

PLANNING COMMITTEE: 28th July 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0424

LOCATION: 7 Laurel Valley

DESCRIPTION: Extension of existing detached garage to create self contained annexe including raising ridge height, installation of external staircase and dormer (Retrospective)

WARD: East Hunsbury Ward

APPLICANT: Mr Richard Gartside
AGENT: N/A

REFERRED BY: Councillor P Larratt
REASON: Impact on neighbours

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 of the existing dwelling, local area and parking provision, and that the scheme as amended would not lead to any undue impact on adjacent residential amenity. The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, and saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The application is for the extension of an existing detached garage to create a self-contained annexe above including raising the ridge height and the installation of an external staircase, dormer window to the front and two velux windows to the rear. The application is retrospective.

3 SITE DESCRIPTION

3.1 The application property consists of a modern detached two-storey dwelling within a residential cul-de-sac comprising of detached properties on relatively large plots. The dwelling is set back from the road with a detached garage situated to the rear of the dwelling close to the southern

boundary of the site. The height of the garage has been extended to form an annexe at first floor level, the subject of this application.

- 3.2 The property is located within a residential area with properties to the north, west and south. To the south of the site are the rear gardens of properties located on Laurel Valley and Tanglewood respectively. To the east and rear of the application site is Collingtree Golf Course.

4 PLANNING HISTORY

N/2017/0263 - Proposed two storey rear extension, single storey side extension and additional windows to side elevations. Approved 27.04.17.

N/2007/003 - Two storey side extension. Approved 13.02.07.

N/2000/33 - Garage extension. Approved 23.02.00.

N/1999/847 - Garage. Refused 9.11.99.

N/1999/317 – Rear conservatory. Approved 28.05.99.

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) and the Northampton Local Plan (1997) saved policies.

National Policies

- 5.2 **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:

Paragraphs 7-12 – Presumption in favour of sustainable development

Section 12 – Achieving well designed places

Paragraph 127 seeks to ensure a high standard of amenity for existing and future users.

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

Policy H1 Housing Design, Density and Mix

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 policy is material to this application:

Policy E20 – New Development (design)

5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Councillor Larratt:** objects and calls the application in to Committee. Comments received are summarised as follows:

- Concern application is retrospective and will just get approved and treated differently had the building not been completed.
- Impact on the amenity of the neighbour.
- Overlooking from side window to neighbouring property and impact on privacy of the garden.
- Impact from mood lighting on neighbouring property emanating from window in west elevation.
- No guarantee hedge along boundary will remain.
- Need not evidenced or justified.
- Concern regarding inaccuracies in planning statement.

Further comments received on amended plans:

- Pleased with the revised plans, but in the interests of openness and transparency maintains request for the application to be determined by Committee.

6.2 **Collingtree Parish Council:** comments received are summarised as follows:

- Concern application is retrospective and that this sets a precedent.
- Impact on privacy of neighbouring property.
- Request window (in west elevation) is removed and relocated to avoid overlooking.
- Concerned garage did not form part of any previous applications to extend the house.

6..3 Objections received from a third party are summarised as follows:

- Object to extension (especially west facing window) and change of use.
- Do not understand why plans were not included in the previous 2017 application.
- Acceptance of retrospective application creates a poor precedent.
- Garage permitted in 2000 makes no reference to habitable rooms or change of use.
- Loss of privacy to garden to rear garden and rear of property.
- Restrictive covenants in original development.
- Seek clarification on Building Regulation compliance for previous applications.
- Request west elevation window is removed.
- Proposal is a breach of Class E of the GPDO.
- No reference to annexes in the Council's planning guidance or policies.
- Altering the window to a fixed opaque window would not resolve loss of privacy issue.
- Incidental use and reasonable requirement for annex needs to be demonstrated.
- Request building is reduced in height and returned to original use as a garage.

Further comments received on amended plans:

- Pleased to see window in the west elevation has been removed.
- Pleased to see shared concerns regarding application from Parish Council and Councillor Larratt.
- Nothing to add to previous submissions.

7 **APPRAISAL**

Principle of development

- 7.1 The development comprises of a double garage at ground floor, with an external staircase within the garden of the host property providing access to open plan living accommodation at first floor with a kitchen area and separate shower room. The submitted Planning Statement for the application advises that the annexe is intended to provide ancillary accommodation to enable the applicant's sons to extend their stay within the family home, and to provide usable living space for the applicant's ageing parents when they come to stay.
- 7.2 Due to the self-contained nature of the accommodation and its physical separation from the host dwelling, it could potentially be used as an independent dwelling. However, access to the annexe is from within the garden of the principal dwelling and, despite its scale, the building remains subordinate to the host dwelling. The interdependence of the principal dwelling in this case is as a result of the need to share both pedestrian access, parking space and private amenity space to the rear of the property.
- 7.3 A separate dwelling in this location, due to potential issues of amenity and parking provision, is unlikely to be acceptable and, therefore, a condition ensuring that the use of the annexe remains ancillary and solely for the use of dependants of the occupants of the host dwelling is proposed to ensure that the annexe does not form a separate planning unit.
- 7.4 The use of the building for an ancillary residential use in the form of an annexe in a residential area is therefore acceptable in principle.

Design

- 7.5 Saved Policy E20 of the Local Plan, Policy S10 of the JCS and the NPPF place great importance on the quality of design of new development.
- 7.6 A detached garage was approved under application N/2000/33 to the rear of the dwelling and close to the southern boundary of the site. The garage was designed with pitched roof and a slight hip to the north and south elevations with rooflights in the eastern elevation.
- 7.7 The current application seeks retrospective consent for an increase in ridge height of 0.8m to that previously approved and constructed, retaining the approved footprint, with the insertion of a dormer to the front elevation, two rooflights to the rear and an external staircase providing access to an annex at first floor level.
- 7.8 The garage is set back within the site behind and to the side of the main dwelling and has been constructed with materials to match the existing dwelling. The building has been designed to be in keeping with the host dwelling and retains a subordinate appearance with the ridge height remaining below that of the host dwelling. Furthermore, there is mature hedging along the southern boundary of the site which obscures views of the building when approaching the site from the entrance to Laurel Valley and further mature planting to the rear of the site obscuring public views from the golf course. As such, despite its height, the building is not visually prominent within the street scene and public vantage points.
- 7.9 The design and appearance are considered acceptable and in accordance with the above policy requirements.

Residential amenity

- 7.10 The NPPF and saved Policy E20 seek to ensure a good standard of amenity is maintained for existing occupiers when considering proposals for new development.
- 7.11 No. 6 Laurel Valley is situated to the north of the application site with a door providing access to a utility room and a first floor obscure glazed window on the side elevation overlooking the application site and a single storey extension to the rear. The external staircase and otherwise blank side elevation of the garage/annexe is situated approximately 13m away from this

neighbouring boundary, with a mature boundary hedge approximately 2m high along the boundary. In view of the distance from this neighbouring boundary, it is not considered there is any unacceptable impact on the amenity of this neighbouring property in respect of overlooking or overshadowing from the development.

- 7.12 Nos. 1 and 2 Tanglewood are situated to the south of the application site. No.2 Tanglewood is situated side on and with a blank elevation facing towards the southern boundary of the application site approximately 16m away. The rear elevation of the garage/annexe is orientated towards the garden of this neighbouring property with two velux windows in the roof slope. The boundary between the two properties is comprised of mature trees and vegetation which predominantly screen the development. In view of the existing screening and that the velux windows are at height and angle that would limit any overlooking, it is not considered the development adversely impacts on the amenity of this neighbouring property.
- 7.13 No. 1 Tanglewood is orientated with habitable room windows within the rear elevation facing towards the application site and the rear boundary of No. 8 Laurel Valley, with the garden extending towards both boundaries. The garage/annexe building is orientated side on to this neighbouring boundary, set in approximately 2m from the boundary with a first floor window in the side elevation overlooking the garden of No. 1 Tanglewood. The side elevation of the garage is situated in excess of 27m from the rear elevation of this neighbouring boundary. Whilst the first floor window to the annexe is visible, in view of this distance it is not considered the development results in any unacceptable overlooking of the rear habitable room windows of No. 1 Tanglewood. However, in view of the proximity of the garage/annexe to this neighbouring boundary, the first floor window, despite the presence of mature vegetation along this boundary, does overlook the neighbouring garden to the extent that it is considered there is an adverse impact on the privacy of this neighbouring occupier. Whilst amended plans were submitted to provide an obscure glazed and fixed shut window, it was considered that the presence of the window still resulted in a perception of being overlooked and therefore harm to residential amenity. Further amended plans have now been submitted to remove and brick the first floor window up, resulting in a blank elevation facing towards this neighbouring property. In view of the length of the garden and presence of existing boundary screening which assists in breaking up the mass of the building which is not significantly larger than that previously approved, it is not considered that the scale of the development results in any adverse impact in respect of being visually overbearing on this neighbouring property.
- 7.14 The garage/annexe is set back from the boundary with No. 8 Laurel Valley and screened by the existing mature high hedge along the southern boundary. As such, the development is not considered to adversely affect the amenity of this neighbouring property.
- 7.15 The garage is set behind the host dwelling and is set back from the highway so it is therefore considered that due to the separation distance to the neighbouring properties to the front the proposal, it would not affect their amenity in terms of overlooking or loss of privacy. The rear of the site faces onto Collingtree Golf Course and does not have any direct residential neighbours.
- 7.16 It is considered that the development as amended, with the removal of the first floor window in the side elevation, would not lead to any adverse impact on the amenity of neighbouring occupiers and the proposal is considered acceptable in this regard. A condition is proposed to ensure the development is carried out in accordance with the plans and Planning Enforcement would liaise with the applicant to ensure the first floor side window is removed within an appropriate timescale.

Parking

- 7.17 The footprint of the garage/annexe would not alter and existing parking provision on site, which comprises a large parking area to the front and side of the dwelling, would remain unchanged. The existing dwelling comprises a 6-bedroom property requiring 3 spaces plus 1 visitor space in accordance with the Northamptonshire Parking Standards (2016). The addition of a further bedroom within the annex would not increase this parking requirement. As such, it is not

considered the development would lead to any adverse impact on parking. It is considered however, that the use of the building as a separate planning unit and the current parking arrangement would adversely impact on residential amenity, hence the proposed condition for the building to be used solely as an annexe.

Other considerations

- 7.18 Whilst concerns regarding the retrospective nature of the application are noted, planning legislation allows for the submission and consideration of retrospective planning applications.
- 7.19 Restrictive covenants are not a planning consideration.
- 7.20 Concerns raised in respect of the development being in breach of Class E of the General Permitted Development Order are irrelevant. Class E relates to the provision of buildings incidental to the enjoyment of a dwellinghouse and sets out criteria as to when planning permission is required. The development proposed includes the provision of a self-contained annexe and therefore does not fall within the criteria set out in Class E and requires planning permission.
- 7.21 The ancillary nature of the annexe is accepted and would be controlled by condition. Separation to form a separate planning unit would require planning permission.
- 7.22 Building regulations in respect of previous applications is not relevant to the consideration of this application.

8 CONCLUSION

- 8.1 It is considered that the design and appearance of the proposed development is acceptable and would not lead to any unacceptable impacts on the character of the existing dwelling, local area and parking provision, and that the scheme as amended would not lead to any undue impact on adjacent residential amenity. The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, and saved Policies E20 and H18 of the Northampton Local Plan.

9 CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, RG4, RG5 rev B dated 26.6.2020 removing and bricking up first floor window on West elevation, RG6, RG7, RG8, and SG13A.

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

- 2) The annexe hereby permitted shall be occupied for residential purpose by dependants of and ancillary to No. 7 Laurel Valley and at no time shall it form a separate planning unit.

Reason: A separate planning unit would be undesirable in this location on the grounds of parking and visual and residential amenity in accordance with Policy E20 of the Northampton Local Plan.

- 3) 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 first floor side elevations of the development hereby approved.

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

10 BACKGROUND PAPERS

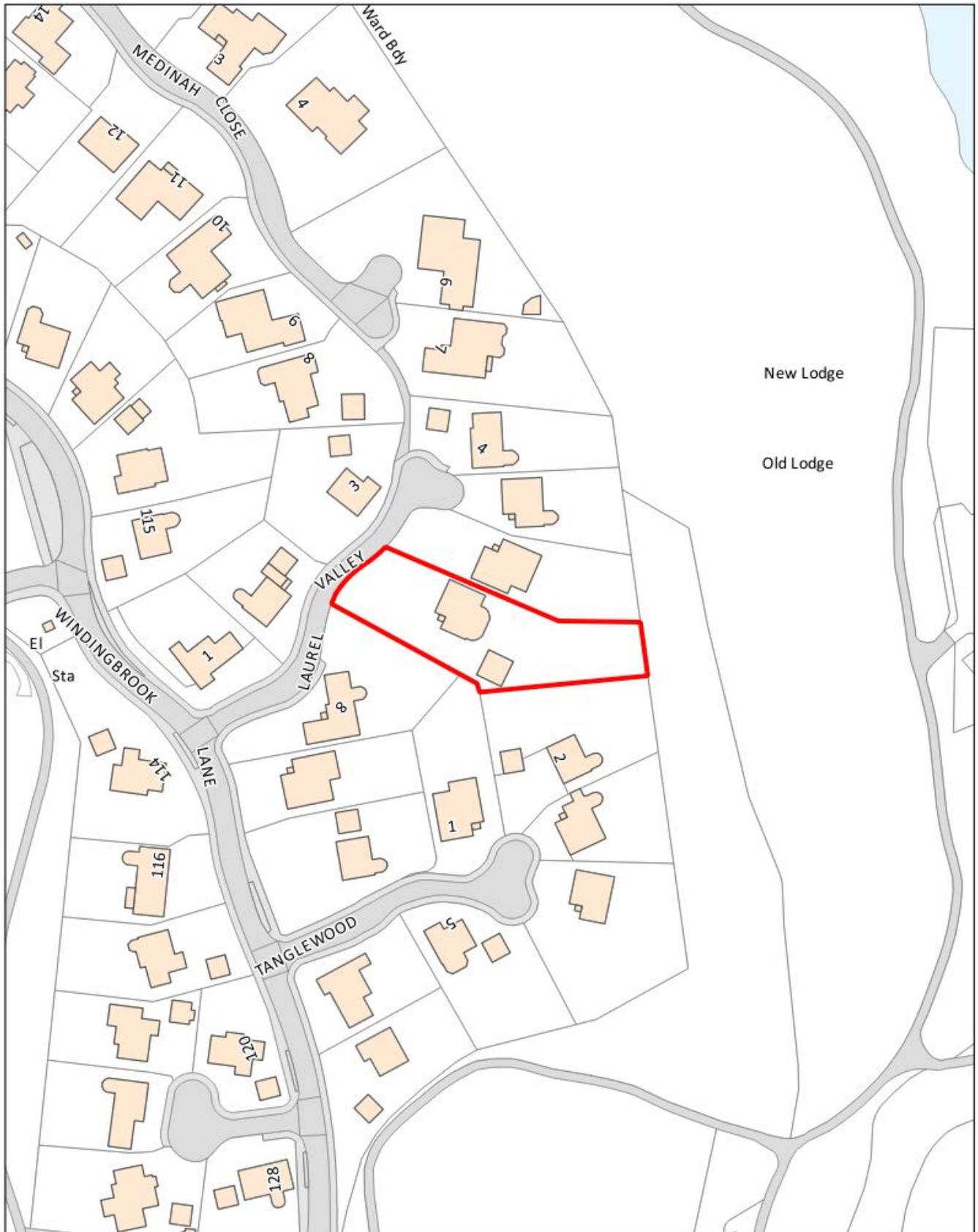
10.1 N/2020/0424.

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: **7 Laurel Valley**

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Date: 17-07-2020

Scale: 1:1,250

Drawn by: -----