

Application Number: WND/2021/0923

Location: Land to Rear of 31, Kilsby Road, Barby,
Northamptonshire, CV23 8TU

Development: Reserved matters application (appearance,
landscaping and scale) for construction of dwelling
(access from Almond Close).

Applicant: Mr J Loydall

Agent: Philip Baumber Architectural Ltd

Case Officer: Tim Cantwell

Ward: Braunston & Crick Ward

Referred by: Assistant Director, Planning and Development

Reason for Referral: Call in by Cllr Humphries

Committee Date: 10th May 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS.

Proposal:

The proposal is a reserved matters application following grant of outline permission (DA/2021/0165). The reserved matters are for the appearance, landscaping and scale of a detached dwelling house with access off the end of Almond Close, Barby.

The house will be a 1.5 storey structure with side gables and dormer windows to front and rear. It will be constructed from bricks with a tiled roof to match materials in the street scene. It will be set-back from the public footpath with 2 no. off-road parking spaces to one side. It will have a modest rear garden enclosed by a timber fence.

Consultations:

The following consultee raised objections to the application:

- Barby Parish Council

The following consultees have raised no objections to the application:

- Local Highway Authority
- Lead Local Flood Authority

The following consultees are in support of the application:

- None

Three (3) letters of objection have been received and zero (0) letters of support have been received.

Conclusion:

The application has been assessed against the relevant policies in the Development Plan, the National Planning Policy Framework, and other relevant guidance as listed within the report.

The key issues arising from the application are:

- Principle of Development
- Design and Appearance
- Impact on Neighbouring Amenity
- Highway Safety/Parking
- Loss of Trees/Habitat

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and the key issues are discussed in more detail in the main body of the report below, which also provides details of consultation responses, planning policies, the officer's assessment, and recommendations.

Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is enclosed garden land to the rear of 31 Kilsby Road, Barby and backs onto the end of a cul-de-sac, Almond Close. The new dwelling house will be accessed from the end of the cul-de-sac and will sit within the Almond Close street scene.
- 1.2 Almond Close is a cul-de-sac dating from the mid to late twentieth century and mainly comprises 1.5 storey houses constructed from brick. The houses are set fairly close together behind modest open fronts and short driveways. Some residents park their vehicles in the road, including the turning point at the end of the cul-de-sac.
- 1.3 The site is currently enclosed by a fence and is on slightly lower ground than the highway and adjacent properties at the end of Almond Close. There are a number of trees within and around the site (none of which benefit from a Tree Preservation Order).

2 CONSTRAINTS

- 2.1 The site is neither in a conservation area, nor within the setting of a listed building,

and the garden trees are not protected. The site is sufficiently sized to accommodate infill development facing onto Almond Close, but given the proximity of adjacent houses, any new proposal should be mindful of potential impacts on neighbouring amenity. The street scene does have a particular character in terms of design, form, and materials palette, so any new proposal should be in keeping with that.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal is illustrated on the submitted drawings.

- 3.1 The proposal is for a 1.5 storey detached house which will face onto, and be accessed from the end of Almond Close. Some existing trees within the site will need to be removed to make way for the development, and the fence that currently encloses the site from Almond Close will be taken down so that it has an open front.
- 3.2 The house will be set back from the footpath by 2.5m at its closest point and will have a staggered footprint with modest projecting elements to front and rear. As such, it will be 9.9m wide, 7m deep in the middle section, and 8m deep on each of the side elements. It will have side gables with eaves at 2.9m and 4.1m due to its off-set form. The roof ridge will be 7.7m high, but as the site is on lower ground than surrounding properties, it will only be 7.1m above the public footpath. There will be mini-gabled dormers to front and rear, finishing materials will match those seen in the street scene. A crossover and dropped kerb will be formed on the footpath with a driveway sloping down the right side of the house. This will be retained by a dwarf wall which will also extend around the front boundary to replace the concrete retaining wall and timber fence that currently enclose the site. A rear garden approximately 14m wide by 8m deep will be enclosed by existing retaining features either side, and a recently installed timber fence across the boundary with 31 Kilsby Road.
- 3.3 It is important to note that the proposal has been amended since first being submitted following officer advice. Changes have included: reducing the width of the house to enable maintenance on the north side, clarifying driveway and crossover details, changing the finish from render to brick, changing rear windows to reduce/eliminate overlooking, and corrections to boundary lines.

4 RELEVANT PLANNING HISTORY

- 4.1 There is a short planning history relating to approved extensions to 31 Kilsby Road and just two relevant applications for the site itself: DA/88/1688 was for a larger house but was refused due to poor design, impact on neighbouring amenity, and lack of amenity space.
WND/2021/0165 was the outline application linked to this reserved matter's application.

5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 Development Plan

West Northamptonshire Joint Core Strategy (WNJCS)

- SA – Presumption in Favour of Sustainable Development
- S3 – Distribution of Housing Development (Housing Targets)
- R1 – Spatial Strategy for the Rural Areas

Settlements and Countryside Local Plan (Part 2) for Daventry District (LPP2)

- NP1 – Community Led Planning
- RA2 – Secondary Service Villages
- ENV10 - Design

Barby & Onley Neighbourhood Development Plan (NDP)

- BO-GP1 – General Principles
- BO-D1 – Design
- BO-D2 – Local Landscape Character
- BO-H1 - Scale and Type of Housing

5.3 Material Considerations

National Planning Policy Framework (NPPF)

- Chapter 2 – Sustainable Development
- Chapter 5 – Housing Supply
- Chapter 12 - Design

National Design Guide

Local Highway Authority Parking Standards

Local Highway Authority Standing Advice

6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Local Highway Authority	<ul style="list-style-type: none"> - Suggested an informative about securing a licence to carry out works over the public highway. Otherwise, no objections.
Lead Local Flood Authority	<ul style="list-style-type: none"> - As the site is less than 0.1ha and in Flood Zone 1, there is no requirement for a risk assessment.
Barby & Onley Parish Council	<p>Objected for a number of reasons, including:</p> <ul style="list-style-type: none"> - Does not meet criteria for 'infill' development - Is too large for the plot and will be imposing within the street scene. - Will overshadow neighbouring properties. - Tandem parking arrangements create additional parking manoeuvres which represent a risk to pedestrian safety. - Loss of trees. - No information on site drainage or site levels. - Inaccurate boundary lines.

7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1 Three local residents submitted letters (emails) objecting to the proposal, and there were no letters of support. Issues raised largely mirror those of the parish council and included:

- Does not meet criteria for infill development
- Negative visual impact
- Negative impact on neighbours due to loss of light/overlooking
- Lack of amenity space
- Loss of trees/amenity.
- Roof tile colour/texture not in keeping
- Risk to highway safety
- Lack of information on site drainage.
- Proposed soakaway too close to a neighbour's boundary
- Technical inaccuracies with drawings

8 APPRAISAL

Principle of Development

8.1 The principle of development has already been established via the outline application, WND/2021/0165. This approved the layout and access arrangements for a modest sized dwelling set back 2.5m from the footpath and with access off Almond Close. The amended drawings for this application are in line with those approved arrangements, so there are no valid planning grounds to raise objection to the already approved layout and access arrangements. Nonetheless given the concerns raised by the Parish council and objectors, it is briefly clarified in this report for transparency.

8.2 The new house will be small scale and reflect the density of other houses in the immediate street scene, which is a policy requirement for infill development, and this was fully explained in the report for the outline application. However, a continuing objection to siting a house in this particular location is because it does not comply with the definition for 'infill development' in policy BO-H1 of the Barby & Onley NDP. That defines infill as:

Development which fills a restricted gap in the continuity of existing buildings where the site has existing building curtilages, normally residential, adjoining on at least two sides...'

The obvious interpretation of this is a clear and useable gap in linear development along one side of a street, because 'back-land' development behind an existing row of houses is not desirable. However, this development will not be 'back-land' in the same sense, because it will be accessed off the street that it directly faces. Indeed, the definition of infill could also be interpreted as development that fills a restricted gap at the end of a cul-de-sac, if there are residential curtilages either side, which there is. The semantic point being made here is that 'continuity of buildings' doesn't have to be a straight line; but can be U-shaped as well.

Having covered off this point, it is necessary to deal with the substantive matter of the application, namely appearance, scale and landscaping. Other material considerations, such as impacts on neighbouring amenity, highway safety and other issues raised by consultees/residents are also discussed.

Scale and Appearance

- 8.3 The relevant policies and material considerations are RA2 and ENV10 of the LPP2, BO-D1 and BO-H1 of the Barby & Onley NDP, and paragraph 130 in the NPPF. These all require (amongst other things) that new development is sympathetic to the surrounding built environment in terms of character, form, design and materials.
- 8.4 The design of the house will be similar to those in the street scene, which are largely 1.5 storey with dormers. It will also be set back from the footpath and have an open front to match the general pattern of development along Almond Close. Some objectors argue that it will be higher than neighbouring houses either side (nos. 22 and 29 Almond Close) and will be visually intrusive within the street scene. However, the street scene drawings (SP/01 Rev B) clearly show that it will be subservient to neighbouring properties, which is largely due to it being built off lower ground. In terms of materials, the proposed bricks will match those in the street scene, but the texture and colour of the roof tiles may not. As such, a condition can be imposed to ensure roof tiles are in keeping with those in the street scene. Householder permitted development rights will also be removed in order to ensure the house remains small scale and in keeping with the wider built environment.

Landscaping and Habitat

- 8.5 The relevant policies and material considerations are largely as above as it is important that any landscaping is in keeping with the surrounding environment. However, policy BO-D2 of the Barby & Onley NDP is also relevant as it seeks to protect existing local trees and habitats, and policies BN2 of the WNJCS, ENV5 of the LPP2, and chapter 15 of the NPPF all seek a net gain in biodiversity.
- 8.6 The boundary treatment to the front will be largely hard-paved and open which will be in keeping with a number of house fronts within Almond Close. The drawings include a dwarf retaining wall to replace the existing concrete gravel boards on the front boundary, but it is not known whether this will protrude above footpath level. Therefore, a condition will be imposed for details, to ensure that it will be level or at most, a few courses above footpath level. Objectors have argued that the loss of 4 no. trees and potential to damage the roots of neighbouring mature trees is an issue. However, the Arboricultural Impact Assessment (AIA) which accompanies the application states that the trees to be lost have low value and measures can be taken to protect the roots of nearby mature trees. Whilst the removal of 4 no. trees may represent a loss of biodiversity, it is not considered a significant enough loss to warrant a refusal. Indeed, the AIA concludes:

‘...the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site will not be adversely affected as a result of the local planning authority consenting to the proposed development.’(p4)

- 8.7 The appraisal now turns to other material issues that have been raised.

Amenity Space

Amenity space has already been covered off in the report for the outline application under the discussion on layout; but has been raised as an issue as the rear garden is perceived to be too small. The relevant policies are those already mentioned on design, but also relevant is policy CW1 of the LPP2 which suggests that all development proposals should consider health and wellbeing through the design and layout. Similarly, the National Design Guide states that there should be adequate amenity space for both functional uses (e.g. bin storage) and for private use (e.g. relaxation). The rear garden will be approximately 14m x 8m which is 112 sq.m and enough to meet the external space requirements of a typical family. It is also comparable to the rear garden space of some existing properties in Almond Close.

Neighbouring Amenity

The relevant policies and material considerations are those already mentioned on design as they tend to include caveats about protecting neighbouring amenity. Objectors claim that the size will be overbearing for neighbours and it could overshadow their properties. However, the size has already been discussed and deemed to be acceptable, plus the new house will be set back in relation to 22 and 29 Almond Close rather than sit directly between them. With respect to the houses to the rear (29, 31 and 33 Kilsby Road), there will be about 20m space separation to the closest house (no. 31), and for nos. 29 and 33 there is also a high degree of natural screening. As such, the new dwelling house cannot be considered overbearing when viewed from any of the neighbouring houses, and any overshadowing will be minimal.

Overlooking has also been cited as an issue, but the rear dormer window and rooflights will be obscure glazed and 1.7m above floor level to prevent overlooking. The dormer window will also be on a restricted hinge. There is a window serving a bedroom on the south side wall, but this will face a cluster of established trees which has mutual benefit. In winter, with less foliage, the window will only have angled views of the blank side gable of 22 Almond Close, and partial views of the end of the garden of 29 Kilsby Road.

One objector claims the siting of the proposed soakaway close to the rear boundary may give rise to water egress across the boundary. However, the siting and integrity of the soakaway is covered by Building Regulations, not the planning regime.

So, whilst there will be some impact on neighbouring amenity, it is not significant enough to warrant a refusal.

Highway Safety and Parking

The relevant material considerations are the LHA's Standing Advice and the LHA's Parking Standards. These contain specifications for residential vehicle accesses and parking spaces. Policy BO-GP1 of the Barby & Onley NDP also states that there should be adequate off-road parking.

The vehicle crossover to the highway will meet with the relevant specifications so there is no issue with that, although the applicant will be required to secure a licence from the LHA to install the crossover. There is a requirement for 2 no. off-road parking spaces for 3 bedroomed houses, and these are shown on the drawings, but are in tandem rather than side by side. The latter enables vehicles to move off the driveway independently of each other, but the additional vehicle movements required

to get a 'trapped' car off the driveway when parked in tandem may present a very slight risk to pedestrians and/or give rise to one car being parked on the road instead, which has its own highway safety problems. However, being as the site is at the end of a cul-de-sac with no passing traffic, and any additional vehicle manoeuvres will be at very slow speed, as such it is not considered to be a risk to highway and pedestrian safety. Furthermore, the LHA have not objected to the proposal.

Other Planning Considerations

Officers agreed with objectors that there were obvious inaccuracies with the siting of the boundary line on earlier versions of the proposal; but this has been addressed through revised plans. Officers are satisfied that the revised plans are sufficiently accurate to enable the planning application to be determined.

One neighbour still claims there is an inaccuracy. It should be stressed that the Land Registry Office state that every official copy of a title plan is supplied with the following note: "*This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries*". Any dispute over the precise location of property boundaries is a civil matter.

9 FINANCIAL CONSIDERATIONS

- 9.1 Community Infrastructure Levy (CIL) is chargeable on this development. However, the applicant will be claiming the self-build exemption, and all forms have been correctly submitted and acknowledged.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The principle of development in this location has already been established via the approved outline application (DA/2021/0165), and the reserved matters meet with local and national policy requirements. Other planning issues that have been raised by consultees or local residents have been addressed in the report; or can be controlled by suitable conditions. As such it is considered that the proposal should be approved in line with the principle of sustainable development.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 It is recommended that the application be **APPROVED** subject to conditions as set out below with delegated authority to the Assistant Director for Planning and Development to approve any amendments to those conditions as deemed necessary.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

REASON: To comply with Section 91 of the Town & Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. The development hereby permitted shall be carried out strictly in accordance with the amended drawings which were received by the LPA on 20/02/23, namely: P/02 Rev E, P/03 Rev D, and SP/01 Rev B.

REASON: To ensure development is in accordance with the approved drawings and to enable the LPA to consider the impact of any changes to the approved drawings.

3. All tree removal and tree protection shall be as per the Arboricultural Impact Assessment provided by Arbtech Consulting Limited which was stamped as valid by the LPA on 29/11/22.

REASON: To protect existing natural habitat and minimise biodiversity loss in accordance with policy B0-D2 of the Barby & Onley Neighbourhood Development Plan (NDP).

4. Prior to construction works above slab level, samples of the materials to be used for the walls and roof shall be left on site for the LPA's written approval. Development shall then be carried out with the approved materials.

REASON: To ensure the appearance of the new dwelling is visually compatible with the surrounding built environment in accordance with Policy ENV10 of the Daventry Local Plan and policies B0-H1 and B0-D2 of the Barby & Onley Neighbourhood Development Plan (NDP).

5. Prior to construction works above slab level, drawings and details of the dwarf retaining wall on the front boundary shall be submitted to the LPA for their written approval. Development shall then be carried out in accordance with the approved details.

REASON: To ensure the appearance of the new dwelling is visually compatible with the surrounding built environment in accordance with Policy ENV10 of the Daventry Local Plan and policies B0-H1 and B0-D2 of the Barby & Onley Neighbourhood Development Plan (NDP).

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls within Schedule 2, Part 1 Classes A, AA, B, C, D, and E, and/or Part 2 Classes A and C without the prior express consent of the Local Planning Authority.

REASON: To ensure any future development is visually compatible with the surrounding built environment in accordance with Policy ENV10 of the Daventry Local Plan and policies B0-H1 and B0-D2 of the Barby & Onley Neighbourhood Development Plan (NDP).

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed. Replacement glass or hinges to those approved would not require the LPA's express permission.

REASON: To ensure any future development is visually compatible with the surrounding built environment in accordance with Policy ENV10 of the Daventry Local Plan and policies BOH1 and B0-D2 of the Barby & Onley Neighbourhood Development Plan (NDP).

INFORMATIVE

The applicant is reminded that a Section 184 licence will be required from the Local Highway Authority in order to install the vehicle crossover. All works to the public highway shall also be carried out by approved contractors.