

North Northamptonshire Area Planning (Kettering) Committee 18/11/2021

Application Reference	NK/2021/0777
Case Officer	Natalie Westgate
Location	49 Greening Road, Rothwell
Development	s.73A Retrospective Application: Outbuilding in rear garden
Applicant	Mr G Bhamra
Agent	Mr H Bansal PH Design London Limited
Ward	Rothwell
Overall Expiry Date	17/11/2021
Agreed Extension of Time	19/11/2021

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.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Outbuilding in rear garden

3. Site Description

- 3.1.1 The application site lies on the south western side of Rothwell within a residential area. The site is situated on the eastern side of Greening Road. The application property is a two storey detached dwelling with pebbledash, tiled roof and white

upvc windows. The dwelling benefits from an existing two storey rear extension which is pebble dashed.

3.1.2 The site is open to the front with a driveway. The site sits within a reasonably large plot surrounded by fencing to the side and rear boundaries to all neighbouring properties. In the rear garden there is a large brick outbuilding which is subject to this planning application. There is also a timber outbuilding with hot tub on decking in the rear garden.

3.2 Site constraints

3.2.1 None

4. **Relevant Planning History**

4.1 NK/2021/0507 - Change of roof from hip to gable to both sides with conversion of roof space to a habitable room. Insertion of windows to both sides and rooflights to front and rear elevations – Pending

4.2 KET/2012/0043 – Certificate for Lawfulness Proposed: Roof extension to provide habitable room – Refused - 12/07/2012

4.3 KET/2007/1153 - Two storey rear extension – Approved - 31/01/2008

5. **Consultation Responses**

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

5.1 Town Council
Strongly object.

5.2 Neighbours / Responses to Publicity

6 number of letters have been received (from 5 addresses). The issues raised are summarised below:

- Overdevelopment of the site
- The collective buildings are overbearing out of scale and out of character
- Overshadowing and overlooking occupiers at No.53
- The outbuilding is built close to fence with No.31 and intrusive in their garden
- Loss of privacy to occupiers of No.53 in dwelling and garden
- Light on outbuilding is too bright
- Unnecessary CCTV on outbuilding
- The outbuilding is lived in
- Increase in flooding to neighbours at No.53
- Does the heating, pipes and toilet have building regulations

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 8. North Northamptonshire Place Shaping Principles
Policy 11. The Network of Urban and Rural Areas
- 6.4 Local Plan
Kettering Saved Policy 35. Housing: Within Towns
- 6.5 Emerging Policy - Site Specific Part 2 Local Plan
LOC1 Settlement Boundaries

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 7.1.2 The site is located within the designated town boundary of Rothwell. Saved Local Plan Policy 35 supports compatible residential development within town boundaries, subject to all other policies in the Plan being satisfied.
- 7.1.3 Emerging Policy LOC1 of the Site Specific Part 2 Local Plan is generally supportive of residential development within settlement boundaries subject to their compliance with the listed policy criteria and all other development plan policies.
- 7.1.4 The Site Specific Part 2 Local Plan is at an advanced stage with the Local Plan now moving forward for full adoption status in the next month. Accordingly, these policies are now given significant weight at this time.
- 7.1.5 The place making principles outlined in Policy 8 of the North Northamptonshire Joint Core Strategy 2011–2031 state that development should ensure quality of life and safer and healthier communities by protecting amenity by not resulting in

an unacceptable impact on the amenities of future occupiers, neighbouring properties, or the wider area. This is considered in further detail below.

7.1.6 The application is retrospective. It should be noted that the building itself was constructed over 10 years ago and is therefore immune from enforcement action (therefore well beyond 4 years for operational development). Aerial images on GIS demonstrate the brick outbuilding has been constructed over 10 years ago. The proposed floor plans do however show a different internal layout to what is currently there. It is considered prudent and reasonable to consider the impacts of the proposed development and this is done below.

7.1.7 The principle of development is considered acceptable.

7.2 Visual Impact

7.2.1 Policy 8(d) 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 The brick outbuilding has been constructed over 10 years ago so benefits from not requiring planning permission – it is immune from enforcement action (*in situ beyond the 4 years for operational development*). Given the brick outbuilding is large in nature a condition is recommended removing permitted development rights for other outbuildings within the rear garden.

7.2.3 Although the brick outbuilding is large and bulky it is situated within the rear end of the rear garden so it is not visible from the public realm and therefore does not detrimentally affect the street scene or wider character and appearance of the area.

7.2.4 For the reasons and conditions given above it is considered that the proposal is in keeping with the character and appearance of the dwelling and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 Impact on Neighbouring Amenity

7.3.1 Policy 8(e) of the North Northamptonshire Joint Core Strategy 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.

7.3.2 The brick outbuilding, which does not require planning permission, is situated at the rear end of the rear garden and set off the common boundary to both neighbouring properties, No's 31 and 53. The proposed use as a home gym would be ancillary to the main dwelling and therefore would only have occasional use of residents going to and from the dwelling to the outbuilding.

7.3.3 The applicant was unable to switch the outside light on the outbuilding during the site visit but photos from a neighbouring property demonstrated the outside light was bright. If levels of light were unreasonable for the residential area then

Environmental Health would investigate under their legislation – this has been confirmed by the Council's Environmental Protection Team.

7.3.4 The site visit demonstrated that there was a bathroom, including shower and wc, and a kitchen with household appliances but there were no sleeping facilities. The application is for a home gym with a small shower/wc facility as show on the proposed floor plans. It is therefore reasonable that the existing kitchen is conditioned to be removed within a set period of three months. A condition is also recommended to ensure the use of the outbuilding remains ancillary to the main dwelling to prevent it becoming a separate residential unit

7.3.5 For the reasons given above it is considered that the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy in that it does not result in an unacceptable impact on the amenities of neighbouring occupiers.

8. Other Matters

8.1 None.

9. Conclusion / Planning Balance

9.1 The building itself does not require planning permission and is immune from enforcement action given the length of time it has been in situ. Officers have however considered the effects of the proposal and set out planning conditions which could reasonably be imposed. It is therefore recommended that the proposal should therefore be approved.

10. Recommendation

10.1 The proposal is recommended for approval subject to Planning Conditions.

11. Conditions

1. The outbuilding shall only be used for purposes incidental to the enjoyment of the main dwellinghouse (No. 49 Greening Road).

REASON: In the interests of the visual amenities of the area and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. Within 3 months of the date of this planning permission the existing kitchen shall be removed from within the outbuilding.

REASON: In the interests of the visual amenities of the area and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. 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 on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. 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

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	Status
Location plan		#00642152-7FAD87	15/09/2021	Approved
Block plan		#00642151-FCBC82	15/09/2021	Approved
Proposed ground floor plan, roof plan and elevations		221008-P-0002R02	22/09/2021	Approved



Title: 49 Greening Road, Rothwell

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