

Planning Committee Report

Committee Date: 6th September 2022

Application Number: WNN/2022/0814

Location: Land to rear 17 North Western Avenue, Northampton

Development: Demolition of existing garage structures and erection of two storey partially adaptable dwelling at rear of 17 North Western Avenue

Applicant: Mr Nigel Berril

Agent: Mr Stukeley James

Case Officer: Adam Walker

Ward: Kingsthorpe South Unitary Ward

Referred By: Councillor C Hawes

Reason for Referral: Considers there are no material reasons for refusal and the application should be considered by Committee

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks full planning permission for the demolition of existing garage and erection of two storey dwelling to the rear of 17 North Western Avenue.

Consultations

The following consultees have raised **no objections** to the proposed development:

- Environmental Health
- Kingsthorpe Parish Council
- Northamptonshire Police

The following consultees are **in support** of the proposed development:

- Councillor Cheryl Hawes

The following consultees have raised **comments/observations** on the proposed development:

- Local Highway Authority

No public representations have been received to date.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on the character and appearance of the area
- Living conditions of the future occupier/s
- Impact on neighbouring occupiers
- Parking and highway safety

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. The proposed development would represent a cramped and incongruous feature which would be out of keeping with the street scene due to its tight relationship with the plot boundaries. The proposal is thereby contrary to guidance in the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policies E20, and H10 of the Northampton Local Plan and emerging policies 1 and 2 of the Northampton Local Plan Part 2.
2. The proposed development would represent a poor standard of accommodation due to the obscure glazing to the bedroom window which would not provide an acceptable outlook for a main habitable room. The proposal is thereby contrary to guidance in the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policy E20 of the Northampton Local Plan and emerging policies 1, 2 and 4 of the Northampton Local Plan Part 2.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and 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 relates to part of the curtilage belonging to 17 North Western Avenue, Northampton. The property forms a large, detached dwelling located on the corner of North Western Avenue and Foxgrove Avenue.
- 1.2 The application site lies to the rear of the dwelling and comprises of a single storey double garage with a lean-to timber shed to one side and hard surfacing to the front. The garage is accessed from Foxgrove Avenue, where there is a double set of timber gates to the boundary. The site also includes some of the dwelling's existing garden area.

- 1.3 The site is located within a residential area. No. 61 Foxgrove Avenue borders the site to the south east and the rear garden of 19 North Western Avenue abuts the south western boundary.

2 CONSTRAINTS

- 2.1 There are no specific constraints.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 It is proposed to demolish the existing garage structures and erect a two storey dwelling.
- 3.2 The proposed dwelling would front onto Foxgrove Avenue and would comprise of a large garage, entrance space and storage area on the ground floor and an open plan living area and a bedroom with en-suite on the first floor. Parking space would be provided to the front of the dwelling and garden space to one side.
- 3.3 The dwelling would have a hipped roof and would be faced in a mixture of brick and render with tiles to the roof.
- 3.4 The proposal is described as a partially adaptable dwelling and includes a large integral parking area that would allow for wheelchair access around the parking space.

4 RELEVANT PLANNING HISTORY

- 4.1 The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
WNN/2022/0450	Demolition of existing single storey garage and construction of new two storey dwelling	Withdrawn
WNN/2021/1084	Demolition of existing single storey garage and construction of new two storey dwelling	Withdrawn
WNN/2021/0480	New detached dwelling	Refused
N/2018/0689	Games Room over existing double garage with WC below and connection path to existing house	Refused
N/2017/0863	Demolition of existing garage and erection of a 2 storey building consisting of a garage to the ground floor and living accommodation above with external access staircase	Refused
N/2014/0152	Erection of detached dwelling	Withdrawn

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.

Development Plan

West Northamptonshire Joint Core Strategy - Local Plan (Part 1) (LLP1)

- 5.2 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 SA – Presumption in Favour of Sustainable Development
- Policy H1 – Housing Density & Mix & Type of Dwellings
- Policy H4 – Sustainable housing
- Policy S1 – Distribution of Development
- Policy S3 – Scale and Distribution of Housing Development
- Policy S4 – Northampton Related Development Area
- Policy S10 – Sustainable Development Principles

Northampton Local Plan 1997 (Saved Policies)

- 5.3 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 – Design
- Policy H10 – Backland Development

Material Considerations

- 5.4 Below is a list of the relevant Material Planning Considerations

- **National Policies**

The 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 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided
- Paragraph 127 (f) - seeks to create safe and healthy places with a high

standard of amenity for existing and future users.

- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
- Policy 2 – Placemaking and Design (Moderate weight)
- Policy 4 – Amenity and layout (Moderate weight)
- Policy 5 – Carbon reduction, sustainable design etc (Moderate weight)
- Policy 6 – Health and wellbeing (Significant weight)
- Policy 14 – Type and Mix of Housing (Moderate weight)
- Policy 33 – Highway network and safety (Significant weight)
- Policy 35 – Parking standards (Significant weight)

Supplementary Planning Documents

- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)

6 RESPONSE TO CONSULTATION

6.1 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.

6.2 Where consultation responses have not been received, the comments reflect those made by those consultees earlier this year in relation to an identical application (ref WNN/2022/0450) that was withdrawn in July 2022. Given that there has not been any material change in circumstances, the consultee responses remain relevant to the current application.

Consultee Name	Position	Comment
Local Highway Authority	Comment	The plans need to demonstrate suitable access width, visibility splays, access gradient, drainage, access surfacing and driveway length (minimum 5.5m).

		(Comments made in relation to WNN/2022/0450)
Environmental Health	No objection	Conditions recommended for contaminated land, a construction management plan and provision of an electric vehicle recharging point.
Kingsthorpe Parish Council	No objection	No objection. (Comments made in relation to WNN/2022/0450)
Northamptonshire Police	No objection	The dwelling addresses the street and has on plot parking. All doors and windows should meet the requirements of a recognised third party accredited security standard. (Comments made in relation to WNN/2022/0450)
Councillor Cheryl Hawes	Support	The applicant has attempted to comply with all the issues on the previously refused applications. Having spoken with the applicant and looked at the submitted plans and the previous applications, I am struggling to see any material planning reasons as to why this application should be refused.

7 RESPONSE TO PUBLICITY

- 7.1 The publicity period expires on 5th September 2022. At the time of writing, no third-party representations have been received. Any responses received prior to the committee meeting will be reported within the committee addendum.

8 APPRAISAL

Background and planning history

- 8.1 As set out at paragraph 4.1, there have been several planning applications in recent years to form a two storey building on the application site, all of which have either been refused or withdrawn. The proposals have been for a new dwelling, a residential annex and an ancillary building to the main dwelling.
- 8.2 The most recent refusal was for a detached dwelling (WNN/2021/0480), which was refused on the following grounds:
- The development would represent a cramped and incongruous feature which would be out of keeping with the street scene due to its tight relationship with the

plot boundaries and design of the front elevation which is dominated by an overly large garage door

- The adverse effect on the amenities of neighbouring properties due to visual dominance and overlooking
- The poor standard of accommodation due to the small size of the only window serving the proposed bedroom
- Detrimental impact on highway safety due to the inadequate driveway length to the front of the garage

8.3 The above application is a material consideration in the assessment of the current scheme.

8.4 An application was subsequently submitted for a new dwelling which sought to address the previous reasons for refusal (WNN/2021/0480). That application was withdrawn by the applicant earlier this year in light of concerns raised by officers with the impact of the development on the character and visual amenity of the street scene and the standard of amenity for the future occupier. A further application (WNN/2022/0450) for an identical form of development was then submitted and also withdrawn (application withdrawn July 2022).

8.5 The current proposal is identical to the two previously withdrawn applications.

Principle of Development

8.6 The application site is located within a residential area that forms part of the established urban area of Northampton and which is well served by existing services and facilities. The proposal is therefore compatible with the nature of the surrounding area and represents development in a sustainable location. The principle of the development is therefore considered to be in accordance with Policies S1 and S10 of the West Northamptonshire Joint Core Strategy.

8.7 The Council cannot currently demonstrate a five year housing land supply and the proposal would add to the supply of housing in Northampton, albeit on an extremely modest scale, and this weighs in favour of the application.

8.8 The proposal is described as a partially adaptable dwelling. It includes a large integral parking area that is designed to allow for wheelchair access around the parking space as well as an area that appears to be for use as a lift.

8.9 A dwelling that can be adapted in the future is consistent with the aims of Policies H1 and H4 of the Joint core Strategy as well as Policy H14 of the emerging Local Plan Part 2 in terms of supporting the delivery of a range of housing, including housing capable of meeting the changing circumstances of the occupiers over their lifetime.

8.10 The principle of development is therefore considered to be acceptable, subject to assessment of the matters detailed in the remainder of this appraisal.

Impact on the character and appearance of the area

8.11 Saved Policy E20 of the Northampton Local Plan places great 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. Policy 2 of

the emerging Local Plan relates to placemaking and the design of new development and it is considered that moderate weight can be afforded to this policy. Saved Policy H10 of the Northampton Local Plan states that planning permission for the development of residential backland will not be granted unless it can be shown that the siting and layout of the development will not be detrimental to the character and amenity of the locality.

- 8.12 The proposal is for a two storey dwelling fronting onto Foxgrove Avenue which would be located at the end of a row of two storey properties. This part of Foxgrove Avenue is characterised by semi-detached dwellings with some detached and terraced houses existing slightly further along Foxgrove Avenue. There is a gentle gradient to Foxgrove Avenue and the properties gradually step down towards the site, following the topography of the street.
- 8.13 The development would sit immediately adjacent to No.61 Foxgrove Avenue. This neighbouring property has been extended to the side and as result the dwellinghouse is almost up to the boundary with the application site. No.61 forms the end property in a row of three semi-detached properties, most of which have been extended to the side and this has reduced the physical separation between these dwellings.
- 8.14 The proposed dwelling would be set down in relation to No.61, reflecting the topography and character of the area. The general bulk and scale of the dwelling would also be in keeping with the existing street scene and the hipped roof would reflect the appearance of neighbouring properties, including No.61.
- 8.15 The proposal would however be very tight up against the rear boundary of the site, with the rear elevation being approximately half a metre from the garden of 19 North Western Avenue. The dwelling would also be separated from the boundary with No.61 Foxgrove Avenue by a similar distance, resulting in a very narrow separation distance between the proposed dwelling and the side elevation of No.61. Officers are of the opinion that this gives the dwelling a cramped appearance, and this is further exacerbated by the narrow garden for the proposal which lies to the side of the house and would be an uncharacteristic feature as properties in the surrounding area all have relatively long rear gardens.
- 8.16 It is considered that the dwelling's cramped positioning within its plot would give it the appearance of an obvious form of backland development which would fail to harmonise with the established character of the area and result in an incongruous addition to the street scene. This is exacerbated by its position at the end of the row of houses on the south western side of Foxgrove Avenue and its prominence when entering Foxgrove Avenue from the north west.
- 8.17 Certain elements of the proposal also do not meet high standards of design. The ground floor front elevation does not provide an active frontage to the street because it only contains an entrance door and a garage door, which is not the case with neighbouring properties because these have main windows on the ground floor level allowing for a sense of activity at street level. In addition, the north western elevation of the proposed dwelling forms a prominent gable end and this would be a blank wall with very little visual interest, although it is acknowledged that the side elevation of No.61 similarly lacks interest.
- 8.18 For the reasons outlined above, it is considered that the proposal would have a detrimental impact on the character and appearance of the area, contrary to Policy E20 of the Northampton Local Plan, emerging Policy 2 of the Local Plan Part 2 and guidance in the NPPF. Furthermore, it is considered that the proposed scheme has

not adequately addressed the first reason for refusal under application WNN/2021/0480.

Living conditions of the future occupiers

- 8.19 Saved Policy E20 of the Northampton Local Plan requires development to provide adequate standards of privacy, daylight and sunlight and Policy H1 of the Joint Core Strategy seeks to ensure new development has regard to the living conditions for future residents. Policy 4 of the emerging Local Plan requires development to create a high standard of amenity for occupiers, including ensuring satisfactory outlook and visual amenity from within buildings and communal garden areas, taking account of the relationship with neighbouring buildings and the wider street scene. These policies reflect paragraph 130 of the NPPF which advises of the need to ensure that developments create places with a high standard of amenity for existing and future users.
- 8.20 The proposed dwelling would have an internal floor area of approximately 62 square metres at first floor level which would provide open plan living space, bedroom with en-suite, staircase and space for a lift. The ground floor contains a garage, storage space and circulation/access areas.
- 8.21 As a one bed, two storey dwelling the size of the unit exceeds the Government's Nationally Described Space Standards (NDSS). The proposal is described as a partially adaptable dwelling and the plans that it is intended to be capable of being adapted for a wheelchair user. The NDSS clearly states that the minimum space standards are not adequate for wheelchair housing, meaning that this development may not be suitable as an adaptable dwelling. However, there is no requirement for this to be an accessible unit and given that it meets the general space standards it is considered that the proposal provides an acceptable amount of living space.
- 8.22 With regards to outlook and natural light for the dwelling, the open plan living area towards the front of the dwelling is provided with windows that would allow for an acceptable standard of amenity. However, the bedroom would be heavily restricted in terms of its outlook because the majority of the window would be fitted with obscure glazing, with only a small area of clear glazing at the top (1.7m above finished floor level). The reason for this is to avoid close overlooking of No.19 North Western Avenue and is a consequence of this being a cramped form of development. To protect the amenity of No.19, the glazing would need to be at the highest end of the privacy scale and by its very nature would not afford any kind of outlook that would normally be expected for a habitable room. This would significantly compromise the overall living conditions of the future occupier.
- 8.23 The limitations of the proposed bedroom are such that the development would not provide acceptable standard of living conditions and as such the application fails to accord with Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy, Policy 4 of the emerging Local Plan 2 and guidance in the NPPF. One of the previous reasons for refusal under application WNN/2021/0480 related to the suitability of the bedroom window and it is not considered that this previous reason for refusal has been adequately addressed.

Impact on neighbouring occupiers

- 8.24 The proposed dwelling would be to the rear of No.17 North Western Avenue, which forms a large, detached house. There would be no windows facing No.17 and as such there would be no overlooking issues. There were concerns with the previously refused application (WNN/2021/0480) in that the proposed dwelling would have a visually dominant impact on the occupiers of the existing dwelling. The separation distances involved with the current scheme are generally similar to application WNN/2021/0480. Nevertheless, as No.17 is within the ownership of the applicant, on balance it is not considered that the development would unduly prejudice the amenity of the occupiers of 17 North Western Avenue.
- 8.25 The proposed dwelling would be parallel to the rear garden of No.19 North Western Avenue, around 0.5m from the boundary. Although it would be located towards the rear part of the neighbour's garden, under the previously refused application (WNN/2021/0480) there were concerns that a two storey building would result in a substantial built form close to the boundary and this would have a visually dominant and overbearing impact on the garden. There were also concerns with direct overlooking of this neighbouring property. The current application has addressed the issue of overlooking because of the inclusion of obscure glazing to a height of 1.7m above finished floor level. Whilst officers retain some concerns with the impact of the bulk and mass of the building on the amenity of the neighbour's garden, on balance it is not considered that this would be so significant so as to justify a refusal on such grounds.
- 8.26 Turning to the impact on the neighbour at 61 Foxgrove Avenue, the proposed dwelling would be wholly to the side of this house, minimising the impact in terms of overshadowing or visual dominance. This neighbour has a side facing first floor window close to the boundary, which would essentially be blocked by the proposed dwelling. However, as a window serving a non-habitable room, the impact of this is considered to be acceptable. Whilst there would be some overlooking of the neighbour's rear garden, this is common in respect of side-by-side dwellings in a built-up urban area such as this.
- 8.27 On balance the impact of the proposed development on neighbouring occupiers is considered to be acceptable.

Parking and highway safety

- 8.28 The proposal provides two parking spaces - one parking space to the front of the dwelling and one in the garage. This complies with adopted standards in terms of the number of spaces.
- 8.29 Local Highway Authority Standing Advice requires a 5.5m set back from any garage door to avoid the potential for vehicles overhanging the footway, and one of the reasons for refusal under application WNN/2021/0480 was that the development failed to provide an adequate driveway length, and this was therefore deemed to be detrimental to highway safety. On assessment of the submitted plans, it is considered that the proposed development can provide an adequate driveway length.
- 8.30 Officers consider that the development is also capable of satisfying other requirements within the Standing Advice such as minimum access width, vehicle-pedestrian inter-visibility, gradient, drainage and surfacing.
- 8.31 A further consideration is that the site of the proposed dwelling is currently in use as garages for No.17 North Western Avenue. As a four bedroom dwelling, this would require three spaces, plus a visitor space. The driveway at the front of No.17 has

space for at least two vehicles and it is considered that additional space could potentially be provided with some minimal alterations. As such it is not considered that any objections could be sustained in respect of the impact on parking provisions for the existing property.

Other matters

- 8.32 Issues of potential land contamination could be adequately addressed through conditions.
- 8.33 The proposal includes provision of an electric vehicle recharging point within the garage, which would help to mitigate the impact of the development on air quality and climate change.

9 FINANCIAL CONSIDERATIONS

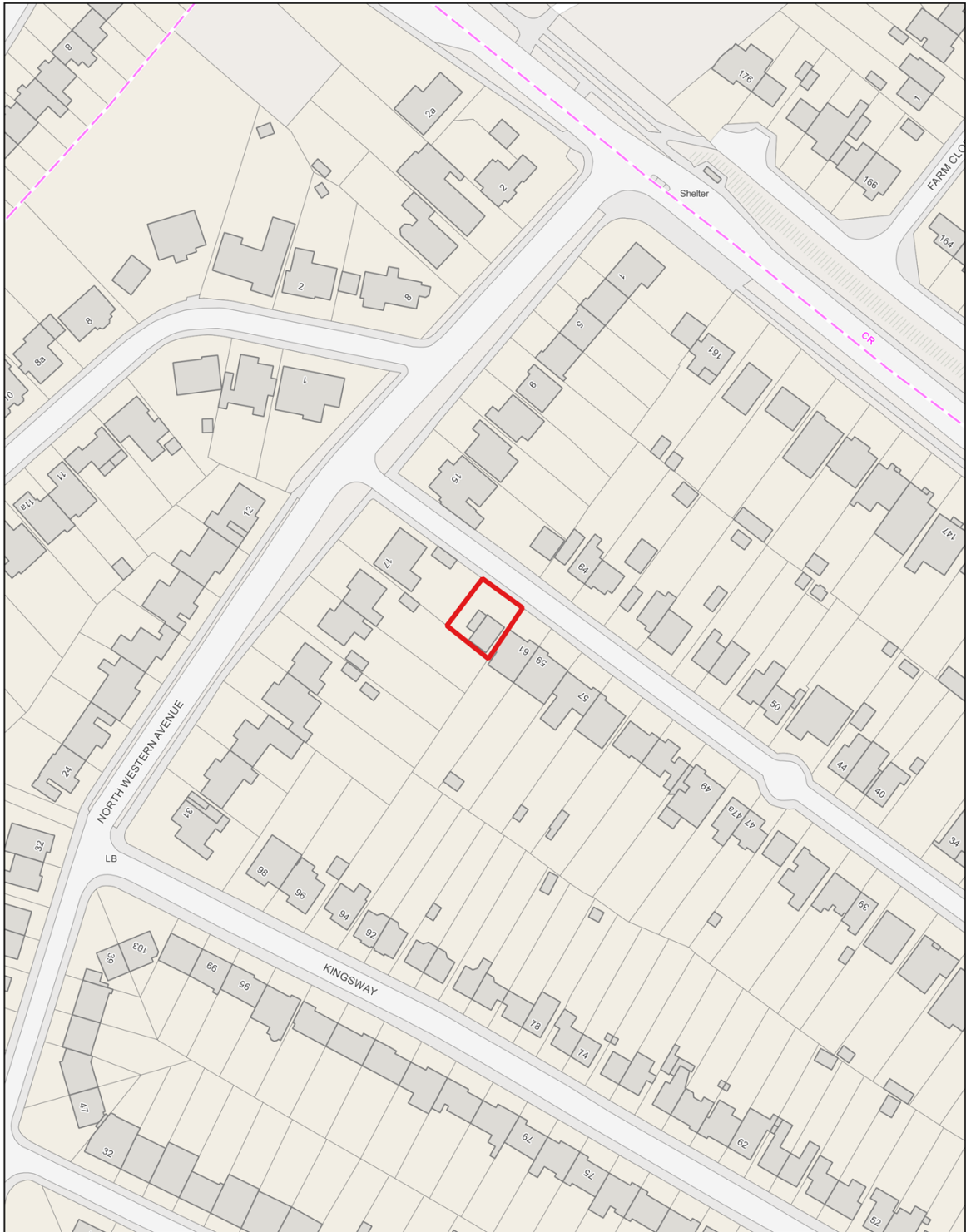
- 9.1 The development is CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal would provide new housing in a sustainable location and this represents a benefit. However, it is considered that the proposal would represent a cramped form of development which would appear out of keeping with the appearance of the street scene and would thus harm the visual amenity of the area. Furthermore, as a consequence of the cramped nature of the proposed dwelling, the standard of living conditions for the future occupier would be compromised because one of its main habitable rooms (bedroom) would not be provided within any meaningful outlook. On balance, the harm that would be caused to the visual amenity of the area and the prejudicial living conditions of the future occupier are considered to outweigh the benefits of the development.

11 RECOMMENDATION / REASONS FOR REFUSAL

- 11.1 The application is recommended for refusal for the following reasons:
1. The proposed development would represent a cramped and incongruous feature which would be out of keeping with the street scene due to its tight relationship with the plot boundaries. The proposal is thereby contrary to guidance in the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policies E20, and H10 of the Northampton Local Plan and emerging policies 1 and 2 of the Northampton Local Plan Part 2.
 2. The proposed development would represent a poor standard of accommodation due to the obscure glazing to the bedroom window which would not provide an acceptable outlook for a main habitable room. The proposal is thereby contrary to guidance in the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policy E20 of the Northampton Local Plan and emerging policies 1, 2 and 4 of the Northampton Local Plan Part 2.
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**West
Northamptonshire
Council**

Title: Land to rear 17 North Western Ave

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Date: 24-08-2022

Scale: 1:1,250 @A4

Drawn: M Johnson