

North Northamptonshire Area Planning (Kettering) Committee 26/08/2021

Application Reference	NK/2021/0036
Case Officer	Kirk Denton
Location	Westview, 43 Kettering Road, Rothwell
Development	Full Planning Permission: Change of use from C3 dwelling house to 11 bedroom HMO with single storey side extension to create triple garage. Conversion of first floor roof space to habitable accommodation with dormers to front and rear - Part retrospective
Applicant	Mr K Jones
Agent	Mr K Jones
Ward	Rothwell
Overall Expiry Date	29/03/2021
Agreed Extension of Time	18/06/2021

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 reported for Committee decision because there are unresolved, material objections to the proposal.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission: Change of use from C3 dwelling house to 11 bedroom HMO with single storey side extension to create triple garage. Conversion of first floor roof space to habitable accommodation with dormers to front and rear - Part retrospective

- 2.2 The application seeks permission for a change of use of a detached dwelling into an 11 bedroom HMO (sui generis use) involving front and rear dormers to the roofplane of the single-storey side projection on the north side of the building. Attached to this would be a triple garage.
- 2.3 The floor plans show a communal kitchen/dining area with 4 en-suite rooms on the ground floor, a further four en-suite rooms on the first floor and 3 en-suite rooms on the second floor. The basement area is to be used as a communal laundry.
- 2.4 The existing timber outbuilding is to be removed and the majority of the garden will form on-site parking for the proposed HMO including 3 x visitor spaces and a dedicated secure cycle storage area with Sheffield stands inside the garage. There would be a total of 14 car parking spaces.
- 2.5 The Kettering Road street elevation (west) would retain the existing trees and green bank which would provide relief from the hard landscaped areas to the north-east. The existing brick wall that runs alongside the north boundary fronting Gordon Street will be reduced in height adjacent to the vehicular access and the existing double gates are to be removed allowing for improved visibility when exiting the site. A dedicated refuse store area is annotated on the plans to the south of the building accessed from Kettering Road.
- 2.6 The application is a re-submission of the previously refused application KET/2020/0501 which addresses the reasons for refusal.
- 2.7 **Constraints Affecting the Site**
Nene Valley NIA Boundary

3. Site Description

- 3.1 The application site is located to the south of Rothwell town centre on the main road through this market town. It lies within the settlement boundary and an established residential area. No. 43 Kettering Road is comprised of a substantial detached dwelling within a large plot on the corner of Kettering Road and Gordon Street. The building is Victorian in style and stands at the end of a row of semi-detached and terraced Victorian dwellings which front Kettering Road. The plot is bounded by a tall red brick wall to Gordon Street with a lower wall with railings above towards Kettering Road. A large timber outbuilding/summerhouse is sited on the western boundary wall.
- 3.2 Vehicular access into the site is from Gordon Street to the north of the site frontage on the western boundary. There is also pedestrian access from Kettering Road to the dwelling.

4. Relevant Planning History

- 4.1 KET/2009/0165 - Change of use from residential to childcare/day nursery - WITHDRAWN 08/06/2009

KET/2009/0447 – Change of use from residential to childcare/day nursery - APPROVED 02/10/09

KET/2011/0813 - Conversion of single dwelling to five apartments APPROVED 21/06/12

KET/2018/0114 - 2 no. detached single storey outbuildings consisting of five garden rooms REFUSED 11/04/18

KET/2018/0384 – Certificate of Lawfulness for two no. detached single storey outbuildings – GRANTED 25/07/18

KET/2020/0501 – Change of use form C3 dwelling house to 9 bedroom HMO with raised roof to single storey element to create an additional en-suite bedroom - REFUSED – 23/11/20 FOR THE FOLLOWING REASONS:

- 4.2 *The proposed development makes insufficient provision for on-site car parking and manoeuvring space to serve the proposed use. Without further evidence to demonstrate that a lesser number of car parking spaces is appropriate in this instance or that sufficient on street parking exists, this is likely to lead to vehicles reversing into the highway if unable to park within the site and generating further parking congestion in the nearby streets contrary to policy 8 (b) (ii) of the Joint Core Strategy and the NPPF which seek to ensure that there is sufficient car parking to serve new development.*
- 4.3 *The existing access into the site is insufficient in width to allow two vehicles to pass which would mean vehicles having to wait on the carriageway to enter the site if another was exiting, causing traffic to stop in the highway. In addition, due to the restricted visibility in both directions, the existing access does not provide sufficient pedestrian and vehicular visibility onto Gordon Street. The proposal is therefore likely to lead to a highway danger contrary to policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy and the NPPF which seek to ensure that there is a safe and convenient access to serve all new development.*
- 4.4 *The proposal includes the use of part of the timber 'garden room' as a site office with no details as to its proposed use or who would occupy it. Without sufficient justification based on the requirements of the proposed HMO, the use of this office could create an intensification on the use of the premises, generating further demands on the already inadequate parking provision and an intensification of the use of the substandard access. The proposal would therefore be contrary to policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy and the NPPF which seek to ensure that new development provides a safe access and car parking to serve the needs of the site.*
- 4.5. *The proposal makes no provision for the storage of waste/recycling to serve the proposed use with suitable access for collection. Without such provision the proposed development is contrary to policy 8 (i) of the North Northamptonshire Joint Core Strategy, the Sustainable Development SPD and the NPPF.*
- 4.6 *Due to its relationship and close proximity to the boundary with 2 Gordon Street, the proposed balcony on the first floor of the proposed extension would cause overlooking into this property resulting in a loss of privacy and enjoyment of the use of the garden for its occupants. This is contrary to policy 8 (e) (i) of the North*

Northamptonshire Joint Core Strategy and the NPPF which seeks to ensure a satisfactory level of amenity is maintained for nearby occupiers.

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 Rothwell Town Council

No objections to the proposal

5.2 Neighbours / Responses to Publicity

There have been a total of 7 third party representations with the following concerns:

- Lack of on-site parking will lead to further demand for on-street parking which currently cannot withstand additional vehicles;
- Over-development - too many bedrooms;
- Loss of light to neighbouring adjoining properties due to first floor roof extensions;
- Overlooking/loss of privacy from new windows in first floor roof extension;
- Potential for garage building to be used for further living accommodation.

5.3 NNC Highways

No objections subject to requested further information being provided and conditions (NB officer comments – all information sought by NNC Highways has been provided to the satisfaction of the LPA).

5.4 NNC Ecologist

No objections. Having reviewed the bat survey reports submitted I am satisfied that neither a licence nor mitigation will be required in this case.

5.5 NNC Environmental Protection

No objections subject to conditions

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)

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land

- 12. Achieving well design places
- 14. Meeting the challenge of climate change, flooding and coastal change

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

- 1. Presumption in favour of Sustainable Development
- 2. Historic Environment
- 4. Biodiversity
- 5. Water environment
- 8. North Northamptonshire Place Shaping Principles
- 9. Sustainable buildings
- 22. Delivering economic prosperity
- 28. Housing requirements
- 29. Distribution of new homes
- 30. Housing mix and tenure

6.4 Saved Policies in the Local Plan for Kettering Borough

- 35. Housing: Within Towns

7. Evaluation

The key issues for consideration are:

- Principle of development
- Character and appearance of the area
- Residential amenities - existing and future occupiers
- Impact on neighbouring occupiers
- Future occupiers
- Refuse storage
- Parking and highways

7.1 Principle of Development

7.1.1 The NPPF seeks to make the most effective use of land and to provide for a sufficient supply of homes and a range of accommodation to meet specific needs. Policies 29 of the JCS and saved policy 35 of the Local Plan seek to concentrate development in towns and Policy 30 of the JCS seeks to ensure that there is a mix of dwelling sizes and tenures to cater for current and forecast accommodation needs and to assist in the creation of sustainable mixed and inclusive communities.

7.1.2 As the site lies within the built boundary of Rothwell it is considered to be a suitable location in principle for the proposed development.

7.2 Character and appearance of the area

7.2.1 The property is a detached Victorian Villa set within a large plot. The building stands with some prominence at a raised level compared to the highway and its main frontage faces onto Kettering Road.

7.2.2 The building is not listed nor is it within a Conservation Area.

- 7.2.3 The building is in a state of disrepair and it is considered that by granting planning permission the works required to bring the living accommodation up to standard including the works to the car park and the removal of the timber outbuilding would improve the overall appearance of the property within the street scene.
- 7.2.4 The minor works to the existing single-storey projection comprising front and rear dormers plus the construction of the garage building are relatively minor alterations and additions which are not considered to have such an overall impact on the appearance of the dwelling to alter its character.
- 7.2.5 In this regard, the proposed change of use and external alterations are considered to improve the building and preserve its integrity. Therefore it is not considered that the proposal would cause undue harm to the character and/or appearance of the property in this respect.

7.3 **Residential Amenities - existing and future occupiers**

- 7.3.1 The NPPF requires that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and create places that are safe inclusive and accessible, and which promote health and wellbeing, with a high standard of amenity for existing and future users.
- 7.3.2 Policy 8(e) of the JCS seeks to ensure that development prevents harm to the residential amenities of neighbouring properties such as by reason of overbearing, loss of light or overlooking.

7.4 **Impact on Neighbouring occupiers**

- 7.4.1 Reason 5 of the previous refusal stated:
- 7.4.2 *Due to its relationship and close proximity to the boundary with 2 Gordon Street, the proposed balcony on the first floor of the proposed extension would cause overlooking into this property resulting in a loss of privacy and enjoyment of the use of the garden for its occupants. This is contrary to policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy and the NPPF which seeks to ensure a satisfactory level of amenity is maintained for nearby occupiers.*
- 7.4.3 The balcony has been removed from the proposed scheme and therefore this reason for refusal has been addressed.
- 7.4.4 Although the proposed rear dormer to the single-storey element of the building would be constructed on the roof plane adjacent to the eastern boundary, the windows to the rear are annotated on the drawing as being high-level. The room to which these high-level windows would serve is proposed to be a bathroom and the windows could therefore be conditioned to be obscurely glazed if Members were minded to. It is not considered that the windows as proposed would give rise to overlooking or loss of privacy to the occupiers of the adjacent property no 47 Kettering Road.

- 7.4.5 The rear dormer would not project further than the elevation of the main building on this eastern elevation and would not give rise to any overshadowing or loss of light.
- 7.4.6 Similarly, the garage would be a single-storey structure. There is a drop in the land levels between the rear garden of the application property and the garden of no 47 Kettering road. However, as the garage building is proposed to be single-storey with a roof form which hips away from the boundary it is considered unlikely that this would have such an overwhelming impact on the amenities of the occupiers of no 47 to warrant a refusal of permission. As the garden and the rear rooms of no 47 face in a westerly direction, the garage is not considered to block sunlight/daylight to these rooms causing harm to residential amenity

7.5 **Future Occupiers**

- 7.5.1 With regard to the residential amenities of the future occupiers of the proposed HMO, sufficient communal living space is being provided for the occupants in the form of a large kitchen/diner as well as laundry facilities in the basement of the building. In addition, a variety of bedroom sizes are proposed and all utilise the bedrooms of the original house which are all of a generous size and allow for seating areas and private en-suite facilities. The existing large windows provide adequate light and ventilation to each room. In October 2018, the Government introduced minimum room sizes for HMOs. This stipulates that rooms used for sleeping accommodation should be no smaller than 6.51 square metres or 10.22 square metres if used by two people. All the rooms would exceed this.

7.6 **Refuse storage**

- 7.6.1 Reason 4 of the previous application stated:
- 7.6.2 *The proposal makes no provision for the storage of waste/recycling to serve the proposed use with suitable access for collection. Without such provision the proposed development is contrary to policy 8 (i) of the North Northamptonshire Joint Core Strategy, the Sustainable Development SPD and the NPPF.*
- 7.6.3 A dedicated refuse storage area is shown on the drawings alongside the southern boundary of the property accessed via Kettering Road. This is considered an appropriate area for the refuse storage and would be accessible for kerb side collection by operators.
- 7.6.4 In regard to the safeguarding of the residential amenities of both existing neighbours and future occupiers, the proposal is considered to address the previous reasons 4 and 5 of KET/2020/0501 and is acceptable under Policy 8 (e) of the JCS.

7.7 **Parking and highway safety**

- 7.7.1 Policy 8(b) of the JCS and section 9 of the NPPF seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

- 7.7.2 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.7.3 The previous application was refused on the following grounds relating to parking and highway safety:
- 7.7.4 *The proposed development makes insufficient provision for on-site car parking and manoeuvring space to serve the proposed use. Without further evidence to demonstrate that a lesser number of car parking spaces is appropriate in this instance or that sufficient on street parking exists, this is likely to lead to vehicles reversing into the highway if unable to park within the site and generating further parking congestion in the nearby streets contrary to policy 8 (b) (ii) of the Joint Core Strategy and the NPPF which seek to ensure that there is sufficient car parking to serve new development.*
- 7.7.5 *The existing access into the site is insufficient in width to allow two vehicles to pass which would mean vehicles having to wait on the carriageway to enter the site if another was exiting, causing traffic to stop in the highway. In addition, due to the restricted visibility in both directions, the existing access does not provide sufficient pedestrian and vehicular visibility onto Gordon Street. The proposal is therefore likely to lead to a highway danger contrary to policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy and the NPPF which seek to ensure that there is a safe and convenient access to serve all new development.*
- 7.7.6 *The proposal includes the use of part of the timber 'garden room' as a site office with no details as to its proposed use or who would occupy it. Without sufficient justification based on the requirements of the proposed HMO, the use of this office could create an intensification on the use of the premises, generating further demands on the already inadequate parking provision and an intensification of the use of the substandard access. The proposal would therefore be contrary to policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy and the NPPF which seek to ensure that new development provides a safe access and car parking to serve new development.*
- 7.7.7 The Highways Authority (LHA) have made the following comments;
- 7.7.8 From a parking aspect the LHA do not have significant concerns as the bays and numbers are in line with standards. As regards the access, the revised Proposed Site Plan details an improvement adhering to the majority of the requirements previously outlined.
- 7.7.9 The access shown in Proposed Site Plan details a hard bound surfacing for a minimum of the first 5m from the highway boundary as required and has a width of 5.5m.
- 7.7.10 Pedestrian visibility splays are detailed. As mentioned in the LHA's prior response, these splays would likely to not be achievable on the eastern side of the access due to the proximity of the neighbouring development. To the west of the access the splays are adequate.

- 7.7.11 A means of drainage across the back of the highway boundary (linear drain), across the proposed site access draining to soakaways contained within the applicant's own land is required. It is unlawful for surface water to drain from private property onto the public highway.
- 7.7.12 It is noted the existing wall/rail boundary treatments would be reduced in height. The heights shown on Proposed Site Plan are adequate in respect to visibility splays.
- 7.7.13 To address the reasons for refusal, the double gates have been removed from the entrance and the wall is to be reduced in height to 0.6metres to ensure visibility both ways along Gordon Street. The access would also be widened to 5.5 metres to the satisfaction of the LHA.
- 7.7.14 The car parking bays (including the two in the garage) are the requisite dimension and the applicant has confirmed that a linear drain will be inserted to prevent surface water entering into the street.
- 7.7.15 The parking standards for large HMOs (i.e above 6 bedrooms) requires 1 space per bedroom, plus two visitor parking spaces and one covered secure cycle space per bedroom. Therefore, to satisfy these standards, 13 on site car parking spaces and 13 covered secured cycle spaces are required to serve the development.
- 7.7.16 The proposal provides a total of 14 car parking spaces which is one more than the minimum standards require. There would be 12 cycle spaces which is one less than the minimum standards require.
- 7.7.17 Given that there is anecdotal evidence that there is existing parking congestion within the area, the applicant has over-provided parking space within the site and it is considered that the proposal would not lead to further intensification of demand for on-street parking within Gordon Street. Although there is one less cycle space provided than the minimum standards provide for it is not considered that this would warrant a reason for refusal on parking grounds or lead to the over-intensification of the need for additional on-street parking to the detriment of the local area.
- 7.7.18 The concerns relating to the timber cabin have been alleviated by this building being omitted from the scheme and removed from the site.
- 7.7.19 Therefore, it is considered that the proposal addresses the reasons for the previous refusal KET/2020/0591 on parking and highway safety grounds.

8. Other Matters

Bats

- 8.1 Policy 4 of the JCS requires protection of key assets for wildlife, protect the natural environment from adverse effects from noise, air and light pollution, to increase connectivity of habitats amongst other matters. The NPPF, at paragraph 170(b), recognises the wider benefits from natural capital and ecosystems. The weight to be applied to considerations concerning the natural environment depends on the

hierarchy of protection afforded the asset be they large areas of land protected for natural beauty or scientific purposes to local wildlife sites and protected flora and fauna and particular animal habitat.

- 8.2 The site has no statutory or local designations.
- 8.3 The applicant has carried out bat surveys at the request of NNC's Ecologist to assess the potential for bats to be roosting within the roof space of which is to be converted to an additional bedroom. NNC's Ecologist has reviewed the surveys and is satisfied that no licence or mitigation are necessary in this case. The application would accord with Policy 4 of the JCS.

9. Conclusion / Planning Balance

- 9.1 The application is for the change of use of a dwelling to a 11-bedroom HMO with associated on-site car parking/cycle storage and refuse storage.
- 9.2 The previous application for a similar use was refused in November 2020 on 5 grounds. This application has addressed all 5 reasons for refusal to the satisfaction of the LPA.
- 9.3 The proposal is a sustainable development within a sustainable location and will provide the type of housing which there is a demonstrable need for within the NN area.
- 9.4 The proposal complies with Policies 1, 8, 29 and 30 of the NN Joint Core Strategy and the relevant sections within the NPPF and is recommended for approval.

10. Recommendation

- 10.1 APPROVED 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. 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. 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 building
REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The development hereby permitted, shall not be occupied until the boundary treatments as shown on approved site plan no: 9541.PP.001 Rev. D received by the Local Planning Authority on 18 March 2021, have been reduced in height in accordance with the details as shown on the approved plan unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and in the interests of the amenity and protecting the privacy of the neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The development hereby permitted, shall not be occupied until such a time as the access driveway and parking area have been surfaced and laid out in accordance with the approved details on drawing no: 9541.PP.001 Rev D received by the Local Planning Authority on 18 March 2021 and once provided shall be maintained in perpetuity

REASON: In the interests of visual amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to the first occupation of the development hereby approved, refuse storage and collection facilities for the proposed dwellings shall have been provided on site and retained in accordance with details as set out on drawing no 9541.PP.001. Rev D received by the Local Planning Authority on 18 March 2021 unless otherwise agreed in writing by the Local Planning Authority and thereafter shall be made available for use. The collection facilities shall be positioned so as not to impede access or visibility.

REASON: In the interest of public health and safeguarding residential and visual amenity and highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Construction works shall not occur outside of the times Monday to Friday 08.00 to 18.00 hrs and 08:00-13:30 on Saturdays and at no time at all on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to occupation of the development a means of drainage to prevent surface water draining onto the highway shall be provided within the site.

REASON: In the interest of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Informatives

Building Regulations consent required
Works within the highway
Safeguarding of protected species

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	KET Ref.	Agent's Ref	Received Date
Location plan	NK/2021/0036/1		15/01/21
Existing elevations	NK/2021/0036/2		15/01/21
Existing basement floor plan	NK/2021/0036/3		15/01/21
Existing ground floor plan	NK/2021/0036/4		15/01/21
Existing first floor plan	NK/2021/0036/5		15/01/21
Existing second floor plan	NK/2021/0036/6		15/01/21
Proposed elevations	NK/2021/0036/7		15/01/21
Proposed ground floor plan	NK/2021/0036/8	02	26.04.21
Proposed first floor plan	NK/2021/0036/9		15/01/21
Proposed second floor plan	NK/2021/0036/10		15/01/21
Site plan		9541.PP.001-D	18.03.21
Dusk and Dawn Bat Activity Surveys	NK/2021/0036/11		11/06/2021
Preliminary Roost Assessment Survey	NK/2021/0036/12		14/06/21
Bat Emergency And Re-entry Surveys	NK/2021/0036/13		29/06/21



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