



**North Northamptonshire Area Planning Committee
(Thrapston)
3rd August 2022**

Application Reference	NE/22/00676/FUL
Case Officer	Chris Spong
Location	9 George Street, Higham Ferrers, Rushden, NN10 8JJ
Development	Erection of rear Pergola extension and Garden Room Annex (Retrospective).
Applicant	Silviu Onica
Agent	Sidey Design Architecture - Mr Jon Sidey
Ward	Higham Ferrers
Overall Expiry Date	15.07.22
Agreed Extension of Time	05.08.22

Scheme of Delegation

This application is brought before the Planning Management (Thrapston Area) to Committee because it falls outside of the Council's Scheme of Delegation. This is because a material written objection has been received from Higham Ferrers that is contrary to the Officer's proposed recommendation in terms of visual impact and impact on neighbouring amenity.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application seeks to regularise existing works for the erection of a single storey pergola to the rear of the property, and an ancillary garden room.

3. Site Description

- 3.1 The site is located within an exclusively residential area of north-western Higham Ferrers and comprises a two-storey semi-detached dwelling. The surrounding area is generally characterised by properties of a similar design, scale and massing to that of the host dwelling.

4. Relevant Planning History

- 4.1 None (see “Other Matters” for details)

5. Consultation Responses

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

5.1 Higham Ferrers Town Council

Objections received summarised as follows:

- Negative impact on neighbouring properties due to overlooking/loss of privacy;
- The scale and dominance of the works and the appearance and materials used in the development;
- Concerns that the structure does not meet the definition of a pergola and should not be permitted to be described as such;
- Substantial electronics within the structure with fluorescent strip lighting;
- Development has been placed to the absolute maximum of the property boundary;
- Lack of guttering and drainage;
- Use of concrete for the foundation works as there are concerns that this was placed over a mains sewage line; and
- Concern that building control has assessed the structure as a 'covered yard' in the past and it is clearly more substantial

5.2 Neighbours / Responses to Publicity

One objection / comments received summarised as follows:

- Queried previous enforcement advice;
- Electrics within the garden room and pergola;
- Structure should not be defined as “pergola”;
- Garden room does not meet building regulations; and
- Previous application and transfer of fee.

5.3 Natural England

Comments received:

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

5.4 The following teams / departments were also consulted however no comments were received:

- North Northamptonshire Council – Community Development Officer
- North Northamptonshire Council – Ecology Officer

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)

1 (Presumption in Favour of Sustainable Development)
8 (North Northamptonshire Place Shaping Principles)

6.4 Emerging East Northamptonshire Local Plan (LPP2) (2021)

EN1 (Spatial Development Strategy)
EN13 (Design of buildings/ Extensions)

6.5 Higham Ferrers Neighbourhood Plan

HF.DE1 – Achieving High Quality Design

6.6 Supplementary Planning Documents/Guidance:

North Northamptonshire Council - Householder Extensions Supplementary Planning Document (SPD) (2020).
Northamptonshire Parking Standards (2016)

7. Evaluation

The key issues for consideration are:

- Visual Impact
- Impact on Neighbouring Amenity

7.1 Visual Impact

7.2.1 Pergola

The works are single storey in height and (aside from a small 1.5 metre section which is mostly concealed by the existing side gate) are not visible

in the street scene. As such, they do not result in an unacceptable level of visual harm on the character and appearance of the surrounding area.

7.2.2 In terms of overall design, the pergola is a continuation of the existing mono-pitch roof with a similar geometry to that of the original dwelling.

7.2.3 Whilst it is recognised that the materials of the extension do not necessarily match that of the existing dwelling, they are sympathetic to the surrounding area and are appropriate given the context of the site, and the nature of the works. Rear extensions of dissimilar appearance are generally acceptable (for example, national legislation permits conservatories regardless of whether or not the materials are of a similar appearance) as is the case at No. 7 George Street which includes a white UVPC conservatory. Similarly, the adjoining property (11 George Street) includes a wooden pergola / lean-to with translucent corrugated plastic roof. As such, there is not an unacceptable level of visual harm introduced by this aspect of development.

7.2.4 Garden Room

The garden room is constructed from brick and timber (painted dark grey) with a mono-pitch roof sloping towards the rear boundary. Given the positioning of the structure with the site, it is not visible within the street scene and would therefore have no impact of the overall character of the surrounding area.

7.2.5 Similarly, to the points raised within paragraph 7.2.3, it is not uncommon for ancillary garden rooms to be constructed from more contrasting materials than that of the surrounding environment and as such the design and materials are considered acceptable.

7.2.6 Overall, the works are therefore sympathetic to the host dwelling and conform to Policy HF.DE1 of the Higham Ferrers Neighbourhood Plan, Policy 8 (d) (i) and (ii) of the North Northamptonshire JCS, paragraph 134 of the NPPF, the National Design Guide and the guidance contained within the Householder Extensions SPD.

7.2 **Impact on Neighbouring Amenity**

7.2.1 Pergola

Due to the positioning of the pergola extension, the impact to Nos 11 and 7 George Street needs to be assessed.

7.2.2 Guidance contained within the adopted Householder Extensions SPD advises that “...extensions which have a side wall or roof of less than 3 metres tall should not project beyond a line drawn at 60 degrees from the middle of the nearest front or rear facing ground floor window or glass door serving a habitable room of an adjacent property...”. As shown by plan ‘22-063-01’ the pergola’s side elevation is 2.1 metres (eaves) and circa 2.3 metres (ridge) from ground level. Whilst the pergola does not comply with the 60-degree angle contained within the supplementary policy, the translucent frames / lightweight nature of the structure provides the necessary mitigation to still allow for a sufficient level of sunlight to reach the

habitable rooms of the adjacent properties. This can be conditioned to remain as such, to ensure that adequate light is able to reach the neighbouring properties.

7.2.3 As part of the Town Council's objection, concerns were raised that the works have introduced an unacceptable level of overlooking and detrimentally impact privacy. However, as shown by plan '22-063-01', the patio / raised platform appears to have existed prior to development and (judging from the land levels of the property) is likely to have been an elevated space following completion of the original dwelling. As such, the pergola has not introduced any additional overlooking or loss of privacy. In any case, the structure includes obscured plastic panels which lessen any direct overlooking implications.

7.2.4 Whilst the adopted SPD encourages a 1 metre gap between boundaries, this is best practice guidance only and is not a requirement of development.

7.2.5 With the above considered this aspect of the proposal therefore conforms to Policy 8 (e) (i) and (ii) of the North Northamptonshire JCS and Policy HF.DE1 of the Higham Ferrers Neighbourhood Plan.

7.2.6 Garden Room

Due to its positioning at the end of the garden (western boundary), the garden room does not directly impact neighbouring amenity as it is sufficiently clear from all habitable spaces and rooms (14 metres from No. 11 and 13 metres from No.7 George Street).

7.2.7 The garden room has an overall height of 2.7 metres. Under permitted development an incidental garden room within 2 metres of a boundary can be constructed so long as the overall height is less than 2.5 metres. The height is only marginally larger than a structure that could be erected without an application for planning permission. There is no overbearing impact to either neighbouring property and the impact on neighbouring amenity is considered to be acceptable.

7.2.8 With the above considered this aspect of the proposal also conforms to Policy 8 (e) (i) and (ii) of the North Northamptonshire JCS and Policy HF.DE1 of the Higham Ferrers Neighbourhood Plan.

8. Other Matters

8.1 Description as a "pergola": There doesn't appear to be an agreed definition on what constitutes a "pergola", however there is a broad acceptance that pergolas consist of a wooden lattice / beam structure which provides a covered walkway / shaded garden area. In this case the works have already taken place, and all relevant parties are aware of what has been constructed as this is clear from the plans and from what neighbours are already able to observe. Differing opinions on the term 'pergola' does not mean the description of development is incorrect..

8.2 Electrics within the pergola / garden room: These are not subject to planning controls.

- 8.3 Drainage / water run-off: When visiting the site guttering and a downpipe appear to have been installed on the structure. However, appropriate water run-off and guttering requires sign-off from building control, which is a separate entity (and application process) to that of planning permission.
- 8.4 Impact on mains sewage line: It is very unlikely that a mains sewer runs through the garden of the property as these are typically in (under) the highway. It is more likely that the concerns raised by a neighbour relate to private sewers more commonly found in / around residential dwellings. Whilst these concerns are recognised, they are not a material consideration in respect of this application. However, an informative can be included on the decision notice to draw the applicant's attention to the matter.
- 8.5 Previous application: The initial application (19/01335/FUL) was still "Invalid" and the fee remained "frozen". As the application has been made by same applicant, at the same address and for a similar proposal (works covered by a householder application) the fee was simply transferred. The alternative option would have been to refund the applicant, only then for the fee to be re-paid. Accordingly transferring the fee was a practical solution as opposed to a needlessly bureaucratic one. In addition, as a matter of process, the Administration team are required to "validate" the application before the fee can be transferred. The previous application has since been withdrawn by the applicant / agent.
- 8.6 Previous enforcement action: Within the comments received, the neighbour has requested confirmation / clarity on the previous advice from the Enforcement team. The enforcement team have since been in contact with the neighbour and have offered further advice. As confirmed by the enforcement team, at the time, the Senior Enforcement Officer judged the development as not expedient to pursue following the consideration that a retrospective application for planning permission was likely to succeed. This does not mean that it would have approved without public notice or consultation, only that a planning application may be approved if the relevant considerations were met. This would include the planning legislation and any neighbour comments/objections. Should permission be refused then relevant enforcement action can be taken.
- 8.7 Existing single storey rear extension: As shown by plan "22-063-01" an existing single storey rear extension was erected prior to the submission of this application under permitted development. For the avoidance of doubt this does not form part of this application and is therefore not for consideration.

9. Conclusion / Planning Balance

- 9.1 Whilst it is recognised that the materials of the pergola and garden room do not necessarily match that of the host dwelling, the structures are set within the context of other garden outbuildings such as a neighbouring lean-to and conservatory, and are not uncommon in general in terms of their overall appearance. The impact of the pergola and garden room upon residential amenity is also considered to be acceptable

10. Recommendation

10.1 That planning permission be GRANTED subject to conditions

11. Conditions

1. The development hereby permitted shall be carried out in accordance with the details provided in the application form (20.05.22) and following plans:
 - '22-063-01 - Previous & As Built Plans & Elevations, Location Plan, Block Plan' – 20.05.22

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

2. The garden room hereby permitted shall only be used for residential purposes ancillary to the enjoyment of the existing dwelling known as 9 George Street.

Reason: In interest of neighbouring amenity

3. The 'obscure glazing' identified within drawing '22-063-01 - Previous & As Built Plans & Elevations, Location Plan, Block Plan' shall remain or of a similar translucent nature shall remain in perpetuity.

Reason: In interest of neighbouring amenity

12. Informatives

1. The applicant is encouraged to engage with Anglian Water to establish if the works have impacted upon nearby underground pipes, or access to them.