

North Northamptonshire Area Planning (Kettering) Committee
17/01/2023

Application Reference	NK/2022/0614
Case Officer	Alan Chapman
Location	47 Station Road, Desborough
Development	Full Planning Permission: Replace windows with PVCU and insert four windows on West elevation
Applicant	Mr G Garcha
Agent	Mr M Brown Brown Boots Town Planning
Ward	Desborough Ward
Overall Expiry Date	23/11/2022
Agreed Extension of Time	20/01/2023

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because the relevant town council has a material written objection and there is an unresolved, material objection to the proposal.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Full Planning Permission: Replace windows with PVCU and insert four windows on West elevation

- 2.2 The proposed replacement windows in the front (north-west) and rear (south-east) elevations and the proposed new openings/windows (x4) in the side (south-west) elevation were to be of a predominately of a sliding sash design, with detailing, PVUC, and double glazed.
- 2.3 However, in response to the maintained objection from Desborough Town Council regarding loss of privacy and the proposed style is out-of-keeping with the conservation area, the Agent amended the proposed windows such that the new replacement PVUC double glazed windows are to be of the same style (e.g., first floor front elevation 3 paned with top openers) as the existing windows.
- 2.4 A short re-consultation was performed on the amended windows with the Town Council.
- 2.5 Background:
- 2.6 Prior approval (NK/2022/0304) was granted earlier this year for the conversion of this former commercial building into 6no. x 1-bedroom flats.

3. Site Description

- 3.1 The application site is a two-storey double fronted, brick build property which is vacant but previously was active for uses which fall within the newly formed Class E of the GDPO. The building has historically been used for various purposes which all fall into the E use Class. North Northants Council was formally the owner of the property and was formally landlord to tenants who operated within the E use Classes. The property is in the Desborough Conservation Area, on the south-east side of Station Road and adjacent to the Station Road / Havelock Street junction.
- 3.2 Constraints:
Conservation Area
Within Town Centre
Within Desborough (DE5) Opportunity Redevelopment Site
Adjacent to the Desborough (DE6) Opportunity Environmental Improvement Site

4. Relevant Planning History

- 4.1 List all previous planning applications as follows:

Application No	Decision	Date	Address	Description
KET/1976/0417	APPROVED	26-05-76	Unit B Council Offices Station Road Desborough Northamptonshire	Proposed change of use from offices to retail shop
KET/1976/0702	APPROVED	27-07-76	Offices Station Road Desborough Northamptonshire	Alterations to shop window
KET/1976/0816	APPROVED	27-08-76	Unit A Council Offices Station Road Desborough Northamptonshire	Change of use from office to studio
KET/1980/0008	APPROVED	22-02-80	Unit A Desborough Sub-Office Station Road, Desborough Kettering Northamptonshire	Change of use to shop for the retail sale of flowers and plants and other goods in connection with a florist's business and for the sale of ornamental giftware and pet food
KET/1980/0743	APPROVED	09-07-80	The Old Fire Station Havelock Street, Desborough Kettering Northamptonshire	Use of premises for car hire, office and preparation of hire cars
KET/1980/0756	APPROVED	11-07-80	Former Fire Station Havelock Street, Desborough Kettering Northamptonshire	Change of use to builder's store
KET/2012/0090	NOOBJECTION	28-03-12	47 Station Road, Desborough Northamptonshire	1 no. replacement equipment cabinet
KET/2013/0152	RETURNED	08-03-13	4A Havelock Street, Desborough Northamptonshire	Change of use to seamstress and light upholstery service (Sui Generis)
KET/2017/0157	WITHDR	23-05-17	47, 47A, 47B, Station Road, Desborough Northamptonshire	Replacement windows
NK/2022/0304	PN GRANTED	01-08-22	47, 47A, 47B Station Road, Desborough Northamptonshire	Conversion of 3 no. commercial units to 6 no. one bedroom flats

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at:
<https://www.kettering.gov.uk/planningApplication/search>

5.1 Town Council

The Town Council wishes to object to the proposal on the grounds of privacy, and that the proposal is out of keeping with the Conservation Area.

NB: At the time of writing no response has been received following re-consultation on the latest amended plans.

5.2 Neighbours / Responses to Publicity

OBJECTION – 40 Thistle Drive, Desborough.

Reasons cited: This is in the Desborough conservation area. There is a fundamental change to the building contrary to KBC own comments regarding the conservation area, and rank hypocrisy as Historic England have not been consulted. If this is approved, then the department for Levelling Up must be called in.

NB: At the time of writing no response has been received following re-consultation on the latest amended plans.

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.

Legislation

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

Policy 1: Introduction

Policy 2: Achieving sustainable development

Policy 4: Decision-making

Policy 12: Achieving well-designed places

Policy 16: Conserving and enhancing the historic environment

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 2: Historic Environment
Policy 8: North Northamptonshire Place Shaping Principles
- 6.4 Kettering Site Specific Part 2 Local Plan (Adopted Dec. 2021)
LOC1: Settlement Boundaries
DES1: Desborough Town Centre Development Principles
DES2: Opportunity Redevelopment Sites within Desborough
DES3: Opportunity Environmental Improvement Sites in Desborough
- 6.5 Other Relevant Documents
Conservation Area Appraisal

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Heritage, Character and Appearance
- Impact on Living Conditions

7.1 Principle of Development

- 7.1.1 The application site is within the Desborough Town Centre Boundary, the Desborough Conservation Area, the Desborough (DE5) Opportunity Redevelopment Site and fronts onto the Desborough (DE6) Opportunity Environmental Improvement Site that incorporates the entire length of Station Road.
- 7.1.2 In policy terms the redevelopment of this site into residential accommodation has previously been established as being acceptable by virtue of the prior approval scheme (NK/2022/0304). During the consideration of this prior approval changes to the fenestration were considered.
- 7.1.3 For the reasons set out below the principle of development is acceptable as it would enhance the building's appearance.

7.2 Heritage, Character and Appearance

- 7.2.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.
- 7.2.2 Policy 16 of the NPPF requires new development to sustain and enhance the significance of heritage assets, requiring any harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including a clear and convincing justification for the harm. Paragraph 197 (Policy 16, NPPF) states that in determining application, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets *et al.*

- 7.2.3 Policy 2 of the North Northamptonshire Joint Core Strategy states that the historic environment be protected and enhanced where appropriate. Where the development would impact upon a heritage asset's setting, new development should complement the surrounding historic environment through the form, scale, design and materials.
- 7.2.4 Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.2.5 Policy DES1 of the Part 2 Local Plan requires development in the town centre to consider the re-introduction of detailing in the design of buildings, create attractive frontages and be of high architectural quality.
- 7.2.6 Policy DES2 of the Part 2 Local Plan supports the redevelopment of this site where it is of a high-quality mixed-use scheme.
- 7.2.7 Policy DES3 of the Part 2 Local Plan supports environmental improvements along Station Road that includes improvements to the frontages of buildings facing onto Station Road.
- 7.2.8 The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting from public vantage points where the public are able to view the assets. Their settings can extend well beyond the curtilage/area boundaries of the asset and do often include the physical historical landscape/townscape in which they (the asset) are set as their historical significance is usually tied with the legibility of the asset and the environment in which it was originally constructed.
- 7.2.9 The application building has been in a tired looking state for some considerable amount of time and its approved conversion into residential accommodation such that it comes back into active use and to have its exterior renewed is regarded as a positive contribution to the conservation area. Thus, the applicant had a choice to keep the existing tired windows, or whether to replace the tired looking windows with new like-for-like windows or to replace them with new sash style looking windows. As stated above the applicant has chosen like-for-like new windows in response to the Town Council's objection to their original sash style windows.
- 7.2.10 During the assessment of the prior approval (NK/2022/0304) application the proposed windows were considered at the time and were opined to be acceptable, and the windows proposed for NK/2022/0304 are very similar to the windows proposed in this NK/2022/0614 planning application.
- 7.2.11 On balance the superseded sash style windows and the amended like-for-like windows are both considered to be acceptable as either would enhance the building's appearance. In this case, the amended details are considered to be acceptable.

7.3 Impact on Living Conditions

- 7.3.1 The proposed development would be beneficial to the living conditions of the future residents by providing a pleasant outlook, good sound insulation and good thermal efficiency for the retention of heat within the proposed flats. Existing occupiers opposite to the application site would also have their outlooks improved with the enhancement to the building's appearance by replacing the rather tired looking fenestration with new and high-quality fenestration.
- 7.3.2 The issue of privacy/overlooking is acknowledged. However, as one traverses along Station Road it is evident that there are existing residential properties facing on to the street with windows in their frontages and it is commonplace for views from residential properties facing each other across a busy street to be found in urban areas. Subject to a condition requiring windows serving bathrooms/toilets to be obscurely glazed then the privacy of existing and future occupants would be to acceptable standards. Furthermore, it is noted that residential properties facing directly on to a street often have clear glazing to their habitable room windows and where the occupant chooses, they install internal screening such as blinds, curtains et al, which is opined to be a reasonable and common practice for persons wishing for additional privacy.
- 7.3.3 For the reasons and conditions given the proposal accords with JCS Policy 8.

8. Other Matters

- 8.1 Neighbour comments: Objection: This is in the Desborough conservation area. There is a fundamental change to the building contrary to KBC own comments regarding the conservation area, and rank hypocrisy as Historic England have not been consulted. If this is approved, then the department for Levelling Up must be called in.
- 8.2 Historic England are not required to be consulted on for this type of application.
- 8.3 If planning permission is granted then to call in the Department for Levelling Up then it is opined this is a matter for the Head of Planning to consider.

9. Conclusion / Planning Balance

- 9.1 Subject to a condition concerning obscure glazing to bathroom/toilet rooms, then the proposed window details would not give rise to unacceptable privacy issues and would make a positive contribution to the conservation area. Therefore, the grant of planning permission is recommended.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.
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11. Conditions

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Notwithstanding the hereby approved drawings and details, all windows serving a bathroom or toilet shall be fully glazed with obscure glass and thereafter permanently retained as such.

REASON: To protect the privacy of the occupants in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

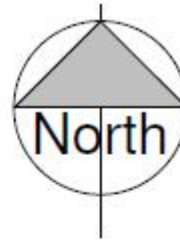
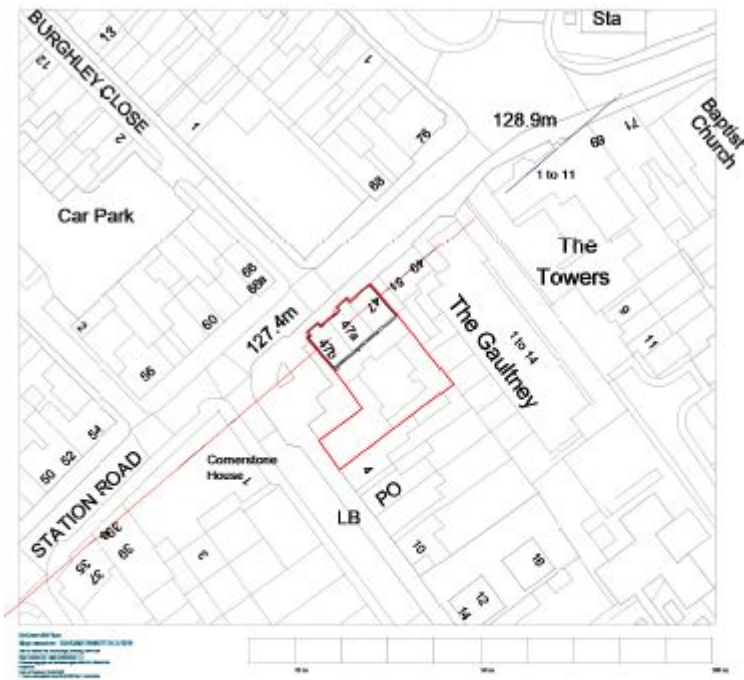
12. Informatives

Building Regulations consent required
Positive/Proactive - amendments

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date
Location and block plans, existing basement, ground and first floor plans		44310_01_0	16/09/2022
Existing elevations		43310_02_0	16/09/2022
Design & Access Statement	NK/2022/0614/1		16/09/2022
Location plan, block plan, proposed ground and first floor plans		44310_01_3	30/11/2022
Proposed window details quotation		SWQ24666	30/11/2022
Proposed elevations		44310_10_02	15/12/2022



5 Location Map
 1 : 1250
