

PLANNING COMMITTEE: 20th December 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1111

LOCATION: Land adj to 41 Park Avenue North

DESCRIPTION: New terraced house with detached garage to rear including demolition of single storey side bay to existing house on adjacent site

WARD: Phippsville Ward

APPLICANT: Mr Peter Kaye
AGENT: T R Dobraszczyk RIBA

REFERRED BY: Councillor Anna King
REASON: Impact on the neighbourhood

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 is considered acceptable in principle being within an established residential area. Due to its siting, scale and design, it would not have an undue detrimental impact on the appearance and character of the street scene, amenity of adjoining occupiers, trees or highway safety and would contribute towards the Council's 5 Year Housing Land Supply. The proposal therefore accords with Policies E20 of the Northampton Local Plan, H1, BN3 and S10 of the West Northamptonshire Joint Core Strategy and aims of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought for erection of an infill dwelling between 41 Park Avenue North and 43 Park Avenue North. The proposed dwelling would provide 4 bedrooms over 3 storeys. Part of the proposal includes a rear detached garage with a 4.3m high pitched roof, together with two off-road parking spaces accessed off the existing rear alley way. The new dwelling would also have a rear garden over 20 metres long. The proposal includes a refuse storage area at the rear of the property.

3. SITE DESCRIPTION

- 3.1 The application site consists of the side/rear garden belonging to 41 Park Avenue North. The property is located on the western side of a busy "A" classified road and there is currently parking along both sides of the street. The properties along this stretch are served by a rear private alleyway and many of the properties have detached garages off this. The site also contains a number of trees, none of which are protected by preservation orders. The site is not in a conservation area.

4. PLANNING HISTORY

- 4.1 No recent applications.

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: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 35: create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Paragraph 47: requires Authorities to have a five year housing land supply.

Paragraph 49: advises that housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 57: requires development to 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:

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.

Policy H1 - Housing Density and mix and type of dwellings - new housing will provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location of the site, existing character and density of the local area, accessibility to services and facilities, implications of density for affordability and viability; living conditions for future residents, and the impact on the amenities of occupiers of neighbouring properties.

Policy BN3 Trees - Relates to protection of trees of amenity value.

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.

Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Councillor Anna King** - referred to Committee as considered the proposal is detrimental to the neighbourhood.
- 6.2 **NCC Highways** - Object given that a minimum of 3 off-road car parking spaces should be provided. Concern that there is also insufficient room at the end of the parking area and inadequate visibility.
- 6.3 **NBC Tree Officer** - No objection. It is appreciated that the trees are generally of low quality and there is no grounds for refusal. Would request that a tree protection plan is conditioned clearly showing those trees to be retained and the tree protection measures to be installed including protective fencing.
- 6.4 Letter of support from **68 Park Avenue North**.
- 6.5 Objection letters received from **35, 39, 43, 52, 53, 55, 56 60, 62 Park Avenue North, 45 and 90 Broadway** on the following grounds:
 - Over-development/cramped
 - Concern on lack of neighbour consultation
 - The proposed parking is inadequate
 - Question whether parking spaces of sufficient size
 - Impact on highway safety
 - Parking bays are a security risk
 - Alleyway too narrow to allow cars to manoeuvre out of parking spaces
 - Impact on Trees
 - Would look incongruous/out of keeping with area
 - Impact on green space/loss of garden
 - Security risk to adjoining uses

- Materials would be difficult to replicate
- Concern that property may become multi occupancy
- Impact on wildlife
- Overlooking/ Loss of privacy
- Loss of light and overshadowing
- Ground stability
- Drainage concerns/flooding
- Alleyway alongside of house too narrow for bins

7. APPRAISAL

Principle of development

- 7.1 The site is located within a primarily residential area as identified in the Local Plan. Within such an area the principle of residential development is considered acceptable, subject to matters of detail being acceptable and in line with Development Plan Policy. The development of a dwelling would contribute, albeit in a small way, towards the Borough's five year housing supply.

Design and impact on appearance and character of the area

- 7.2 The original application proposed a detached house. Following officer concerns, the applicant has amended the scheme to a terraced property attached to the side of the applicant's house at 41 Park Avenue North. In terms of the street scene, it is considered that the proposed design and general appearance are in keeping with the area, picking up some of the design cues of adjoining properties by way of front gable roof and bay windows. Any approval would also be subject to a materials condition to ensure that appropriate external appearance could be achieved. The proposed detached garage would be sited at the rear of the site adjacent to the back alleyway, its design and height are considered acceptable. Given its siting, there would be limited effect on the street scene. Due to the degree of site coverage, it is considered that the proposed development is not an over-development of the site.

Impact on amenity of neighbours and residential amenity

- 7.3 The most significant impact would potentially be on the two adjoining occupiers at nos. 41 and 43 Park Avenue North. No. 43 Park Avenue North has no existing side windows. The proposed dwelling would be three storeys in height and projects 3m further forward than the rear first floor of no.43, although there is a gap of over 1.2m between the buildings at this point. There will be some degrees of overshadowing and overbearing, but it is not considered that the impact would be so significant to warrant a refusal of the application. There will also be perceived additional overlooking from the rear windows of this proposed dwelling to the garden area at no.43, however, this relationship is not uncommon in most residential areas in an urban area.
- 7.4 In terms of the relationship with no. 41, given the separation to its existing rear windows and the proposed dwelling will be located to the north, it is considered that overshadowing on no. 41 would be minimal. Again there would be additional overlooking from the rear windows to the rear garden area of no.41, but that relationship is not unusual for a terraced infill. The front elevation of the proposed dwelling will have a 25m separation distance with the properties opposite on Park Avenue North, direct overlooking to those properties would be limited and the impact is considered acceptable.
- 7.5 There are windows proposed to serve landing areas of the new dwelling. A condition will be imposed to ensure that the first and second floor windows will be glazed with obscured glass to limit overlooking to adjacent property.

- 7.6 All habitable rooms would be served by adequate light and outlook. The proposed rear garden would be in excess of 20 metres in length, and it is considered that future occupiers would have satisfactory levels of amenity.

Impact on Trees

- 7.7 There are a number of trees within the site and some have been earmarked for removal. The Council's Tree Officer confirmed that the trees are generally of low quality and not worthy of preservation order, he also recommends that a tree protection plan is conditioned to protect those marked for retention during the course of construction works.

Parking and Highways

- 7.8 The application proposes a double garage and two off-road parking spaces at the rear of the site accessed off the existing shared alleyway that leads to Broadway. Although the Local Highway Authority (LHA) recommend a minimum of three off-road spaces (for 4 bedroom dwellings), it is considered that a refusal of planning permission would be difficult to defend on appeal bearing in mind there is unrestricted on-site parking to the front along Park Avenue North and Broadway to the side. The site is located in a sustainable location within walking distance of Abington Park, and services on Kingsley Road. The site is also closed to existing bus routes. The LHA confirmed that a visitor space can be accommodated at the front of the site on Park Avenue North. The LHA also has concerns that the rear access is not wide enough to accommodate sufficient manoeuvring of vehicles. It should be noted that the situation is no different as compared with other existing garages along the rear alleyway. Although the required visibility splays are not achievable, the rear alley has a very low volume of through traffic movement and vehicle speed tends to be low. It is not considered that the application would impact on highway safety to an unacceptable degree.

Other issues

- 7.9 The owners of 43 Park Avenue North are concerned that the proposal could adversely impact on ground stability of their property. This is a matter that would be addressed at the Building Regulations stage. The concern on drainage is covered by Part H of the Building Regulations. In addition as the site is not in a flood zone and flood risk is unlikely to be a significant concern.
- 7.10 Some of the objectors are concerned that the property may be used as a house in multiple occupation. However the applicant has confirmed that this is not their intention and as the site is in an Article 4 Direction Area means that planning permission would be required for such a change of use. There is no evidence to suggest that the site has any special wildlife or protected species. The County Ecological Officer also considers that the presence of protected species is unlikely. In terms of refuse, the side alleyway between the proposed house and 43 Park Avenue North would be between 1.2metres and 1.6metres wide, it is considered that there is sufficient room for the storage of refuse and recycling facilities on site.

8. CONCLUSION

- 8.1 Although the proposal only involves the provision of one dwelling, it would nonetheless contribute to the Council's 5 year housing supply. Assessing against development plan and national policy, it is considered that on balance the proposal would have a satisfactory impact on the appearance and character of the street scene, neighbouring amenity and highway safety.

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: 2401/ 3A, 4B, 5B, 6B, 7A.

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

- 3) Details of all proposed external facing materials shall be first 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 surroundings in accordance with Policy E20 of the Northampton Local Plan.

- 4) 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 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.

- 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 additional windows shall be installed in the side facing elevation of the proposed development at first and second floor levels.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

- 6) 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, implemented prior to the first occupation of the building 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.

- 7) The parking spaces at the rear of the site indicated on the approved drawing 2401/5B shall be constructed prior to first occupation and retained for the sole purpose of parking in connection with the new dwelling and retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety to comply with the National Planning Policy Framework.

- 8) No development shall take place until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority clearly detailing trees to be removed and retained with associated tree protection measures. The details shall be implemented in accordance with those agreed and the fencing erected prior to commencement of construction works and maintained throughout the entirety of the construction period.

Reason: In the interests of sound arboricultural practice to accord with Policy BN3 of the Joint Core Strategy.

- 9) The first floor and second floor side facing landing windows in the north elevation 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.

10. BACKGROUND PAPERS

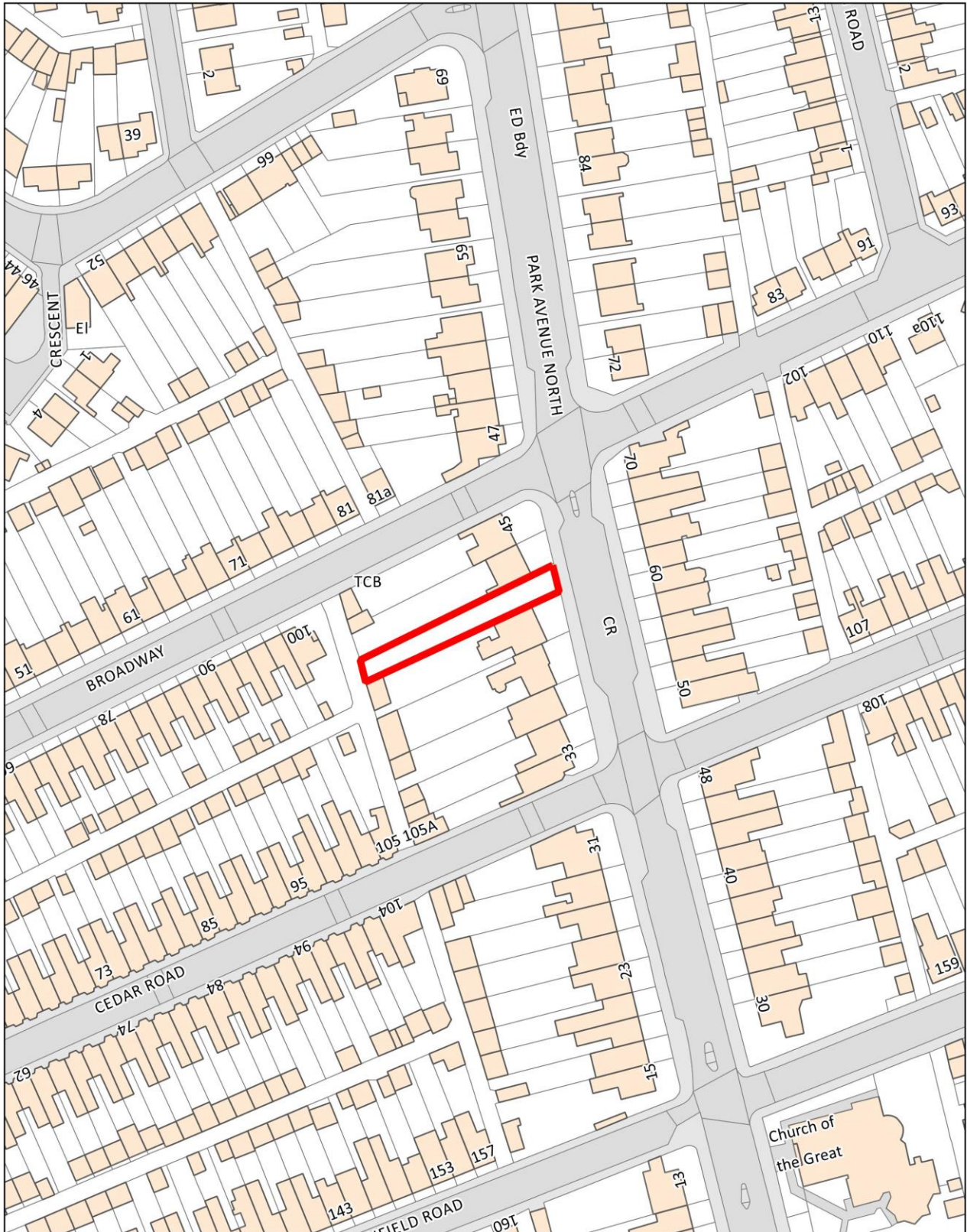
- 10.1 N/2016/1111

11. LEGAL IMPLICATIONS

- 11.1 The development is Community Infrastructure Levy (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 adjacent to 41 Park Avenue**

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Date: 07-12-2016

Scale: 1:1,250

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