

## North Northamptonshire Area Planning (Kettering) Committee 27/01/2022

<b>Application Reference</b>	<b>NK/2021/0831</b>
<b>Case Officer</b>	<b>Alison Riches</b>
<b>Location</b>	<b>1 Orlingbury Road, Pytchley</b>
<b>Development</b>	<b>s.73A Retrospective Application: Detached single garage and car port to front of property</b>
<b>Applicant</b>	<b>Mr G Moffatt</b>
<b>Agent</b>	<b>Mr G Moffatt</b>
<b>Ward</b>	<b>Slade</b>
<b>Overall Expiry Date</b>	<b>29/12/2021</b>
<b>Agreed Extension of Time</b>	<b>28/01/2022</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 the relevant town /parish council has a material written objection.

#### **1. Recommendation**

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1.1 That planning permission be GRANTED.

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

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2.1 This application has been invited as the result of an enforcement complaint.

2.2 Without planning permission a detached single garage with car port attached has been built within the curtilage of the dwellinghouse.

2.3 The structure does not benefit from a planning permission granted by Class E of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted

Development) (England) Order 2015, as amended, due to it being situated on land forward of a wall forming the principal elevation of the original dwellinghouse, and the height exceeding 2.5 metres, within 2 metres of the boundary of the curtilage of the dwellinghouse.

- 2.4 The application therefore seeks retrospective planning permission under Section 73A of the Town and Country Planning Act 1990 for the garage and attached car port.
- 2.5 During the application process, amended plans were provided to revise the submitted hipped roof on the garage to a gable roof to reflect the structure as erected on site.
- 2.6 A 7 day reconsultation was carried out on the amendments.

### **3. Site Description**

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- 3.1 The application site is located in an established residential area at the south end of Pytchley village, within the settlement boundary but outside the Conservation Area.
- 3.2 The application site comprises a roughly triangular plot at the end of a row of similarly designed properties and is a two-storey render covered semi-detached dwellinghouse with a grey concrete tile gable roof. All windows and doors are replacement PVCu. A single storey flat roofed pebbledash render extension was added to the side following planning permission granted in 2016, and a single detached grey render covered gable roofed garage with an attached lean-to carport (the subject of this application) sits in the northwest corner of the site, forward of the front elevation of the dwellinghouse.
- 3.3 The dwellinghouse steps down from the adjoining semi-detached property to the south at No.3 Orlingbury Road, and the land level falls away from the back of the footpath edge towards the rear boundary. To the front of the site is a block paved and slate chipped front garden with parking for at least 2 no. vehicles clear of the highway. Boundary treatment is provided by low level planting and hedging.
- 3.4 The rear of the site was not inspected.
- 3.5 The application site forms part of a small estate of similarly designed semi-detached two-storey former Local Authority dwellinghouses built in the mid 20<sup>th</sup> Century, located at the south end of Pytchley village. To the north of the site is the Overstone Arms public house and car park with residential development in the Conservation Area to the west and open countryside to the rear (east).

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

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4.1 KET/2016/0720. Single storey side extension and 2 no. new dormers to rear. Approved 19/12/2016.

KET/2015/0266. Balcony to rear and replacement of window on first floor with door. Approved 09/06/2015.

#### **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 Pytchley Parish Council

- **Objection.**
- Building forward of the principal elevation of the house.
- Rendering does not match the house render.
- Roof tiles do not match the house roof tiles.
- It is not a full size garage.

Reconsultation

- No comments on the amended plans.

##### 5.2 Neighbours / Responses to Publicity

- No comments received at the time of writing this report.

Reconsultation

- No comments received at the time of writing this report.

#### **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

##### 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

Policy 29. Distribution of New Homes

#### 6.4 Emerging Policies in the Kettering Site Specific Part 2 Local Plan (2021)

Policy LOC1. Settlement Boundaries

Policy PYT1. Pytchley Development Principles

Policy RS1. Category A villages

Policy RS5. General Development Principles in the Rural Area

### **7. Evaluation**

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Section 73A of the Town and Country Planning Act 1990 allows for an application to be made to a Local Planning Authority to seek planning permission on development already carried out.

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 south of Pytchley village, within the village boundary. Pytchley is defined as a Category A village by Policy RS1 of the Kettering Site Specific Part 2 Local Plan which is supportive of proposals for residential development in principle.

7.1.2 Policy RS5 of the Kettering Site Specific Part 2 Local Plan requires development in the Rural Area to retain a village's open and rural character, maintaining views into the open countryside where it is on the edge of the settlement.

7.1.3 Policy PYT1 of the Kettering Site Specific Part 2 Local Plan is supportive of new development subject to it reflecting the historic core, and its hierarchy.

7.1.4 Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Pytchley 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.

7.1.5 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.

7.1.6 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 The proposal is for an existing detached single gable roofed garage with an attached car port which has been built on land forward of the principal elevation the original dwellinghouse in the northeast corner of the plot.
- 7.2.3 The garage is 4 metres deep and 3 metres wide with an eaves height of approximately 2.2 metres and a maximum height of approximately 3.10 metres. It has been finished in smooth grey render to match the render colour on the main dwellinghouse, and plain grey roof tiles of similar colour to those on the main dwellinghouse roof, with an electric roller door in grey to match the front door of the dwellinghouse. The car port roof is a 'catslide' from the eastern roof plane of the garage and is supported on grey painted posts.
- 7.2.4 The garage is set away from the front boundary by 1.3 metres with its blank flank elevation facing the highway in Orlingbury Road. The carport is located behind the garage (east) and is only partially visible from the public realm .
- 7.2.5 Pytchley Parish Council have objected that the building is forward of the principal elevation of the house and the render and roof tiles do not match those on the existing dwellinghouse.
- 7.2.6 The application site is a roughly triangular plot with a wide frontage. The garage is small in size and has been designed to be subordinate to, and reflective of, the main dwellinghouse in terms of its design, materials and colours, with the carport, subordinate to the garage. Although the structure has been built forward of the principal elevation of the dwellinghouse, the width of the front of the plot means it is located to the northwest of the dwellinghouse and not directly in front of it, therefore not obscuring views of the dwellinghouse, or the hierarchy of development at the site.
- 7.2.7 As such, it is considered that the small size of the garage and carport, their location away from the dwellinghouse and the use of similar materials and design, and matching colours, do not adversely impact on the character and appearance of the dwellinghouse, surrounding development and the wider street scene.
- 7.2.8 This is in accordance with Policy 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 130(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 garage and carport are subordinate structures located in the northwest corner of the application site.
- 7.3.4 To the north of the application site, immediately adjacent to the application site, is an area of open countryside with the car park for the Overstone Arms public house beyond. Opposite the site, across the highway in Orlingbury Road, is the outside space for Pytchley Endowed C of E Primary School.
- 7.3.5 The nearest residential neighbour is the adjoining semi-detached property at No.3 Orlingbury Road which is to the southeast of the proposal – a distance of approximately 15 metres from the front elevation of the garage to the shared boundary with No.3. As the proposal is at the front of the dwellinghouse and not in the private amenity area of the application site, it will not adversely impact on the enjoyment of the occupiers of No.3 of the private amenity areas of their property.
- 7.3.6 It is considered that as the garage and carport is located at the front of the property in the northwest corner and is small in scale, the separation distance from surrounding residential properties means there is no adverse impact on the amenities of the neighbouring occupiers.
- 7.3.7 This is in accordance with Policy 12 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 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 parking provision at the site is on the existing front garden which provides space for at least 2 no. cars clear of the highway. The proposal is located to the northwest of this existing parking area and does not increase the footprint of the living accommodation at the site. As such, no additional parking for cars is required to be provided at the site.
- 7.4.3 Pytchley Parish Council have objected to the scheme stating that the garage is not full size.
- 7.4.4 The proposed garage, although not of adequate size for a car, provides space for the parking of other vehicles, i.e. motorbikes, bicycles, as well as providing an area for storage. The carport does provide cover for an additional car and it is considered that the location of the garage and carport does not impact on the existing parking at the site, which it is considered remains in accordance with the standards provided in the Local Highway Authority Parking Standards (September 2016) and the Local Highway Authority Standing Advice (June 2016).

7.4.5 This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **8. Other Matters**

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8.1 The fact that the application is retrospective is not a reason in itself to refuse it as Section 73A of the Town and Country Planning Act 1990 allows for an application to be made for development already carried out in order to regularise that development.

8.2 As the proposal is retrospective, should the application be refused, the Local Planning Authority would be obliged to consider whether it resulted in harm and if it was expedient to take enforcement action against that harm.

8.3 The expedience of whether or not to take enforcement action is a material planning consideration and if it is considered that it would not be expedient to take enforcement action then this would amount to weight that should be applied in favour of the proposal.

8.4 In this particular case, it is considered that the level of harm identified by the size, appearance and siting of the garage and carport to the northwest of the site, is insignificant in terms of the impact on the character and appearance of the dwellinghouse, surrounding development and the wider street scene, such that it would not be expedient to consider taking enforcement action.

8.5 The Parish Council comments are noted but are not considered sufficient to change this view.

8.6 As such, whilst the carrying out of unlawful operations is not condoned, the applicant has sought to regularise the situation and the retrospective nature of the proposal cannot count against them, with the application only to be considered on its planning merits.

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

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9.1 The proposal is considered to be in accordance with policies in the Development Plan, with no material planning considerations indicating against it. As the proposal is retrospective, there are no conditions required to be applied as, should the garage subsequently be removed, planning permission will be required for the construction of an alternative proposal in the same location which will be subject to relevant material planning considerations.

## **10. Recommendation**

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10.1 The proposal is recommended for approval.

## **11. Conditions**

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None

## 12. Informatives

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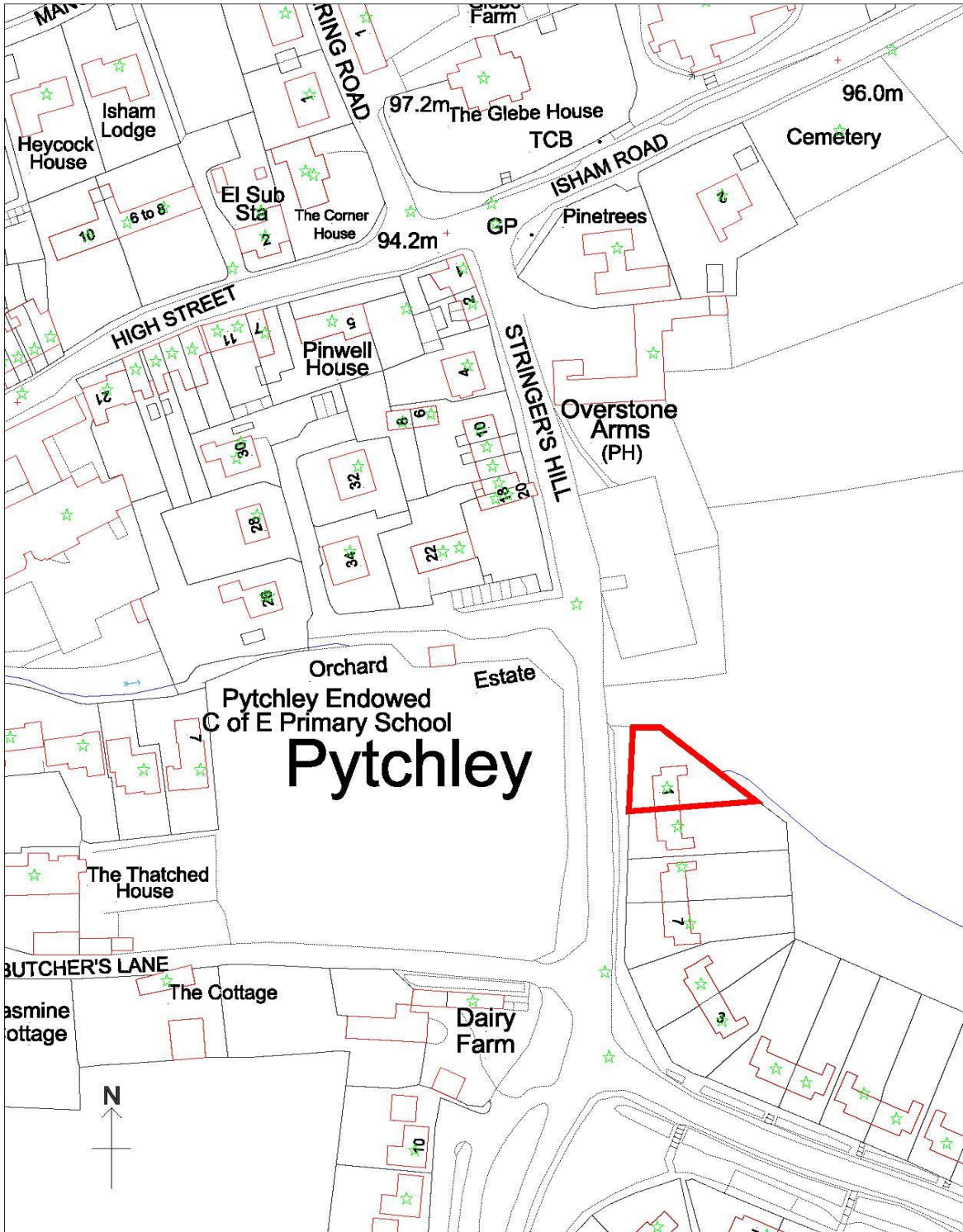
Positive/Proactive - amendments

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:

<b>Title</b>	<b>NK Ref.</b>	<b>Agent's Ref</b>	<b>Received Date</b>
Proposed floor plans		KET-PLAN-001A	14/12/2021
Proposed elevations		KET-PLAN-002	14/12/2021
Location plan	NK/2021/0831/1		03.11.21
Site plan	NK/2021/0831/2		05.10.21
Garage photos	NK/2021/0831/3		22.10.21





Title: 1 Oringbury Road, Pytchley

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