be difficult at peak times with local residents often competing for spaces. Assessing the proposal against Local Parking standards, a two bedroom dwelling should have a minimum of two off-road spaces. However, in this instance, this cannot be accommodated within the boundary of the application site.
- 8.11 As a result, lack of on-site parking provision needs to be assessed against relevant planning policy and whether this would have an impact on highway safety. The NPPF outlines that planning applications should not be refused on transport grounds unless there is a severe impact on highway safety. In this instance, the Local Highway Authority comment that they have concerns due to intensification of an existing parking area and advise that overspill should not result onto the public highway where it would impact on amenity of residents. It is not considered that a refusal of planning permission could be justified on highway safety terms and it is unlikely that a refusal could be sustained on appeal.

Impact on Trees

- 8.12 There is a mature Silver Birch tree on the front of no. 6 Laceby Walk which requires consideration during the course of development. However, as the tree is outside the application site, planning condition cannot be imposed for its protection. An informative is therefore suggested to advise the applicant to make sure that the tree in question would not be damaged by the construction work.

Security and Crime Prevention

- 8.13 Consideration needs to be given to security measures including boundary treatment and secure fenestration in accordance with the Northamptonshire "Planning Out Crime" and guidance and Policy S10 of the Joint Core Strategy. These can be secured by condition.

Other issues

- 8.14 Controls on construction work would be secured under other legislation outside the remit of Planning. The NCC Ecology Officer raises no objections in terms of the effect of local bio-diversity.
- 8.15 In terms of electric charging points, as no on-site parking is to be provided, no charging point would be required in this instance.

8 CONCLUSION

- 9.1 To conclude, the site is in an existing residential area within the built up area of Northampton and the principle of development is acceptable and would contribute to the 5 year land supply. In this instance, the proposal would comply with the development plan and national policy and subject to conditions, no harm has been identified that would significantly outweigh benefits. The proposal is therefore considered acceptable.

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: 23025/1 and 23025/2.

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

3) Notwithstanding the submitted plans, details of all proposed external facing materials including windows and doors 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: In the interests of visual amenity and to ensure that the development will harmonise with its surrounding in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy.

4) Prior to the occupation of development, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be 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 E20 of the Northampton Local Plan 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 extensions or outbuildings shall be erected to the dwelling hereby permitted.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

6) 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 including dormers and roof windows shall be installed in any elevation to the dwelling hereby permitted.

Reason: In the interests of privacy in accordance with Policy E20 of the Northampton Local Plan.

7) 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 adjoining properties 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 in accordance with Policy S10 of of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

10 BACKGROUND PAPERS

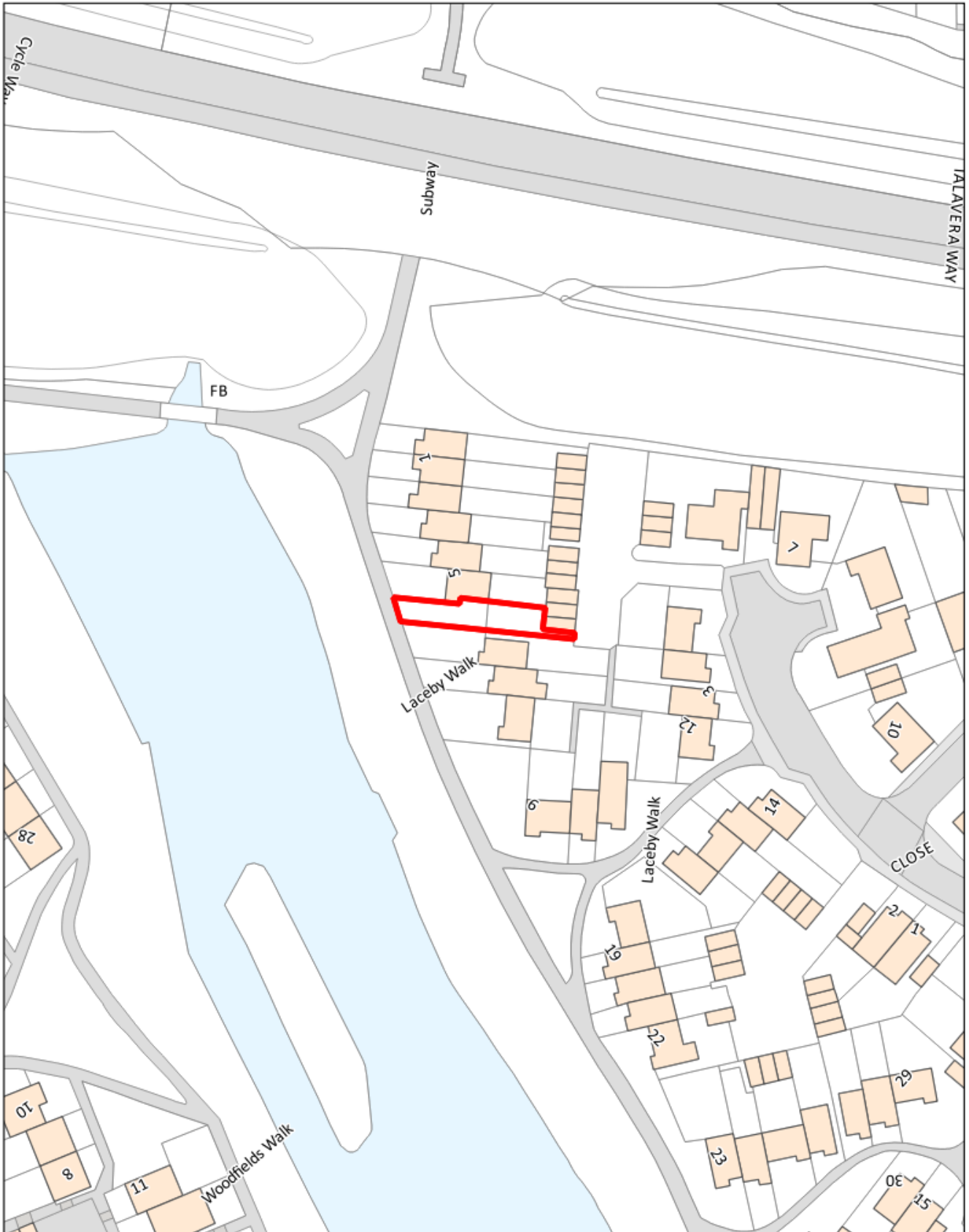
10.1 N/2019/1140.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **5 Laceby Walk**

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