

**North Northamptonshire Area Planning Committee
(Thrapston)
13 July 2022**

Application Reference	NE/22/00168/FUL
Case Officer	Jennifer Wallis
Location	26 Fairmead Crescent Rushden NN10 9NB
Development	Demolition of existing summer house and erection of 2 bed end terraced house
Applicant	Mr Paul Bicknell
Agent	Aubrey Technical Services - Raymond Crosby
Ward	Rushden Pemberton West Ward
Overall Expiry Date	18.04.2022
Agreed Extension of Time	15.07.2022

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Officer's recommendation is contrary to the Town Council's objection and there have been over five letters of objection received.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes the erection of a two bed end terrace, connected to the east of 26 Fairmead Crescent. To accommodate the dwelling the existing summerhouse on the side garden is to be demolished.
- 2.2 The dwelling would accommodate a living room, dining/kitchen and w.c to

the ground floor with two bedrooms and a bathroom at first floor. Parking is to be provided to the rear of the site with amenity space to the rear and side of the dwelling. A new driveway and parking are to be provided to the frontage of No. 26 Fairmead Crescent to provide off street parking for the host property.

- 2.3 Amended plans have been submitted during the course of the application to bring the building line of the proposed dwelling in line with the existing property and to alter the parking to the rear of the site.

3. Site Description

- 3.1 26 Fairmead Crescent lies to the south of Rushden within an established residential area. The site is occupied by a two storey semi-detached dwelling which is located on a corner plot with garden area to the rear and side of the property. The site is surrounded by residential dwellings.
- 3.2 The property has a driveway and parking to the rear, accessed to the northeast from Fairmead Crescent. To the frontage of the site is a garden area which wraps around the side of the property. To the side of the dwelling is a detached outbuilding.

4. Relevant Planning History

- 4.1 NE/22/00167/FUL - Change of use from outbuilding (summer house) to dwelling – Withdrawn
- 4.2 NE/21/01158/LDE – Certificate of Lawfulness for existing development/use: Summer house adjacent to dwelling – Withdrawn
- 4.3 NE/21/00905/LDE – Certificate of Lawfulness for existing development/ Use: for incidental use to the main semi-detached dwellings outbuilding summerhouse – Permitted 15.07.21
- 4.4 NE/21/00068/FUL - Permission to extend the current uses of the building; to include the use as a separate dwelling become, no building works required except the installation of a kitchen and the erection of a dividing fence – Withdrawn

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Rushden Town Council

Object to this application, on the following grounds;

- The proposed scheme is an over development of the site resulting in inferior amenity space for both properties.
- The proposed access is not suitable.
- To enable bin collection for 26 Fairmead Crescent shared access

with 26a will be required.

- Parking provision is insufficient.
- To transform a semi-detached house into a terrace would be out of keeping with the neighbouring properties in Fairmead Crescent and cause harm to the character of the local area (Policy 8d of the NNJCS).

On receipt of amended plans, the Town Council maintains their objection.

5.2 Neighbours / Responses to Publicity

Letters have been sent to eight properties, as a result six letters of objection have been received objecting on the following grounds;

- The building is not a summerhouse, it was a bungalow;
- Overdevelopment of the plot;
- Not in keeping;
- Site not big enough for extra house;
- Insufficient parking/lack of visitor parking;
- Blind bend, creating problems with parked cars/hindering drivers;
- Increased traffic;
- The development will lead to obstructions for bin collections, the fire service and other road users on a bend that is blind; Impact on highway safety;
- Air pollution;
- Noise pollution;
- Building safety;
- Will set a bad precedent;
- Will lower the value of house prices;
- A covenant exists on the property that there shall be no walls/fence/hedge to the front of the property; and
- Concern over shared access for bins.

A further four letters of objection were received following initial amended plans to the access, reiterating the above comments.

On receipt of amended plans to the layout and parking a further four letters of objection have been received on the following grounds:

- Objections still stand;
- Breach of covenants;
- Reduce visibility for neighbours using their own drives;
- Impact highway safety;
- Not in keeping;
- Overdevelopment;
- Creates a terrace property in an area of semi-detached dwellings; and
- Water run off impacting on drainage.

5.3 Environmental Protection

Although there are no obvious environmental issues, the following conditions should be added to the permission in respect of no burning during construction, construction operation times, mud on highway and dust mitigation.

5.4 Highways

Due to the increase in the number of bedrooms from 1no. to 2no. the applicant will be required to provide the correct number of parking spaces per number of bedrooms (in accordance with the NNC Parking Standard Documents dated September 2016)

The applicant will be required to demonstrate the necessary vehicular visibility splays of 2 metres x 43 metres (for a 30mph road) on both sides of the access. These splays must not contain any other third party owned land and shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.

The applicant must provide the necessary 2 metres x 2 metres pedestrian visibility splays required on both sides of the access. These splays must be contained fully within the applicant's site and not include any public highway land, or any other third party owned land. The splays shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.

There is a road gully in the carriageway; this will require moving away from the area of the vehicle crossover. The applicant must be made aware that the full cost of moving the road gully will be borne solely by themselves.

The applicant will be required to obtain the correct licensing, from Northamptonshire Highways Regulations in order to install the site access and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place.

On receipt of amended plans: No objections.

5.5 Waste

No comment to make.

5.6 Natural England

No comments received.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 11 – The Network of Urban and Rural Areas
Policy 28 - Housing Requirements
Policy 29 – Distribution of New Homes
Policy 30 – Housing Mix and Tenure

6.4 Neighbourhood Plan - Rushden Neighbourhood Plan (2018)

Policy H1 - Settlement Boundary
Policy H2 - Location of New Housing Development
Policy H4 - Market Housing Type & Mix
Policy EN1 - Design in Development

6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenities
- Impact on Highway Safety and Parking

7.1 Principle of Development

7.1.1 Policy 1 of the North Northamptonshire Joint Core Strategy (JCS) seeks to ensure sustainable development. Rushden is identified as a market town under the terms of Policy 11 of the JCS. Policy 30 of the JCS states that housing development should provide a mix of dwellings sizes and states that there is a need to accommodate smaller households with an emphasis

on the provision of small and medium sized dwellings.

- 7.1.2 Furthermore, JCS Policy 30 states that proposals for custom-build development will be supported where they are in line with the spatial strategy. In such locations, new housing development is accepted at a scale appropriate to the character and infrastructure of the town.
- 7.1.3 Policy H1 of the Rushden Neighbourhood Plan (RNP) states that development within the settlement boundary will be permitted where it accords with other policies of the Development Plan. Policy H2 of the RNP goes onto state that planning applications for development on windfall sites within the settlement boundary, will be determined in accordance with the policies of the Development Plan.
- 7.1.4 The application proposes the creation of an end terrace, two-bedroom property. Given the general emphasis on the provision of smaller properties within the RNP, the proposal would meet this general outcome, as it would be a two-bed property.
- 7.1.5 Garden land does not fall within the definition of “previously developed land” within the NPPF, so whilst the provision of a small dwelling in an established residential area is acceptable in principle, the location within a side garden is not accepted in principle and will need to be evaluated on its respective planning merits. These are discussed in the next sections of the report.

7.2 **Visual Impact**

- 7.2.1 National guidance contained within the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy 1 of the North Northamptonshire Joint Core Strategy (JCS) seeks to secure sustainable development and Policy 8 requires new development to comply with a number of sustainable principles including being of a high standard of design and not impacting on the amenities of neighbours. Policy EN1 of the Neighbourhood Plan states that all new developments should be of a high quality of design. Policy H2 of the RNP states that development will be expected to ensure appropriate integration with the site and surrounding development context.
- 7.2.2 Amended plans have been submitted during the course of the application to bring the front and rear building line in line with the host property. Originally, the proposed dwelling was stepped back behind the frontage of the site. The property has been designed with a continuous ridge line from the application property and a new porch detail to both dwelling. The property would be constructed in brick and tile to match the host property. Cladding details have been added to the frontage window, again to match the host property. The proposed dwelling would not have any detrimental impact on the character and appearance of the host property.
- 7.2.3 Concern has been expressed with regards to the impact on the character of the area. The proposed dwelling is similar in appearance to a large extension to No. 36 Fairmead Crescent, to the west of the site, at the other

end of this row of properties. The approved two storey extension encompasses the side amenity area, up to the highway edge, and continues on the same building line and ridge height as the host property. Whilst it is acknowledged that this is a new dwelling and not an extension the overall appearance is not dissimilar and would, on balance, not have any adverse impact on the character and appearance of the area.

- 7.2.4 Further concerns have been expressed with regards to overdevelopment of the site. The existing property is sited on a large corner plot and a detached outbuilding has been built on the site. The outbuilding is to be removed and the proposed dwelling would not encroach as close to the side boundary. The proposed dwelling and host property are provided with sufficient off-street parking and private amenity areas. The property can be provided within the site without having a detrimental impact on the street scene and due to the adequate parking and amenity space provided would not represent overdevelopment of the site.
- 7.2.5 A site plan has been submitted with the application which denotes the proposed boundary treatments to the host and proposed dwelling. The application property and proposed dwelling will be separated to the rear by a 1.8m high close boarded fence and a 0.5m high picket fence to the frontage. The laurel hedge and 0.9m close boarded fence to the eastern boundary of the site, along the highway, is to be removed and replaced with a 0.5m high picket fence. Set back from the highway the rear garden area to the proposed dwelling will be enclosed by a 1.5m high close boarded fence. The close boarded fencing will be set back from the highway with garden intervening to reduce the impact on the streetscene and to allow for greater visibility to the highway.
- 7.2.6 The submitted plans show a right of way to the rear garden of the host property along the northern edge of the site. The applicant has advised that the rear access gate and fence would not need to be further forward than the front of the garage of number 24, having the gate in line with the garage of 24. This would leave the front boundary between 24 and 26 open as it is currently. The submitted plan shows a 1.5m high close boarded fence along this boundary, however, this can be controlled via means of a condition.
- 7.2.7 Having regard to the above it is considered that the creation of a new dwelling would not have any adverse impact on the character of the area or the host property to warrant a refusal. As such, the proposal would comply with Policy H2 of the RNP, Policy 8 (d - i) of the JCS and Paragraph 130 of the NPPF (2021).

7.3 Impact on Residential Amenity

- 7.3.1 The application proposes the construction of a two storey 2 bedroom property adjoining No. 26 Fairmead Crescent. Amended plans have been submitted to bring the frontage and rear building line of the proposed dwelling in line with the host property. Due to the siting of the dwelling the proposal will not have any adverse impact on the residential amenity of the host property.

- 7.3.2 To the north of the site is No. 24 Fairmead Crescent. No. 24 is sited to the rear of the site around the bend of the road with the side elevation facing the application site. The gable end has a secondary first floor window facing the application site, which does not accommodate a habitable room. The proposed dwelling would be sited to the south of the site with the rear garden area, parking and driveway to No. 24 separating the two properties. Due to the siting of the dwelling, distance separations involved and no habitable windows to the side of No. 24, the proposal would not have any detrimental impact on the residential amenity of No. 24 to the north.
- 7.3.3 Properties to the south and east are separated by the highway and sufficient distance separation will be retained so as not to have any adverse impact on these properties. Properties to the west will be screened from the proposed dwelling by the host property.
- 7.3.4 The proposed dwelling would result in the loss of part of the side garden area to No. 26 Fairmead Crescent. A rear private amenity area of 60.5m² will be retained for the host property and a rear amenity area is proposed for the host property of 57.7m². There is also an amenity area to the side of the property fronting the highway. As a result, adequate amenity area would be provided for the host and proposed properties.
- 7.3.5 Having regard to the above it is considered that the proposal would not impact significantly upon neighbouring properties in terms of mass, overshadowing and overlooking and a satisfactory relationship would remain.

7.5 Highway Safety and Parking

- 7.5.1 Many of the objections to the application raise concern over inadequate parking, impact on visibility and the blind bend on Fairmead Crescent. The host property, No. 26 current has parking to the rear, accessed to the northeast of the property off Fairmead Crescent. It is proposed to use this access for the parking to the proposed dwelling.
- 7.5.2 Parking for the proposed dwelling is to be provided to the rear of the site, utilising the existing access. The parking area is to be widened to provide two 3m by 5.5m parking spaces with the existing crossover widened to accommodate this. Due to the widening of the access and driveway suitable visibility splays are provided.
- 7.5.3 A landscaping scheme has been submitted with the application showing a low 0.5m high picket fence along the frontage of the site and the removal of the recently planted laurel hedge. The removal of the hedge and proposed boundary treatment will maintain the visibility around to the corner along Faimead Crescent. This will be conditioned to be retained in perpetuity.
- 7.5.4 A new driveway is proposed to the frontage of No. 26 to accommodate two off street parking spaces to serve the host property. The host property is a three bed dwelling and as such two off street parking spaces are required.
- 7.5.5 The access would provide adequate parking and visibility splays to serve

the property and host property, and no objection has been received from the Highway Authority. As a result, the proposal would not have any detrimental impact on highway safety.

7.6 Ecology

- 7.6.1 Policy 4 of the North Northamptonshire Joint Core Strategy 2016 requires all development to safeguard existing biodiversity. The site is located within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area and as such a mitigation fee is required to provide for mitigation against any harm caused as a result of the proposal.
- 7.6.2 Consultation from Natural England is awaited, however, the applicant has paid the necessary SPA mitigation fees. It is considered that the proposal would satisfy the requirements of Policy 4 of the Local Plan.

8. Other Matters

- 8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.2 Waste Collection: Bin storage areas for the host and proposed property are provided within the amenity area for each dwelling. A right of way is provided to the north of the site to retain access to the rear garden of No. 26. Collection can take place from the kerbside on Fairmead Crescent.
- 8.3 Space Standards: JCS Policy 30 requires new dwellings to meet National Space Standards. The proposed dwelling would meet the minimum required size of 70sqm for a 2 bed, 3 person, two storey property, inclusive of the required 2 sqm storage space.
- 8.4 Covenants: There have been a number of comments that there are covenants on the property restricting walls/fences or hedges. Covenants are not controlled through planning legislation and therefore are not a material planning consideration.
- 8.5 Drainage: The property is to be connected to the mains sewer and drainage system.
- 8.6 Future Application: A number of comments have been made about creating a precedent. Each application should be considered on its own merit.
- 8.7 House Values: Objections have been received on the grounds that the proposal would have an impact on property values. This is not a material planning consideration.
- 8.8 Economic Benefits: There would be modest economic benefits associated with the construction of the new property.
- 8.9 Construction Nuisance/Air Pollution/Noise Pollution: In the event of an

approval, conditions could be imposed to mitigate these impacts (see comments at 5.3 above).

9. Conclusion / Planning Balance

9.1 In this instance the proposal would provide for a single, small property within an established residential area within the town. Its siting would have a limited impact on the street scene and would have an acceptable appearance. The impact upon highway safety is acceptable, and there would also be modest economic benefits associated with construction work. The proposal is not considered to cause significant harm that would outweigh the economic, social and environmental benefits of the proposal, therefore given the current policy position the proposed development is considered to be compliant with relevant national and local planning policy as:

- Is of an appropriate scale and design;
- Would not have a harmful impact upon the character and appearance of the area;
- Would not have a significant detrimental impact upon the amenity of neighbours;
- Would not have a harmful impact upon highway safety; and
- There are no other material planning considerations which have a significant bearing on the determination of this application.

10. Recommendation

10.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that Planning Permission be GRANTED subject to conditions.

11. Conditions

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the following documents:

- Location Plan, L1202/20 Rev A, as received by the Local Planning Authority on 2nd June 2022; and
- Proposed Floor Plans, L1202/22 Rev B, as received by the Local Planning Authority on 17th May 2022; and
- Proposed Elevations, L1202/24 Rev B, as received by the Local Planning Authority on 17th May 2022; and
- Proposed Site Plan, L1202/23 Rev F, as received by the Local Planning Authority on 7th June 2022; and
- Proposed Block Plan , L1202/25 Rev B, as received by the Local

Planning Authority on 17th May 2022.

Reason: In order to clarify the terms of this consent and to ensure that the development is carried out as permitted.

- 3 The development hereby permitted shall be finished externally in materials as detailed on the submitted application form and plans. The approved materials should be maintained and retained in perpetuity thereafter.

Reason: To achieve a satisfactory elevational appearance for the development.

- 4 There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

- 5 No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank / Public Holidays.

Reason: To ensure the protection of the local amenity throughout construction works.

- 6 At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

Reason: To ensure the protection of the local amenity throughout construction works.

- 7 Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

Reason: In the interests of residential amenity, highway safety and visual amenity.

- 8 Prior to first use or occupation of the development hereby permitted, the boundary scheme shall have been implemented in accordance with the details shown on the approved plans, L1202/23 Rev E, and email dated 1st June 2022, and shall be retained in the agreed manner in perpetuity.

Reason: To achieve a satisfactory elevational appearance for the

development.

- 9 Prior to the first occupation of the dwelling hereby approved, the parking and access shall be provided in accordance with the submitted details, plan reference L1202/23 Rev E and L1202/25 Rev B, and thereafter remain in perpetuity.

Reason: In the interests of highway safety.

- 10 No occupation of dwellings shall take place until details have been submitted to and approved in writing which demonstrate the following sustainability measures for the new property:

- A minimum of 1 electric vehicle charging point;
- Measures to encourage use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day; and

Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of each respective property.

Reason: In the interests of sustainability.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following development or alterations:

- a) The erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks (as detailed in Schedule 2, Part 1 Classes A and e);
- b) The erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
- c) Alterations including the installation of replacement or additional windows or doors, including dormer windows or roof windows or any alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Classes A, B and C); and
- d) the erection of any walls, fences or other means of enclosure to all boundaries (as detailed in Schedule 2, Part 2, Class A).

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and character and in the interests of residential amenity.