

PLANNING COMMITTEE: 13th June 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0155

LOCATION: 28 The Lawns

DESCRIPTION: Two storey rear and side extension

WARD: Old Duston Ward

APPLICANT: Mr Harry Barnes
AGENT: LMR Designs

REFERRED BY: Councillor T Hadland
REASON: Out of character with the area

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The design and appearance of the proposed development is acceptable and would not lead to any unacceptable impacts on the character and appearance of the host dwelling, wider area and amenity of neighbouring occupiers and subject to a conditions to ensure adjacent trees are protected during construction, complies with Policies E20 and H18 of the Northampton Local Plan, Policies S10 and BN3 of the West Northamptonshire Joint Core Strategy, Policies OP1 and H5 of the Duston Neighbourhood Plan, the Council's Supplementary Planning Document on Residential Extensions and the aims of the National Planning Policy Framework.

2. THE PROPOSAL/BACKGROUND

2.1 Permission is sought for a single storey side extension to the south and two storey extensions to the north and rear and includes the conversion of one of the integral garages to living accommodation. The proposal originally included the erection of a new detached garage. Due to concerns about the impact the proposed garage would have on the root protection area of adjacent protected trees, amended plans were first received which re-located the garage further away from the boundary. However, due to continued concerns, the proposed garage has now been removed from the scheme.

3. SITE DESCRIPTION

- 3.1 The application site consists of a two storey modern detached dwelling with an integral double garage located at the head of a cul-de-sac within The Lawns. The dwelling is situated at the end of a private drive which serves three other properties. It has a private rear garden which wraps around the sides of the dwelling and slopes downwards to the rear. The site abuts the rear garden of 29 The Lawns to the north east, 27 The Lawns to the south east, Bants Lane allotments to the south west and 135 Harlestone Road to the north west.
- 3.2 Planning permission for 12 new dwellings at 135 Harlestone Road has recently been granted (N/2016/0083 refers). Trees on this site which are adjacent to the boundary with the application site are protected by a tree preservation order.

4. PLANNING HISTORY

- 4.1 None.

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, and emerging Neighbourhood Development Plans where relevant.

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 design and protecting amenity of other properties.

Paragraphs 56 and 57 promote good design in new development.

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 – development will achieve the highest standards of sustainable design incorporating safety and security considerations; protect, conserve and enhance the natural and built environment; enhance biodiversity and reduce the fragmentation of habitats; and minimise pollution from noise, air and run off.

BN3: Woodland enhancement and creation – development that would lead result in loss of aged or veteran trees will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss.

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 – seeks to secure development which has an acceptable design and layout and achieves acceptable standards of amenity.

Policy H18 – Extensions to dwellings – permission will be granted subject to acceptable design and appearance and in keeping with the character and appearance of the host dwelling and the effect upon adjoining properties.

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Residential Extensions and Alterations Design Guide SPD

5.6 **Other Material Considerations**

Duston Neighbourhood Plan

At Full Council on 14th December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

The following policies are relevant to the determination of this proposal:

OP1 – Sustainable development Principles – development should have regard to the vision and objectives set out in the Neighbourhood Plan and be located to ensure it does not affect the amenity of nearby residents and the character and appearance of the local area in which it is located.

H5 – The design of residential conversions and extensions – should be designed to reflect the character of nearby buildings and their setting. Require particular attention to materials, scale including roof heights, layout within the plot, parking provision and the relationship with adjoining and nearby properties.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Councillor Tim Hadland** – calls application to be determined by Planning Committee. Concerned that the proposal would change the nature of the cul-de-sac and give it a terraced feeling out of keeping with the area.

6.2 **Duston Parish Council** – no comments received.

6.3 **NBC Arboricultural Officer – Original comments:**

The application was accompanied by a Tree Survey Report. The trees form part of an important linear group principally situated within the rear garden of 135 Harlestone Road which are subject to protection within Tree Preservation Order.

The development proposals do not require the removal of any trees. However, the Root Protection Areas (RPA) of the off-site trees do extend considerably into the application site and the crowns of the trees do overhang the site boundary. The conflict with the RPAs appears to be

approaching the maximum percentage encroachment for permanent hard surfacing recommended within BS5837:2012. This is compounded further by the slope of the garden and the particularly close siting of the garage to the trunk of T2. Would recommend that initially the garage is moved away from the boundary. This would reduce the encroachment into the RPAs and increase the distance from the trunk of T2.

Comments following consultation on amended scheme:

Confirmed that even with the reduction in the size of the garage there is still considerable encroachment into the root protection areas (RPA) of trees T1 and T2.

It is accepted that theoretically there is a foundation design that would be acceptable but it has to be recognised that there are potential difficulties in designing a low impact foundation system that would cause minimal impact on the trees. Would be very reluctant to recommend that the foundation design can be conditioned if consent was granted and consider it is important that an acceptable foundation system is designed before consent is granted.

- 6.4 **Bants Lane Allotments Association** – concerned that the habitat of birds, bats and frogs will be destroyed if development is allowed. Stated that the rear extension will bring development closer to the allotment boundary and asked if this is permitted. Stated that noise and disturbance will unsettle nesting birds and wildlife and impact on allotment users. Concerned that excavations for the garage will destroy tree roots of trees that provide natural screening to the allotment.
- 6.5 **29 The Lawns** – objection. Considered proposal is overdevelopment of the site, detrimental to the street scene and neighbouring amenity and contrary Duston Neighbourhood Plan Policy. Stated that house extension is excessive, will be overbearing, create overshadowing and be completely out of character. Stated that the new en-suite window will impact on privacy. Concerned about impacts of foundations, footings and pilings on the adjacent TPO trees and that excavations close to the boundary with their property could cause subsidence and affect drainage. Stated that the crown spread of TPO trees currently restricts daylight to their property and that 4.1 metres high garage will worsen this situation. Consider size of garage is excessive and will dwarf existing boundary fence and detrimentally impact on the enjoyment of their garden. State that the revised plans fail to address the terracing effect when viewed from the street and the higher roof line, 4.3 metre wide garage and extended bedroom 1 worsens neighbouring amenity. Stated that any alteration to the proposed vehicle hardstanding to the front will result in water run off onto their property.
- 6.6 **27 The Lawns** – objected to the original scheme as considered it was overbearing and out of character with the surrounding area. No comments received to amended scheme.
- 6.7 **30 The Lawns** – objected to the original scheme stating that the proposal was out of character and excessive in proportion to surrounding properties. Also concerned about restrictions to daylight and sunlight. Concerned that the property will be used as a business causing an increase on traffic and parking. No comments received to amended scheme.

7. APPRAISAL

Main issues

- 7.1 The main issues to consider are the impact on the appearance and character of the host dwelling, wider area, adjacent TPO trees and amenity of adjoining occupiers.

Impact on appearance and character of host building and wider area

- 7.2 The amended proposal is for single and two storey side and rear extensions to the house and for the conversion of an integral garage to living accommodation.

Although the proposed side extensions and increase in roof height would be visible from The Lawns, it is considered that the effect on the street scene would be reasonably limited as the property is set back from the public highway and would not appear unduly prominent. The proposed design, appearance and scale are considered in keeping with the host dwelling and any approval would be subject to a matching materials condition to ensure a satisfactory external appearance. The rear extension will not be visible in the street scene. Although the proposal would result in the loss of an integral garage there is still availability for 3-4 off street parking spaces at the site.

Impact on amenity of neighbours

- 7.3 To the south a single storey side extension will be 3.3 metres wide and 8.9 metres deep. It will be set back 2.5 metres from the front elevation and have a sloping roof with a maximum height of 3.8 metres and an eaves height of 2.5 metres. There are no windows in the front elevation that will overlook the adjacent neighbouring property at 27 The Lawns. Due to the set back of the extension behind the 1.8 metre high boundary fence between the properties, it is considered it will not unduly impact on neighbouring amenity by reason of overbearing or overshadowing.

- 7.4 A two storey extension is proposed to be built to the rear (west side) which will wrap round and extend the building to the side (north side)) of the property. The extension will project 3.3 metres to the rear and will involve raising the roof height of the existing lower section of roof to match the ridge height of the existing (8 metres). Whilst the rear of the property will be closer to the boundaries with 135 Harlestone Road and Bants Lane Allotments, there will be no increased impacts of overlooking than existing. The two storey element will project 2.7 metres from the side of the existing wall on the north side and will be set back 5.5 metres from the front of the existing dwelling. This element of the application will be sited 6.5 metres from the boundary with 29 The Lawns. Due to the relationship and orientation of the properties, there will be no substantial impact in terms of overbearing or overshadowing. A first floor window in the proposed two storey extension will serve an en-suite bathroom. A condition to ensure this is obscure glazed will protect the privacy of the neighbouring property. A condition removing permitted development rights for additional windows will be imposed to prevent any future potential overlooking.

Impact on TPO trees

- 7.5 A linear group of trees protected by a tree preservation order are situated adjacent to the boundary with the application site within the rear garden of 135 Harlestone Road. The Root Protection Area (RPA) of the off-site trees extend into the application site and the crowns of the trees overhang the site boundary. A Tree Survey Report was submitted with the original application which identified that it was only the original proposed garage that conflicted significantly with the root protection areas of the trees. The garage was re-located to reduce the impact however it was considered that it had not been satisfactorily demonstrated the root protection areas of the trees would not be significantly impacted. Accordingly, the garage has been removed from the application. As a result, it is not considered that the house extensions will unduly impact on the adjacent trees and subject to a condition to protect the trees during construction, the proposal is considered to be satisfactory.

8. CONCLUSION

- 8.1 It is considered that the amended application for the extension of the dwelling with the proposed new garage removed would result in an acceptable form of development, which would have a neutral impact upon the surrounding properties, the character and appearance of the area, the adjacent trees and highway safety. It is considered that the proposal would be in conformity with

the requirements of national and local planning policies and is therefore recommended for approval.

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: 0160047-001, 0160047-002, 0160047-003, 016-047-004, 016-047-005, 016-047-006 (received 26/5/17).

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

- 3) The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof 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.

- 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 additional windows shall be installed in the front or side facing elevations of the proposed extensions.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

- 5) Prior to the commencement of any construction work on site, the erection of fencing for the protection of the adjacent trees shall be undertaken in accordance with the details as specified in the submitted Tree Survey Report dated March 2017.

Reason: To ensure adequate protection of existing protected trees on the adjacent site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy and Policy E20 of Northampton Local Plan. This is a pre-commencement condition to ensure proper protection of trees.

- 6) The proposed en-suite windows on the first floor 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 adjacent property in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

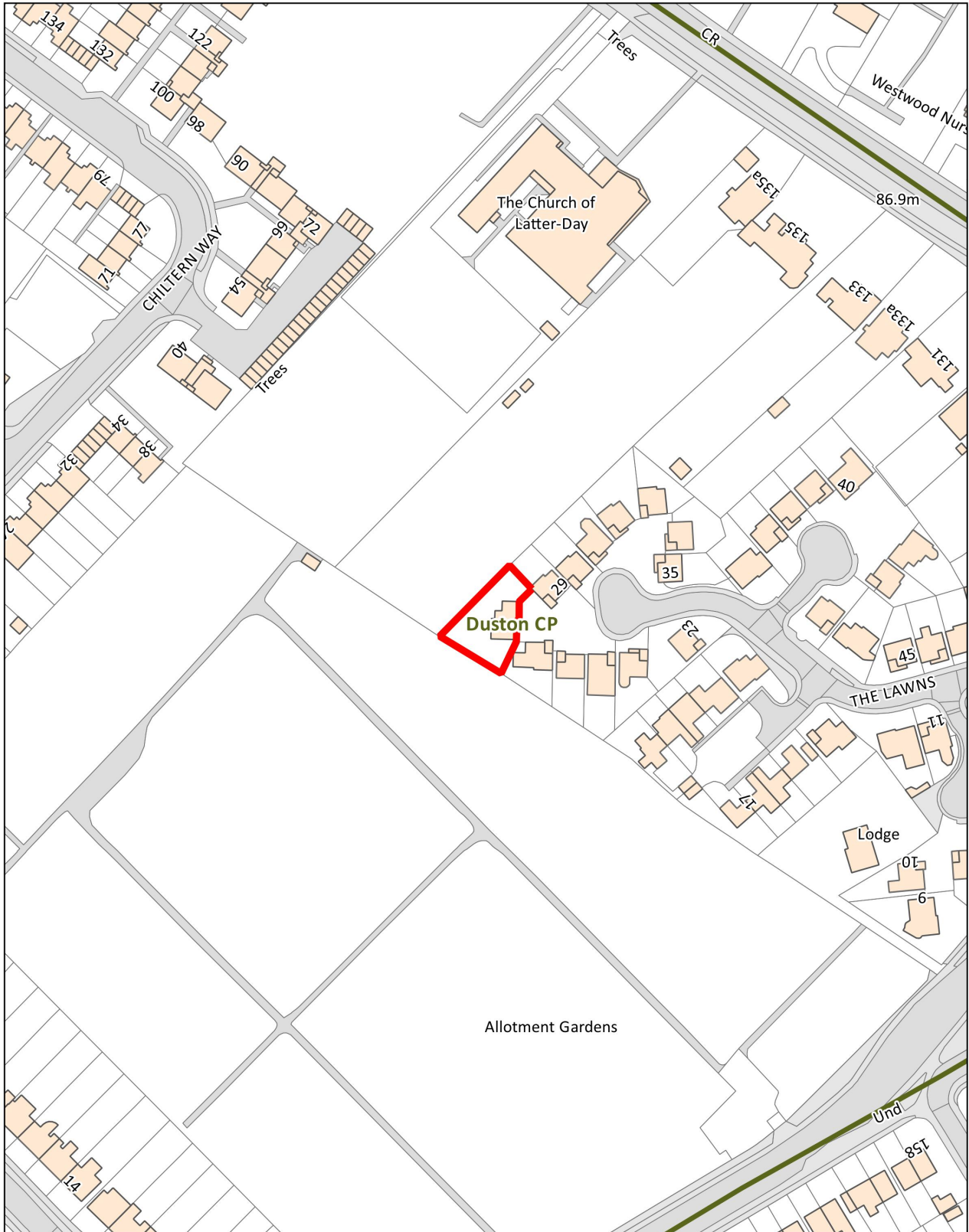
- 10.1 N/2017/0155.

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: **28 The Lawns**

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Date: 01-06-2017

Scale: 1:1,500

Drawn by: -----