



North Northamptonshire Area Planning (Kettering) Committee 29/07/2021

Application Reference	NK/2021/0170
Case Officer	Mark Coleman
Location	43 Northampton Road, Broughton
Development	Full Planning Permission: Double garage with home office above in rear garden
Applicant	Mr T Allen
Agent	Mr C Errington
Ward	Slade
Overall Expiry Date	20/04/2021
Agreed Extension of Time	30/07/2021

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 it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal and an objection has been received from Broughton Parish Council.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission: Double garage with home office above in rear garden
- 2.2 The proposal involves the construction of a double garage to be located to the rear of the host property which is accessed via a shared private drive which serves a

number of properties along Northampton Road. The garage is set back from the shared driveway to provide parking to the front. The building is 1.5 storeys high and provides space in the roof for a home office and toilet and sink. The garage is designed with a traditional ridge roof design.

3. Site Description

- 3.1 The site is located within the settlement boundary of Broughton village to the south. The site is occupied by a two-storey semi-detached property constructed circa 1930-50's, with a double height bay window to the front, arched recessed entrance door and hipped roof with central chimney feature on the party wall shared with the attached property. Due to the relatively large front garden, the dwelling is set back from the highway and follows a rigid building line defined by similar properties located along Northampton Road.
- 3.2 The dwelling has recently been enlarged to the rear with a single and two storey extension which was approved in 2020. The remaining rear garden is relatively long and extends further east/southeast and is mainly laid to level lawn. Due to the topography of the area however, the dwelling sits on land lower than Northampton Road and higher than the rear garden. A shared drive runs the width of the rear garden at its furthest point southeast which serves properties 33 – 69 (odds) Northampton Road; many of these properties have single storey garage / store buildings to the rear which follow various designs. The private access connects with Northampton Road between 47-49 Northampton Road where it is surfaced with tarmac; elsewhere it is unsurfaced in places. Beyond the private access road to the south east opposite the site are properties located on Baker Avenue which are separated by fence and vegetation.

4. Relevant Planning History

- 4.1 KET/2020/0019 - Single and two storey rear extension (Approved 09.03.2020)
- KR/1973/0170 - Construction of vehicular access & hardstanding (Refused 10.12.1973)

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 Broughton Parish Council
Objection received on 7th June 2021. The slightly lowered roof line remains two storey and is not in-keeping with the local environment and results in overdevelopment of the plot. Policy 3A of the Broughton Neighbourhood Plan requires development to relate to its immediate surroundings.

Objection received on 27th April 2021 - 2 storey building will be out of keeping with neighbouring properties – all garages/outbuildings at rear of Northampton Rd properties are single storey. Fenestration overlooking neighbouring Baker Avenue gardens/properties. Height of building will block light into Baker Avenue gardens

early afternoon. No43 has already had very substantial development to the rear of the property – will this application be an over-development of plot? Raising the roof lights marginally does not counter our previous objections. If approved, building to remain as a garage/outhouse with no change of use to a dwelling.

Objection received on 18th March 2021 - 2 storey building will be out of keeping with neighbouring properties – all garages/outbuildings at rear of Northampton Rd properties are single storey. Fenestration overlooking neighbouring Baker Avenue gardens/properties. Height of building will block light into Baker Avenue gardens early afternoon. No43 has already had very substantial development to the rear of the property – will this application be an over development of plot? If approved, building to remain as a garage/outhouse with no change of use to a dwelling.

5.2 Neighbours / Responses to Publicity

16 comments have been received. The issues raised are summarised below:

Comments of Objection

17 Baker Avenue, Broughton

27.05.2021 - The building is too high; The design results in loss of privacy through overlooking properties/gardens on Baker Avenue and is out of keeping with neighbouring properties with all garages in the area being single storey; Noise / Environmental impact from increase in vehicle movements; The building will be out of keeping with neighbouring properties – all garages/outbuildings at rear of Northampton Rd properties are single storey.

22.04.2021 - Over development of plot is questioned. A two storey building will be out of keeping with neighbouring properties; the site already has sufficient parking on the driveway for 4 vehicles; the proposal will overlook neighbouring Baker Avenue gardens/properties and result in loss of privacy (including our garden); height of the building will block light into Baker Avenue gardens early afternoon.

13.03.2021 - Loss privacy to our property and our neighbours; Noise of additional moving vehicles, currently just manageable with surrounding garages.

14 Baker Avenue, Broughton

27.05.2021 - The building is still going to be an eyesore and impact on the privacy of the houses on Baker Avenue despite a reduction in scale. The alterations will not reduce the noise and cars passing behind the houses.

15.04.2021 - Concerned about traffic using the access behind my property and windows within the 2 story building overlooking the gardens of Baker Avenue.

18 Baker Avenue, Broughton

25.05.2021 –The amended proposal still retains Velux windows which will overlook our property. The proposed building also blocks all sunlight from our garden in the afternoon. Concern raised about building being used as a business which will create noise/vehicle pollution.

20.04.2021 - The two storey building will be out keeping with the neighbouring properties or garages to the rear of them; Height of building will block light out of Baker Avenue gardens in the afternoon; The proposal will result in overdevelopment of the site; Noise and air pollution resulting from people coming to and from the

property to the rear of the existing dwellinghouse. Loss of privacy as natural features will not always remain.

14.03.2021 - noise sound and air pollution; Size and height of proposed building will be overlooking the properties in Baker Avenue; Trees may not always be there to screen from the proposed building; We will not be able to sit in garden because of noise and car pollution if a business is run from the premises

37 Northampton Road, Broughton

23.04.2021 - The height of the proposed garage/home office is too tall and not in keeping the other garages that have been built to the rear of property's on Northampton Road; Loss of privacy our garden and lounge and other properties backing on to the site due to proposed windows proposed to be fitted into the roof.

26.05.2021 – Reducing the height of the building by 1 meter has not changed the fact that the proposed garage/home office is still out of keeping with other garages that have been built to the rear of properties. We still feel that it will adversely affect our privacy to our lounge and garden.

15 Baker Avenue, Broughton

22.05.2021 – The revised plans have not addressed privacy concerns or impact on light into our gardens. Previous objections still stand which include loss of privacy through overlooking of rear garden/property; loss of light to our property noise from vehicle movements using the access road to the rear of the site.

15.04.2021 – loss of privacy through overlooking of rear garden/property; loss of light to our property noise from vehicle movements using the access road to the rear of the site.

16 Baker Avenue, Broughton

23.04.2021 – There are no material changes to our original objections which raised loss of light and shading in our garden owing to the new building which is taller than the current garages located nearby; potential negative effect on the privacy affecting our garden. Concern remains over potential increase in traffic that may result from the use of this home/office.

15.03.2021 - Primary concern is the height of the planned development and impact on potential shading and loss of natural light. In addition, there may be a loss of privacy as the windows in the home office will overlook our garden. This is in contrast to the existing garages which do not overlook us, despite their negative visual impact. The current building work at 43 Northampton Road has resulted in noise and disturbance which could be extended if planning permission is granted. The size of the proposed development will have a negative visual impact.

Comments of Support

45 Northampton Road, Broughton

09.06.2021 -: The back fence of 16 Baker Avenue is two feet from the back hedge of 43- 45 Northampton Road plus the private road.

47 Northampton Road, Broughton

10.05.2021 –: Support the proposed garage.

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) (2019)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)
- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 8: North Northamptonshire Place Shaping Principles
Policy 11: The Network of Urban and Rural Areas
- 6.4 Saved Local Plan for Kettering Borough (1995)
Policy RA3: Rural Area: Restricted Infill Villages
- 6.5 Broughton Neighbourhood Plan (17th October 2018)
Policy 1: Village Boundary
Policy 3: Development Design
- 6.6 Emerging Site Specific Part 2 Local Plan
Policy LOC1: Settlement Boundaries
Policy RS1: Category A Villages
Policy RS5: General Development Principles in the Rural Area

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

- 7.1.1 At the heart of the NPPF is a presumption in favour of sustainable development as set out in Section 2, paragraph 10 (NPPF), based around three overarching objectives (economic, social and environmental). Section 12, paragraph 124 (NPPF) states that 'good design is a key aspect of sustainable development'.
- 7.1.2 Saved Policy RA3 defines Broughton as a Restricted Infill Village, providing support for new residential development where specific criteria is met, including impacts on character, appearance, design, impact on conservation, etc. Although the main focus of this policy is on new residential dwellings, these material considerations are considered further throughout this report (paragraphs 2 – 5). The site is also within the draft settlement boundary set out within the emerging SSP2 Local Plan. This plan is at Publication stage and gone through examination with main modifications

now published by the Inspector. As a result, relevant policies are given significant weight in the decision-making process.

- 7.1.3 Policy 11 of the North Northamptonshire Joint Core Strategy also directs development to existing urban areas and indicate that Broughton as part of Kettering rural is a tertiary focal point for limited development, such as extensions and incidental buildings, after the growth town of Kettering and the smaller towns of Burton Latimer, Desborough and Rothwell. Policy 1 of the Broughton Neighbourhood Plan and emerging Policy LOC1 of the emerging SSP2 Local Plan defines the extent of the settlement within which the application site is located an where development is supported by these policies and emerging Policy RS1 of the emerging SSP2 Local Plan subject to compliance with other policies contained within the Neighbourhood Plan.
- 7.1.4 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network. Policy 3 of the Broughton Neighbourhood Plan also requires that the visual impact of development is acceptable and relates sensitively, whilst respecting its immediate surroundings. In addition, the development of gardens will only be supported where it respects the amenity of neighbouring properties in terms of privacy, daylight, visual intrusion, appropriate levels of parking and retention of mature vegetation/landscape screening. Emerging Policy RS5 of the SSP2 Local Plan states that development in the rural area will reflect the height, scale and mass of neighbouring properties; involve the protection and enhancement of the character of all settlements... Emerging Policy RS1 of the SSP Local Plan also requires for new development to show consideration and be sympathetic to the existing size, form, character and setting of the village and be compatible with other relevant policies within the Part 1 and 2 Local Plans and Neighbourhood Plans. As discussed in sections 7.2-7.4 of this report, the development is not considered to have a significant impact on these matters subject to planning conditions.
- 7.1.5 The existing dwelling also establishes the principle of residential development at the site. Whilst third party objections highlight concern over the use of proposed building for independent commercial purpose, this can be adequately overcome by conditioning the proposed use of the building to remain ancillary to use of the host property (43 Northampton Road, Broughton). Objections have also been received on the grounds of overdevelopment of the site. Although the host property has been recently extended at ground and first floor through planning permission KET/2020/0019, the size of the plot is sufficient to accommodate the proposal without resulting in overdevelopment of the site. As a result, subject to this and other matters discussed throughout this report being secured by planning condition, the proposal is acceptable in principle.

7.2 Visual Impact

- 7.2.1 Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraphs 124 and 127 set out that good design is a key aspect of sustainable development.

- 7.2.2 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.
- 7.2.3 Saved Policy RA3 of the Local Plan for Kettering Borough states that new development should amongst other things, be appropriate in terms of size, form, character and setting of the village and in terms of the local community and its environment and be compatible with other policies relating to design.
- 7.2.4 Policy 3 of the Broughton Neighbourhood Plan also requires that the visual impact of development is acceptable and relates sensitively, respect and consideration to its immediate surroundings. In addition, the development of gardens will only be supported where it respects the amenity of neighbouring properties in terms of visual intrusion and retention of mature vegetation/landscape screening. In this instance, the existing garden is laid to lawn and no mature vegetation/ landscape screening will be harmed. Other impacts are discussed below.
- 7.2.5 Emerging Policy RS1 of the SSP Local Plan also requires for new development to show consideration and be sympathetic to the existing size, form, character and setting of the village and be compatible with other relevant policies within the Part 1 and 2 Local Plans and Neighbourhood Plans. Emerging Policy RS5 of the SSP2 Local Plan also states that development in the rural area will reflect the height, scale and mass of neighbouring properties; involve the protection and enhancement of the character of all settlements...
- 7.2.6 Objections have been received from a number of third parties together with Broughton Parish Council objecting on the grounds that the proposal will result in a two storey building which by virtue of its scale is out of keeping with the surrounding area and will result in overdevelopment of the site. The Parish Council also infer that the proposal may conflict with Policy 3A of the Broughton Neighbourhood Plan. The issue of overdevelopment has already been discussed in paragraph 7.1.5 of this report.
- 7.2.7 The proposal is in fact 1.5 storeys, with additional home office accommodation provided within the roof space. Due to this, the eaves and ridge height are higher than normal for most garage buildings, but have been reduced by over a metre in height compared to the original proposal in order to mitigate its visual impact. Whilst still higher than most single storey buildings, its position behind existing two storey dwellings from both Northampton Road and Baker Avenue means that it is not readily visible from within the public realm and will not have a significant impact on the character and appearance of the area as it will remain subservient to the principal dwellings which surround it. The footprint of the proposed building is not excessive and commensurate with other incidental buildings located to the rear of other properties on Northampton Road. The site does not fall within the designated Conservation Area of Broughton which would require additional consideration. Subject to planning condition securing external materials which match those used in the construction of the original dwellinghouse and removal or permitted development rights which could allow for alterations/enlargements to the building, given the context of the site, the proposal is considered acceptable in terms of its impact on visual amenity and in accordance with the relevant parts of Sections 2 and 12 of the National Planning Policy Framework, Policy 8 of the North

Northamptonshire Joint Core Strategy, saved Policy RA3 of the Local Plan for Kettering Borough, Policy 3 of the Broughton Neighbourhood Plan, emerging Policies RS1 and RS5 of the SSP2 Local Plan.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.
- 7.3.2 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area. Policy 3 of the Broughton Neighbourhood Plan also requires that new development respects the amenity of neighbouring properties in terms of privacy and daylight.
- 7.3.3 The proposed building is located on land which sits lower than the houses on Northampton Road and will not have an overbearing impact on habitable rooms within those dwellings. Although the building is built up to the boundaries with properties shared with 41 and 45 Northampton Road, it is located towards the end of the garden where incidental buildings are already located; it is considered that these parts of the gardens are not the principal garden areas used for recreation and impact on their enjoyment in terms of overshadowing or loss of access to natural light will not be significant particularly given morning sun affecting no. 41 Northampton Road and evening sun affecting no. 45 Northampton Road will be unobstructed. In terms of overshadowing/access to natural light impacts on properties located on Baker Avenue (and their gardens) which are orientated southeast/south of the site (with the site located northwest/north of properties on Baker Avenue) the proposed building is considered to be sufficiently distanced and of a scale which will not give rise to significant impact.
- 7.3.4. The scale of the building at 1.5 storeys facilitates habitable space in the roof void to accommodate a home office. The overall height of the building has been reduced by approx. 1.1 metres through negotiation with the case officer and now measures approximately 6.2 metres to ridge and 2.8 metres to eaves. The roof lights have been raised above finished floor levels to approximately 1.8 metres high which is similar height to the average boundary fence, which is considered sufficient to protect neighbouring amenity from overlooking subject to removal of permitted development rights which could otherwise allow for further alteration. Furthermore, the nearest residential building to the proposed building is approximately 25 metres (southeast) and 40 metres (northwest) which is sufficient distance to protect privacy further in terms of back to back visibility, with immediate garden areas protected to a lesser degree (but sufficient level) by the height and angle of the proposed roof lights or separation distance (the nearest boundary proximity of properties on Baker Avenue are approximately 10m from the proposed building).
- 7.3.5 Third party objections raise concern over noise/disturbance associated with additional vehicle movements. As discussed in section 7.1 of this report, a planning condition is recommended to secure use of the building ancillary to the main house which will overcome these concerns which are primarily linked to fears over a

commercial use becoming established. As a result, there is no reason why the proposed building will increase vehicle movements or noise/disturbance above that normally experienced through the use of any other domestic incidental building and such impacts are considered acceptable. As a result, subject to conditions already referred to, the proposal is considered acceptable in terms of its impact on neighbouring amenity and accords with the relevant parts of Section 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 3 of the Broughton Neighbourhood Plan.

7.4 Parking and Highway Safety

- 7.4.1 Section 9, paragraph 108(b) (NPPF) states that when considering applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'*.
- 7.4.2 Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards. Policy 3 of the Broughton Neighbourhood Plan also requires that new development secures appropriate levels of parking.
- 7.4.3 The position of the proposed garage building is located clear of the highway and provides sufficient clearance (approx. 7.4 metres (deep) x 7.1 metres (wide)) between the garage and the established shared access driveway for vehicles to park in front without causing obstruction. As a result of reducing the garage height, the internal garage dimensions have been reduced to measure approx. 3.15 metres < 6.00 metres (wide), by 5.25 metres < 6.2 metres (deep) with further space inside for an internal hallway/staircase. The internal length of the building exceeds dimensions for a single garage space as set out in the Northamptonshire Parking Standards (September 2016), although the width of one of the space falling slightly short by 15 centimetres. However, this itself is not considered fatal given the aforementioned standards are not adopted in policy, and the garage is in addition to off-road parking provided on site which exceeds the aforementioned standards for two parking spaces clear of the shared driveway.
- 7.4.4 Objections received raised concerns over increased traffic on the established private access road and associated highway safety issues. However, the proposal is for an ancillary building which as discussed in sections 7.1 and 7.3 of this report will be conditioned to secure this. As a result, the intensity of vehicle movements associated with the proposed building will be commensurate with the domestic use of the host property and will be acceptable. Subject to this condition, the proposal is considered acceptable with respect of parking and highway safety and accords with the relevant parts of Section 9 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Place Shaping Principles and Policy 3 of the Broughton Neighbourhood Plan.

8. Other Matters

- 8.1 Neighbour comments: Issues raised through third party comments from the occupiers of 14/15/16/17/18 Baker Avenue, Broughton relating to impact on property values/marketability of neighbouring properties or fear of future change of use of the building once approved or concern about approval resulting in a precedent being

set which will further harm the area or loss of view (of the sunset) are not material planning considerations which can be considered further.

9. Conclusion / Planning Balance

- 9.1 The proposal is acceptable in principle and in terms of its impact on neighbouring amenity, visual amenity, parking and highway safety. Although objections have been received with respect of neighbouring amenity, visual amenity, parking and highway safety and overdevelopment, the issues raised are not considered to be so significant that they outweigh the policy support in favour of the proposal. As a result, the subject to planning conditions outlined within this report which secure the use to be ancillary to residential use of the host property (for parking, domestic storage, home office) and external materials used in the construction of the building matching those used in the construction of the existing dwellinghouse, and removal of permitted development rights which could otherwise allow for further alterations, in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class E of Part 1 of Schedule 2 of the Order shall be erected, constructed or made on the application site.
REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing dwellinghouse at 43 Northampton Road, Broughton.
REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
4. The building hereby approved shall remain ancillary to the occupation of 43 Northampton Road, Broughton, NN14 1NR and shall only be used for the parking of vehicles or domestic storage associated with the host property and/or a home office for sole use by the occupiers of 43 Northampton Road, Broughton, NN14 1NR.
REASON: In order to prevent the creation of an independent office or commercial use which without proper assessment and control is likely to have a significant and

unacceptable adverse impact on neighbouring amenity and the character of the area which will harm the settlement hierarchy and increase the risk of conflict between pedestrians and vehicles in accordance with Policies 8 and 11 of the North Northamptonshire Joint Core Strategy.

5. 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.

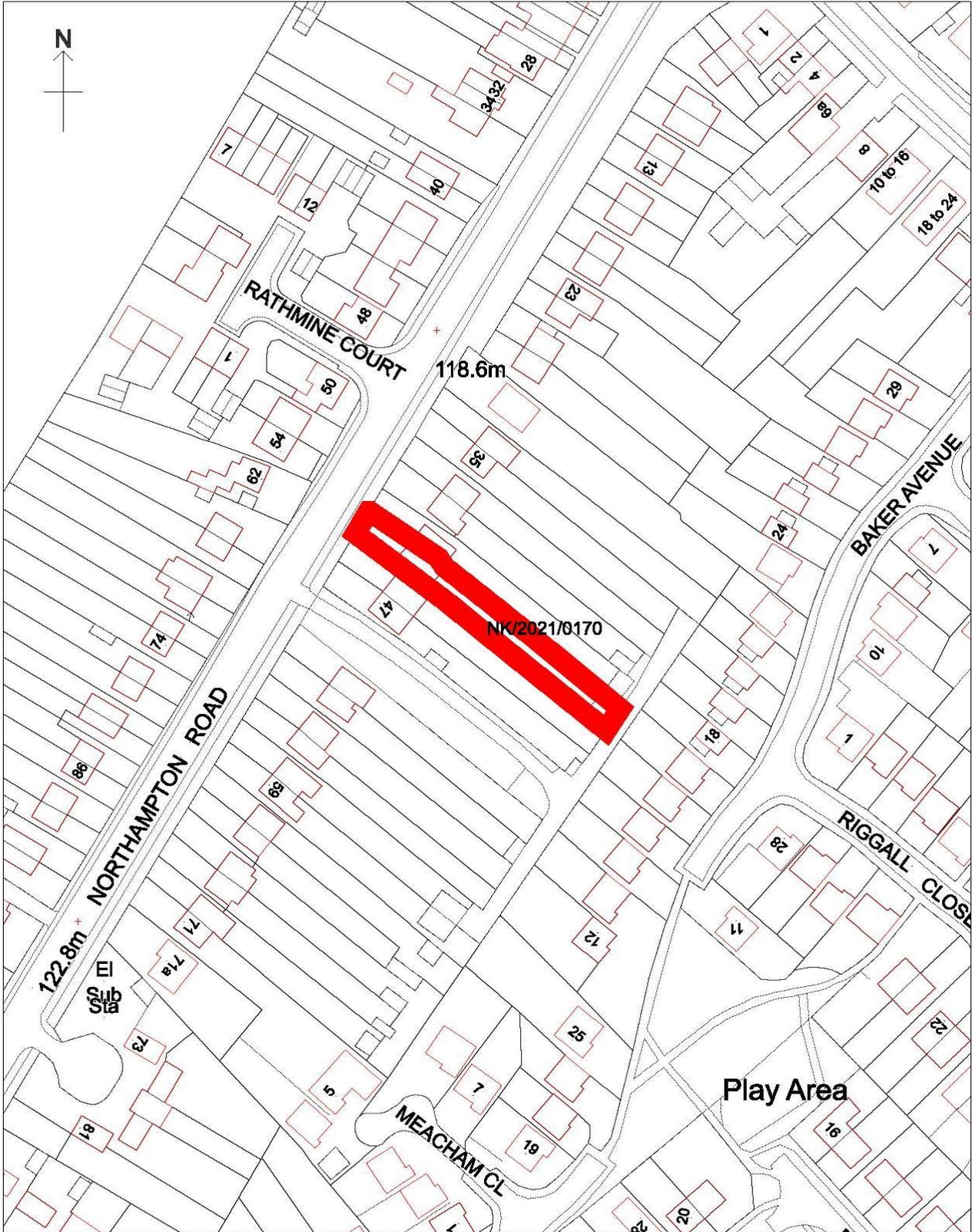
12. Informatives

Positive/Proactive - amendments
Party Wall Etc. Act

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 plan		163-PL00	23.02.21
Block plan		163-PL01	23.02.21
Proposed elevations / floor plans		163-PL02	23.02.21
Block plan		163-PL01 Rev A	08.04.21
Proposed elevations / floor plans		163-PL02 Rev A	08.04.21
Proposed Section Plan		163-PL03 Rev A	08.04.21
Block plan		163-PL01 Rev B	03.05.21
Proposed elevations / floor plans		163-PL02 Rev B	03.05.21
Proposed Section Plan		163-PL03 Rev B	03.05.21



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