

**North Northamptonshire Area Planning Committee
(Thrapston)
18th October 2021**

Application Reference	20/01712/FUL
Case Officer	Jennifer Wallis
Location	166 Avenue Road, Rushden, Northamptonshire
Development	Part demolition and conversion of existing storage barn to support the erection of a residential annexe ancillary to main dwelling
Applicant	Coulson
Agent	Architecture Workshop - Mr Bryn Lee
Ward	Rushden South
Overall Expiry Date	23 February 2021
Agreed Extension of Time	22 October 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Officer's recommendation is contrary to the Town Council's objection.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes the erection of a residential annexe for use in association with the host dwelling, No. 166 Avenue Road. The annexe will accommodate a games room / living room, office and bedroom with shower room at ground floor. An external staircase is proposed to serve a first floor storage room within the roof space. The ground floor accommodation will be 62 sqm and the first floor storage area will be 28 sqm.

- 2.2 The proposed building is to replace an existing storage barn and will have an identical footprint to the building it is replacing. The proposed replacement building will be slightly higher than the building it is replacing, with a ridge height of 5.32m. The original building is approximately 4.2m high with an eaves height of 3.1m. The building is to be constructed from rendered blockwork and horizontal timber boarding with clay roof tiles to the roof.
- 2.3 A supporting statement has been submitted with the application which states that the annexe will be reliant upon the main dwelling and will be used for purposes in association with the host dwelling.
- 2.4 Amended plans have been submitted during the determination of the application reducing the height of the proposed building from 6.33m to 5.32m and reducing the floor area of the first floor storage area. Externally, the number of roof lights have been reduced from four to two, with one on each roof plane.

3. Site Description

- 3.1 The application site is currently occupied by 166 Avenue Road and its garden, which includes a number of storage buildings and a summerhouse. No. 166 is located on Avenue Road within the open countryside, approximately 2 miles south east from the built up area of Rushden. The immediate surrounding area is characterised by agricultural farm land with a long linear pattern of development along Avenue Road, consisting of housing fronting the public highway.
- 3.2 No. 166 lies to the south of Avenue Road with a long rear garden containing a number of structures. Residential properties lie to the northwest and there are a number of buildings to the south west. Open countryside lies to the southeast.

4. Relevant Planning History

- 4.1 06/02507/OUT Outline approval for the erection of a single dwelling - Approved – 14.05.07
- 4.2 10/00814/RWL Replacement of extant permission 06/02507/OUT - Approved – 6.07.10
- 4.3 13/00987/RWL - Replacement of extant planning permission EN/10/00814/RWL: Domestic Dwelling dated 6.7.10 (Replacement of extant planning permission 06/02507/OUT Domestic dwelling dated 14.5.2007 – Approved 21.08.13)

5. Consultation Responses

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

5.1 Rushden Town Council

The Town Council objects to this application. It feels the creation of the residential annexe constitutes back land development of the existing site. This is a standalone residential building, that is not joined to the property and would set a precedence for creating a separate dwelling behind an existing property.

Should the Council be minded to approve this application it is requested that it is conditioned to ensure the annexe has to remain with the existing property and cannot gain status as a separate dwelling.

On receipt of amended plans 08.09.21 and 23.09.21: Object. Reiterate previous comments.

5.2 Neighbours / Responses to Publicity

Letters sent to eight properties. One letter of representation has been received objecting on the following grounds:

- Ridge height/additional first floor east and north facing windows- The ridge height is proposed at 4.23m which is substantially higher than the current ridge by some of 1.10m, as shown on the east and north facing elevation drawings.
- If the first floor is to be used as storage in perpetuity, we would question the necessity of windows at all particularly, on the north elevation.
- Have concerns that if this application is granted it would lead to conversion of the first floor to residential use under permitted development rights.
- The proposal is to create a residential annexe in the rear garden which should be discouraged particularly in rural areas where land is ample. The applicant has retained sufficient vehicular access which may lead to a future application to separate this from the host dwelling.

On receipt of amended plans;

It is noted and appreciated that the ridge height has been reduced together with the number of roof windows. However, the window on the North elevation is to be retained and appears to be deeper and we question the necessity for this window. The window has potential for overlooking and loss of privacy. As per previous concerns regarding future permitted development of the upper floor, we would like to see a condition withdrawing the permitted development rights together with a condition ensuring the annexe cannot be separated from the host property at a later date. Further comments submitted regarding the height of the resultant building and that the reduced ridge line is still substantially high and note the impact of this to neighbouring property. The North facing window will have a direct view of the garden and master bedroom.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

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

Policy 1 - Presumption in Favour of Sustainable Development

Policy 4 - Biodiversity and Geodiversity

Policy 8 - North Northamptonshire Place Shaping Principles

Policy 9 - (Sustainable Buildings)

Policy 11 - (The Network of Urban and Rural Area)

Policy 25 - (Rural Economic Development and Diversification)

6.5 Rushden Neighbourhood Plan (RNP) (Made 2018)

Policy H1- Settlement Boundary

Policy EN1 - Design in Development

6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)

Residential Annexes Supplementary Planning Document (awaiting adoption)

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

7.1.1 The application site lies in the open countryside, forming part of a linear development of residential properties along Avenue Road, Rushden. The application seeks permission for a replacement building within the residential curtilage of No.166 Avenue Road to provide ancillary accommodation for the main dwelling.

7.1.2 Policy 11 of the North Northamptonshire Joint Core Strategy (JCS) states that development in rural area will be limited and the appropriate reuse of rural buildings will be supported in accordance with Policy 25. Whilst the application is not proposing the reuse of the building, but its replacement, the building will occupy the same footprint and is sited within the residential curtilage of No. 166 within a group of residential properties.

7.1.3 Policy H1 of the Rushden Neighbourhood Plan (RNP) supports the redevelopment of sites on Avenue Road, however, this is subject to set criteria and is in relation to new housing development.

7.1.4 This application relates to the redevelopment of a building with the residential curtilage of No. 166 Avenue Road and is to provide ancillary accommodation to the existing property. The building proposes to accommodate a games / living room, office and bedroom with shower room. The annexe would be reliant on the host property for its access, garden and kitchen facilities etc and could not be occupied as an independent dwelling. As such, the principle of the development is supported subject to the policy considerations addressed below.

7.2 **Visual Impact**

7.2.1 National guidance contained within the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy 1 of the JCS seeks to secure sustainable development and Policy 8 requires new development to comply with a number of sustainable principles including being of a high standard of design. Policy EN1 of the RNP states that all new developments should be of a high quality of design.

7.2.2 Planning permission is sought for the replacement of an existing storage barn, within the residential curtilage of No. 166 Avenue Road, with an annexe. The annexe is proposed to provide ancillary residential accommodation to the host property. The proposed annexe would provide ground floor accommodation with storage space within the attic. The building would utilise the same footprint as the existing storage building with the additional of first floor storage.

7.2.3 The existing storage building is constructed from painted blockwork and horizontal timber boarding with a corrugated metal sheeted roof. The annexe proposed would be constructed with coloured render to the blockwork and horizontal timber boarding. There are other ancillary structures within the garden which are timber clad and as such the proposed building would remain sympathetic to the application site.

7.2.4 Whilst the proposed replacement building would be slightly taller than the existing building, the first floor storage area has been reduced in size and would not occupy the same footprint as the ground floor. As a result, the first floor would have a narrower gable with a single storey lean to at ground floor. The proposed building is of a scale and design appropriate to a residential annexe and would remain sympathetic to the character of the host property and would not have an adverse impact upon the surrounding area.

7.2.5 Sited within the rear garden of No. 166 Avenue Road the proposed structure will not be visible or prominent from the public realm. The application property has a long rear garden with an enclosed frontage to Avenue Road. As such, the proposed building will have a limited impact on

the street frontage or the character and form of the surrounding area.

- 7.2.6 For these reasons the proposed annexe would not result in a detrimental visual impact on the character and appearance of the street scene, the host dwelling or the surrounding area.

7.3 Impact on Neighbouring Amenity

- 7.3.1 The NPPF and Policy 8 of the Joint Core Strategy (2016) seek to protect amenity of neighbouring users. The policy also seeks to ensure residential amenity is not harmed as a result of development; the NPPF within the core principles states that planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*.
- 7.3.2 The application proposes the replacement of a storage building with ancillary residential accommodation in the form of a residential annexe. The building is located to the rear of the site, some distance from properties to the northwest fronting Avenue Road.
- 7.3.3 To the southeast is open countryside and to the southwest are outbuildings with open countryside beyond. To the north, properties on the opposite side of Avenue Road will be separated from the development by the host property and some distance separation. As a result, properties to the north, south and west are a sufficient distance from the proposed annexe so as not to be adversely affected by the development.
- 7.3.4 To the north of the site is the residential garden to No. 168 Avenue Road. The curtilage to No. 166 wraps around the rear garden of No. 168 and is currently enclosed by a high conifer hedge. Concern has been expressed by a neighbour over the height of the proposed structure, the number of windows at first floor and the use of the building. Following receipt of amended plans concern has still been expressed with regards to overlooking from the first floor and the height of the structure, in particular the window in the north elevation.
- 7.3.5 Amended plans have been submitted during the course of the application, reducing the height of the building and removing two rooflights. The first floor is proposed to be storage and is accessed via an external staircase to the south. A window is proposed within the north elevation within the attic space, however, this area is to be utilised for storage only. Due to the pitch of the roof and the height of the building only 28m² is useable area. The attic space is limited in size and, as a storage area, is not habitable living space.
- 7.3.6 Furthermore, the building is some distance from the rear of No. 168, over 45 metres away, and sited not directly to the rear. Due to the use of the first floor and separation distances involved, it is not considered that the proposed annexe would have any adverse impact on the occupant of No. 168 Avenue Road.

- 7.3.7 A condition can be imposed to restrict the use of the building to ancillary accommodation and restrict it from being used as an independent dwelling. If considered reasonable and necessary, a condition could also be imposed to restrict the first floor area to storage.
- 7.3.8 The application submission makes reference to the fallback position and what could be achieved without the express consent of the Council. Class E of the Town and County Planning (General Permitted Development) (England) Order 2015 allows for the erection of outbuildings within residential curtilages for use in association with the main dwelling. Class E permits an outbuilding within the residential curtilage, so long as it does not cover 50% of the curtilage, at single storey with a height restriction of 4m (with a dual pitch and over 2 metres from the boundary). The proposed structure is 5.32m, if the height were reduced by 1.3m and the first floor storage area were to be omitted, a similar structure could be build which would not require planning permission.
- 7.3.9 Having regard to the above, it is considered that the proposal would not impact significantly upon neighbouring properties and a satisfactory relationship would remain.

7.4 Impact on Highway Safety and Parking

- 7.4.1 The proposed annexe would utilise the existing access to No. 166 Avenue Road and is to be accessed via a pathway through the garden. The building is to be used as ancillary accommodation to the host property. The property has an existing driveway to the frontage with ample off-street parking and a adjoining garage. The application would result in the increase in bedrooms, with a bedroom proposed within the annexe, however, sufficient parking would be available within the curtilage of the site, to the site frontage off Avenue Road. The existing parking to the frontage of the property would be unaffected by the development.
- 7.4.2 Accordingly, there is no impact on the existing parking provision to the frontage of the site and the development would not impact upon highway safety.

7.5 Ecology

- 7.5.1 The application site has no record of any protected species and, being mainly of private garden land, is considered to be of low biodiversity potential. There has been no representation with regards to biodiversity from any third party or the Council.
- 7.5.2 Policy 4 of the North Northamptonshire Joint Core Strategy 2016 requires all development to safeguard existing biodiversity. The proposal is minor in nature and would have a neutral impact upon biodiversity. Therefore, the proposal is considered to be in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2016.

7.6 Flooding

- 7.6.1 The application site is in Flood Zone 1, which means it has a low probability of flooding. In terms of drainage, the proposal would retain the footprint of an existing building and as such there should be no additional impact from surface water run-off. The proposal is therefore considered acceptable and complies with Policy 5 of the North Northamptonshire Joint Core Strategy 2016.

8. Other Matters

- 8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9. Conclusion / Planning Balance

- 9.1 In this instance the proposed annexe is not considered to cause significant harm that would outweigh the economic, social and environmental benefits of the proposal, therefore given the current policy position, the proposed development is considered to be compliant with relevant national and local planning policy as:

- Is of an appropriate scale and design;
- Would not have a harmful impact upon the character and appearance of the area;
- Would not have a significantly detrimental impact upon the amenity of neighbours;
- Would not have a harmful impact upon highway safety;
- Would be acceptable in terms of flood risk;
- Would safeguard existing biodiversity; and
- There are no other material planning considerations which have a significant bearing on the determination of this application

10. Recommendation

- 10.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that Planning Permission be GRANTED subject to conditions.

11. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the following documents:
- Site Location Plan, 20-19 A3.01, as received by the Local Planning

- Authority on 22 December 2020; and
- Site Plan Proposed, 20-19 A3.05, as received by the Local Planning Authority on 22 December 2020; and
- Proposed Floor Plans, 20-19 A1.01 Rev 4, as received by the Local Planning Authority on 29 April 2021; and
- Proposed Elevations, 20-19 A2.01 Rev 4, as received by the Local Planning Authority on 29 April 2021

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

- 3 The development hereby permitted shall be finished externally in materials as detailed on the submitted application form and plans. The approved materials shall be maintained and retained in perpetuity thereafter.

Reason: To achieve a satisfactory elevational appearance for the development.

- 4 The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 166 Avenue Road, Rushden.

Reason: In order to safeguard the amenity of adjacent residential properties and in the interests of highway safety.

12. Informatives

None