

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

<b>Application Reference</b>	<b>NK/2021/0140</b>
<b>Case Officer</b>	<b>Alison Riches</b>
<b>Location</b>	<b>9 Bridle Way, Cransley</b>
<b>Development</b>	<b>Full Planning Permission: Retaining wall to driveway and revised parking area</b>
<b>Applicant</b>	<b>Mr J Marsh</b>
<b>Agent</b>	<b>Mr J Bissell Urban Colour Architects</b>
<b>Ward</b>	<b>Slade</b>
<b>Overall Expiry Date</b>	<b>22/04/2021</b>
<b>Agreed Extension of Time</b>	<b>27/08/2021</b>

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.

#### **1. Recommendation**

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- 1.1 That planning permission be GRANTED subject to conditions.

#### **2. The Proposal**

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- 2.1 The proposal as originally submitted was for the conversion of the garage with external alterations to form an annexe/holiday let, and for the excavation and retaining of the front garden to provide 3 no. parking spaces to be used by both the existing dwellinghouse and the annexe.

2.2 Following objections and concerns regarding the adverse impact of the proposal on the character of the area and the amenities of future and surrounding occupiers, and parking at the site the proposal was amended as follows:

- Annexe removed from the proposal. Retaining wall to driveway added. Description amended to include the conversion of the garage to ancillary residential accommodation.
- Parking space sizes amended and gradient of drive added.
- Conversion of the garage removed from the proposal. Plans amended and additional information provided to clarify the proposal.

Each amendment was reconsulted on for 7 days.

2.3 The revised proposal for which planning permission is being sought is therefore for engineering works to provide a retaining garden wall for the retention and improvement of the parking provision within the site boundary.

### **3. Site Description**

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3.1 The application site is located in an established residential area to the northeast of Cransley village, adjacent to the Conservation Area and to public footpath GG/013, both of which abut the side (southwest boundary) of the site.

3.2 The application site comprises a reasonably large square plot of land and contains a semi-detached two-storey T-shaped render covered dwellinghouse with a terracotta tile gable roof. The windows are replacement white PVCu.

3.3 In the southwest corner of the site, close to the back of the highway edge is a detached render covered double garage with a terracotta tile gable roof and a driveway in front leading to the highway.

3.4 The dwellinghouse is set back in the site and sits at an elevated land level. The site is accessed by a set of steps from the back of the highway edge which also serve the adjoining semi-detached property at No.11 Bridle Way. The garage is also at an elevated land level, although less so than the dwellinghouse, and the driveway slopes up from highway level to it.

3.5 The rear garden is also at an elevated land level and there are steps down to the garage.

3.6 Surrounding development ranges from late 18<sup>th</sup> century properties within the Conservation Area to later infill development from the 1940s onwards and comprises single and two-storey dwellinghouses in a range of designs and palette of materials.

### **4. Relevant Planning History**

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4.1 None.

## 5. Consultation Responses

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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 Great Cransley Parish Council

- **Objection.**
- On parking grounds.
- By converting what is a double garage with parking for at least one car on the access drive, just for the house, this would deprive the owners of any off road parking resulting on only road parking for them.
- Any users of the proposed conversion could also need parking possibly for more than one car.
- The Bridle Way is narrow, parking is always a problem along its length and this presumably would increase if the application was approved.

#### Reconsultation 1

- **Objection.**
- Apply views stated in the original application to the amended plans.
- Loss of road parking for the main house together with the cars associated with this 'ancillary' habitable accommodation' are not advisable in a narrow road which already has parking problems for its whole length.

#### Reconsultation 2

- **Objection.**
- Reasons given in the previous applications still apply.
- The issue of the gradient is a moot point.
- A wider dropped kerb means reduced road parking for existing residents of Bridle Way.
- The intensified use of the property seems far too much for this small site and does appear to over-populate this plot to the detriment of neighbouring properties.
- Objections in the letter from No.7 Bridle Way still apply.

#### Reconsultation 3

- **Objection.**
- The objections from Number 7 do still apply and have not been adequately addressed.
- In addition, the 3D rendered images dated 11/07/21 still show a raised area which was previously to provide sleeping accommodation. It is not clear from the further plans this has been removed, in which case the existing objection that "the intensified use of the property seems far too much for this small site and does appear to overpopulate this plot to the detriment of neighbouring properties" still stands. This is also not addressed by the mention of "studio space" as this implies it has the potential to be used for purposes which also intensify the use of the site.
- With regard to parking, this application does not improve on street parking.
- The existing site is shown by the applicants as sufficient to accommodate two parked vehicles.

- NNC Highways observation number two notes that at least two residential spaces must be provided on site. The amended site plans provide no great increase in this provision and only at the detriment to other residents of Bridle Way.
- Should the use of this site intensify, then more parking spaces must be provided.
- The extra parking alluded to in the revised plans is unusable as access is blocked by the other two parking spaces and should therefore be disregarded as an increase in parking space.
- The on street parking is already extremely congested and the proposed plans only seek to reduce the area of on street parking available to residents. It is an unarguable point that reducing the area available to park will put additional stress on residents' ability to park on a street which is already overpopulated with cars.
- Considering the above, it is clear that the application should be rejected.

## 5.2 Local Highway Authority (LHA)

- **No Objection.**
- Subject to conditions tying the annexe as ancillary to the existing dwellinghouse and operational vehicles will be appropriately sealed or covered to prevent material spillage, wind blow and odour nuisance.
- Ensure applicant is fully aware of their responsibilities in respect of public footpath GG013 which runs adjacent to the proposed development.

### Reconsultation 1

- **Cannot Support.**
- Confirm gradient of access will be no more than 1 in 15 for the first 5m from the highway boundary and that it has a solid side boundary across this distance too.
- The revised Proposed Site Plan shows a reduction in the level of off-street parking being proposed. In addition, the parking bays are substandard dimensionally. They must be a minimum 3m wide by 5m in length. They should be widened to 3.3m where adjacent to a solid side boundary (e.g. wall/fence/hedge) and lengthened to 5.5m where immediately off the rear of the public highway.
- If the existing dwelling no. 9 Bridleway is a 2 or 3-bedroom dwelling, then it requires at least 2 residential car parking spaces. If it is a 4+bedroom dwelling, it requires at least 3 residential car parking spaces. The habitable accommodation would require 1. Both would require 1 visitor parking space. Hence, a further 3 or 4 spaces would be required and they would need likely need to be on-street. Bridleway is narrow with on-street parking on one side further reducing the drivable width.
- Parking Beats Survey suggested.

### Reconsultation 2

- **Cannot Accept.**
- Further information required.
- The revised Proposed Site Plan details the parking bays to the required dimensions along with the gradient of the access.

- There would be little space to provide pedestrian visibility splays to the northern side as it stands unless the access is moved further south. The LPA should take a view on this. They could be provided to the south.
- Pedestrian visibility splays at least 2.0m x 2.0m shall be provided on each side of the vehicular access. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access/footway level. The land should be contained entirely within land in the control of the developer.
- 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.
- If the existing dwelling (i.e. 9 Bridleway) has 2 or 3-bedrooms, it requires at least 2 residential car parking spaces. If it is a 4+bed dwelling, it requires at least 3 spaces. The habitable accommodation would require 1. Both would require 1 visitor parking space. Hence, a further 3 or 4 spaces would be required and they would need to be on-street. Bridleway is narrow with on-street parking on one side further reducing the drivable width.
- Parking Beat Survey suggested.

#### Reconsultation 3

- **No Objection.**
- Revision C of the Proposed Site Plan details pedestrian visibility splays and states boundary treatments are no more than 0.6m above ground level. To the north, the splay extends beyond the site's red line boundary i.e. land likely to be in control of the developer. The LPA will need to take a view on this.
- 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 detailed.
- It is noted the proposals are for the garage conversion to no longer be a habitable space i.e. incorporate bedroom(s). As such, it has no car parking requirements. From Revision C of the Proposed Site Plan, it is understood the existing dwelling has 3 bedrooms. 2 car parking spaces are therefore sufficient. The third space shown is dimensionally substandard.
- Please ensure that the applicant is made fully aware of their responsibilities in respect of Public Footpath GG/013

### 5.3 Environmental Health

- **No objection.**
- Recommend standard conditions for working hours.

#### Reconsultation 1

- Nothing to add to previous comments.

#### Reconsultation 2

- Nothing to add to previous comments.

#### Reconsultation 3

- Nothing to add to previous comments.

#### 5.4 Neighbours / Responses to Publicity

4 letters of objection received. The material planning considerations are summarised as follows:

##### 3 Bridle Way

- **Objection.**
- Existing parking problem in Bridle Way which has escalated.
- Existing garages should be used for that purpose.
- Holidaymakers vehicles will only make parking worse.

##### 4 Bridle Way

- **Objection.**
- Comments identical to No.7 Bridle Way, below.

##### 6 Bridle Way

- **Objection.**
- Parking issues have increasingly worsened.
- Too many vehicles and nowhere to park.
- Council tenants have already been warned not to park on the grass.

##### 7 Bridle Way

- **Objection.**
- *Original objections were superseded following advice that the site is within the settlement boundary.*
- The proposal is tantamount to the formation of a new dwelling, is in conflict with saved policy RA3, and should be assessed as such.
- The site immediately adjoins the Cransley village Conservation Area affecting its setting and the undesignated heritage assets, represented by our house, within it. This is contrary to section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to positively preserving or enhancing the character or appearance of conservation areas. The proposal does neither and nor is this constraint identified or addressed in the application.
- Paragraphs 195 or 196 of the NPPF appear to be conflicted in that, if the harm to the heritage asset is adjudged substantial through the negative impacts identified here, then it should be refused consent given none of the conditions at 195 (a) to (d) apply and that no substantial public benefit accrues from the proposal; alternatively, if the harm is adjudged less than substantial within the meaning of paragraph 196, there is still no ascertainable public benefit to outweigh that harm, and, certainly, none that relates to the viability of the use of number 9 as a dwelling, which is plainly not in doubt being long established and continuous.
- There is potential for occupiers to increase traffic movements and volumes in Bridle Way. The road is already congested with inadequate on-street parking available to existing residents without access to dedicated driveways.
- KBC has to write to its tenants, opposite the site, to stop parking on the grassed amenity areas which has displaced these vehicles back onto the road, worsening the pressure upon the limited on-street parking.

- Although off-road parking is provided in the application, the constraints and topography of the site mean this is unlikely to be used or even usable.
- The existing occupants usually park on-street and it is believed visitor cars will do the same, exacerbating an already difficult situation.
- Lack of manoeuvring space will add to congestion and noise disturbance.
- Cransley village is hardly a sustainable location in terms of transport connections and alternatives to use of private vehicles. This conflicts with Policy 1 of the North Northamptonshire Joint Core Strategy and paragraph 108 of the National Planning Policy Framework.
- The proposal will result in intensified domestic activity with consequent noise and disturbance, closer to our own house and private amenity space, leading to a fundamental degradation of our current amenity.
- The proposed patio area to the west of the garage building and immediately adjacent to the public right of way is likely to cause disturbance far closer to our existing living and amenity space. This is contrary to Policy 8 (e) of the JCS and paragraph 127(f) of the NPPF.
- The proposed accommodation supports 2 additional double bed spaces which has the potential to triple the current occupancy impact, representing an over-dense and unsustainable form of development diminishing the amenity for neighbours and those occupying the extended accommodation.
- If the LPA wants to approve the scheme, then a S106 agreement should be required and/or planning conditions preventing the converted garage being functionally, beneficially, or legally separated from the principal dwelling, it being occupied as the sole or principal residence for any individual, and a register kept of all occupying guests.

#### Reconsultation 1

##### 11 Bridle Way

- **Support.**
- We are the closest neighbour to 9 Bridle Way as we are the attached semi detached house. We have discussed all aspects of the application and are happy to support it fully.
- Understand objections were raised due to increased parking in Bridle Way and that these have been addressed by a proposal to remove the existing retaining wall, level that area and provide parking for 3 cars.
- When looking at the plans they appear to have been switched: the plan titled as the original is showing a larger area (the new retaining wall being pushed back further) and 3 parking spaces, whereas the plan titled revised is showing a smaller area and only 2 parking spaces. It looks to us as if the 2 plans have been transposed.

#### Reconsultation 2

- No comments received.

#### Reconsultation 3

- No comments received.

## **6. Relevant Planning Policies and Considerations**

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### **6.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 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)

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 12. Achieving well-designed places

Policy 16. Conserving and enhancing the historic environment

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

Policy 2. Historic Environment

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 29. Distribution of New Homes

### **6.4 Saved Policies in the Local Plan for Kettering Borough**

RA3. Rural Area: Restricted Infill Villages

## **7. Evaluation**

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The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters

### **7.1 Principle of Development**

7.1.1 The application site is in an established residential area to the northeast of Cransley Village, adjacent to the Conservation Area.

7.1.2 Cransley is defined as a restricted infill village by Policy RA3 of the Local Plan for Kettering Borough, in an established residential area where Policy RA3 is supportive of proposals for residential development in principle, provided they are appropriate in terms of size, form, character and setting of the village, and in terms of the local community and its environment.

7.1.3 Section 72(1) of the Act requires Local Planning Authorities have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

7.1.4 Policy 16 of the National Planning Policy Framework requires new development to sustain and enhance the significance of heritage assets in order to avoid or minimise conflict between conservation of the heritage asset and any aspect of the proposal.

- 7.1.5 Policy 16 of the National Planning Policy Framework 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 securing the optimum viable use of the heritage asset.
- 7.1.6 Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Cransley as part of Kettering rural is a tertiary focal point for limited development, such as extensions, after the growth town of Kettering and the smaller towns of Burton Latimer, Desborough and Rothwell.
- 7.1.7 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of extensions to residential properties provided there is no adverse impact on character and appearance, residential amenity and the highway network.
- 7.1.8 The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

## 7.2 **Visual Impact**

- 7.2.1 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.
- 7.2.2 Policy 2 of the North Northamptonshire Joint Core Strategy requires new development to complement the surrounding historic environment through form, scale, design and materials.
- 7.2.3 The proposal is for engineering works to extend and alter an existing retaining front garden wall for the retention and improvement of the parking provision within the site boundary.
- 7.2.4 The existing retaining driveway wall is a low render covered wall. The proposed retaining front wall is set back further into the site and will be no higher than the height of the top of the existing shared steps, which lead up to dwellinghouses at the application site and the adjoining semi-detached property at No.11 Bridle Way. The materials proposed for it are render covered gabion walls.
- 7.2.5 The existing driveway is sloped and is concrete. The proposed driveway will be flat at entrance of the site then sloping upwards to the existing garage and is proposed to be concrete with pavements.
- 7.2.6 It is considered that the design and materials proposed for the retaining wall and driveway are consistent with the existing driveway and retaining wall and will not appear materially different in relation to the character and appearance of the existing dwellinghouse, surrounding development, the Conservation Area and the wider street scene.

7.2.7 As such, subject to a condition for the proposal to be built out in accordance with the submitted details, the proposal complies with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy.

### **7.3 Impact on Neighbouring Amenity**

7.3.1 The National Planning Policy Framework in Policy 12, paragraph 127(f) seeks to ensure that development creates places with high standards of amenity for existing and future users. (overbearing/sense of enclosure).

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.

7.3.3 The proposal is for engineering works to extend and alter an existing retaining front garden wall for the retention and improvement of the parking provision within the site boundary.

7.3.4 The proposed works will lead to an increase in the available parking area at street level with a taller retaining wall set back into the site. The engineering works do not affect the central set of steps which provide pedestrian access to the dwellinghouses at both the application site and the adjoining semi-detached property at No.11 Bridle Way.

7.3.5 As such, subject to the proposal to be carried out in accordance with the submitted plans, which can be secured by condition, it is considered the proposed works will not adversely impact on the amenities of future or surrounding occupiers. This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 12 of the National Planning Policy Framework.

### **7.4 Highway Matters**

7.4.1 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.

7.4.2 The current parking provision at the site is provided by the existing curved, sloping driveway leading to the garage, with tandem off-road parking for 2 no. vehicles clear of the highway. Parking 2 no. vehicles within the site is currently difficult to achieve due to the current layout. Additional parking is provided on-street in the unrestricted highway in Bridle Way.

7.4.3 The proposal is for engineering works to reconfigure the driveway parking within the site to provide 2 no. fully accessible and usable parking spaces at street level. This is being facilitated by excavating the front garden to set back the retaining wall and to flatten the slope of the driveway in this area. A small length of the existing front boundary wall is to be removed to allow for the provision of a pedestrian visibility splay, and the retaining wall is reduced to 0.6 metres high where it is adjacent to the bottom of the steps, to allow for pedestrian visibility in this area. An Aco drain, to prevent surface water run-off, is provided within the site along the front boundary of

the proposed parking area, at the back of the highway edge. There is some additional space on the driveway leading up to the garage for an additional vehicle.

- 7.4.4 Following amendment to the proposal to remove the conversion of the garage, provide details of the parking space sizes and the gradient of the drive immediately adjacent the back of the highway (footpath), the Local Highway Authority has no objection stating that, as there is no conversion of the garage to a habitable space, 2 no. car parking spaces are sufficient.
- 7.4.5 The Local Highway Authority has commented regarding the visibility splay across the stepped area; however, this is a shared access for the applicants and their neighbours which has a low 0.6 metre high wall proposed at the bottom to allow for visibility. As any vehicles adjacent to the steps will have restricted movement, it is therefore considered the provision of the low wall will give sufficient views of persons using the steps and the footpath beyond to the northeast to prevent any highway safety issues. The removal of part of the front boundary wall to allow for a visibility splay to the southwest, means there will be no highway safety issues in relation to this part of the proposal.
- 7.4.6 The Local Highway Authority states the third parking space is substandard, however, this is an additional space in excess of the Local Highway Authority requirements as set out in the Local Highway Authority Parking Standards (September 2016) for a 2- to 3-bedroom dwellinghouse.
- 7.4.7 Despite the amendments to the scheme to remove the conversion of the garage from the proposal, the Parish Council have maintained an objection in terms of parking problems in the area.
- 7.4.8 The proposal does not include any loss to the current parking provision, which the Local Highway Authority consider is an acceptable amount for the dwellinghouse and for the revisions to the parking area proposed. The small increase to the dropped kerb area, means that the proposed parking area is more accessible to, and usable by, the applicants and will remove one of their vehicles off the highway and onto the driveway. As such, as there is no change to the parking provision, there will be no increase in the requirement for on-street parking and therefore no adverse impact on the highway network or highway safety.
- 7.4.9 Subject to a condition requiring the proposal to be built out in accordance with the submitted plans, it is considered to be in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **8. Other Matters**

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- 8.1 None.

## **9. Conclusion / Planning Balance**

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- 9.1 Subject to a condition for the proposal to be built out in accordance with the submitted plans, in the interests of visual and residential amenity and highway

safety, there are no material planning considerations to indicate against the proposal which is considered to be in accordance with the Development Plan.

## **10. Recommendation**

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10.1 The proposal is recommended for conditional approval.

## **11. Conditions**

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

3. The materials to be used in the construction of the retaining wall 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 gradient of the drive shall not exceed 1 in 15 within 5 metres of the edge of the carriageway of the adjoining highway.  
REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Visibility splays of 2 metres by 2 metres shall be provided as shown on approved plan UCA069-A-201C, received by the Local Planning Authority on 2nd August 2021. Once provided, these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.6 metres in height above carriageway level.  
REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **12. Informatives**

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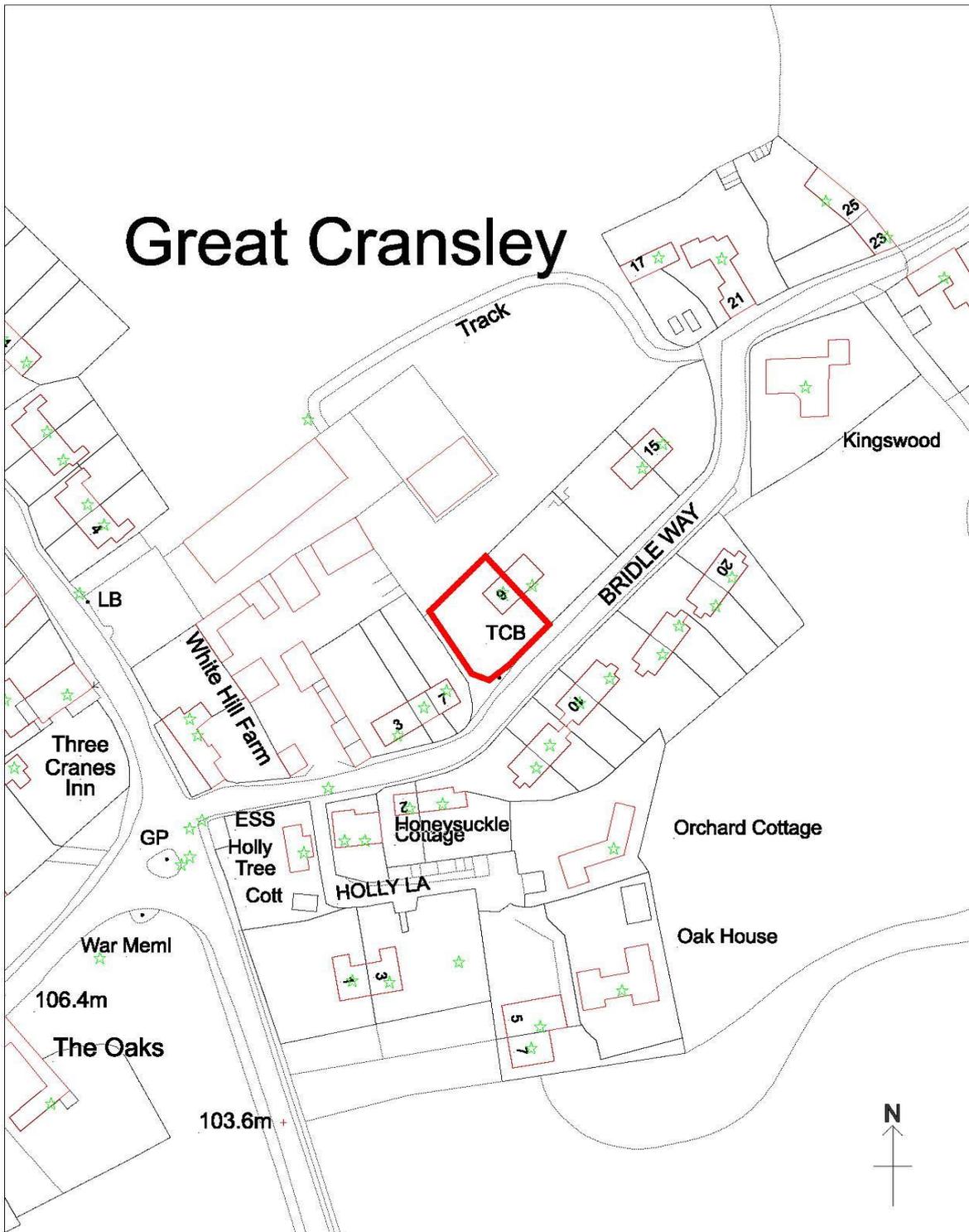
Positive/Proactive - amendments  
Public Right of Way

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:

<b>Title</b>	<b>KET Ref.</b>	<b>Agent's Ref</b>	<b>Received Date</b>
Location plan / Block plan		UCA069-A-100A	02/08/2021
Proposed elevations / Floor plans		UCA069-A-200B	12/07/2021
Proposed site plan		UCA069-A-201C	02/08/2021
Existing elevations / Floor plans		UCA069-A-101	25.02.21
Planning Statement	NK/2021/0140/2		02/08/2021

# Great Cransley



Title: 9 Bridle Way, Cransley

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