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**Applications for Planning Permission**


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<b>17/00683/REG4</b>	<b>Change of use of amenity land to garden and erection of new dwelling with associated access and parking (rear of 286 Oakley Road), Land rear of 286 Oakley Road, Corby .</b>
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**1. Site Surroundings:**

- 1.1. The application site currently forms the rear garden of 286 Oakley Road and the proposed new dwelling is to be accessed from Patrick Road. Patrick Road is primarily residential street characterised with a mix type of properties of varying in height and form, fronting onto the road. There are a number of trees which run across the front of the site in Patrick Road.

**2. The Proposal:**

- 2.1. The application proposal seeks consent for change of use of amenity land (adjacent to No. 114 Patrick Road) to garden and erection of a two storey detached dwelling with associated access and parking.
- 2.2. The footprint of the proposed dwelling is approx. 72 square metres. The dwelling would be a three bedroom property with accommodation contained entirely within the roofspace and with an integral garage.
- 2.3. The vehicle and pedestrian routes access is off Patrick Road. The vehicular access would lead to a driveway at the front of the house with parking provisions for two vehicles on site.
- 2.4. The existing trees across the front of the site in Patrick Road will be removed to facilitate the creation of the proposed vehicle and pedestrian access.
- 2.5. The trees to be removed are located on the northern/western end of the application site, which is amenity land and forms part of the application for change of use from amenity land to garden land. This subject land measures approx. 9.4 metres width by 6.2 metres length and will accommodate drop kerb and hardstanding.

**3. The Site and its History:**

- 3.1. 96/00320/CO (Alt. Ref. CO 96/C301) – The erection of a satellite dish – Application Permitted 24th January 1997

**4. Policy Context:**

- 4.1. National Planning Policy Framework (NPPF) (2012) – Paragraphs 14 and 17, Sections 6 and 7.
- 4.2. Policies 1, 3, 8 and 15 of the North Northamptonshire Joint Core Strategy (JCS) (2016)

**5. Consultation:**

- 5.1. Corby Borough Council (CBC) Environmental Services – No comments or objections subject to an informative requiring the site to be investigated in the event of unexpected contamination found and suitably remediated if required
- 5.2. Corby Borough Council (CBC) Tree Officer – No objections subject to landscaping condition requiring all new trees are maintained and replaced if they die within 5 years
- 5.3. Northamptonshire County Council (NCC) Highways Authority – (summarised – full comments are available to view on the public file at ([www.corby.gov.uk](http://www.corby.gov.uk)) –
- Initial comments (11/01/2018) Objections – garage internal dimensions, parking numbers, pedestrian visibility splays, tree proximity. Observations – garage internal dimensions are sub-standard.....Site supplies one car parking space, sub-standard

for 3 bedroom dwelling.....Site does not achieve required pedestrian visibility splays.....

- Agent submitted amended/additional plans to address Highways comments.
- Revised comments (21/03/2018) No objection subject to conditions (7 conditions requested) and (3 informatives requested).

## 6. **Advertisement/Representation:**

- 6.1. Site Notice – Posted on 3rd January 2018
- 6.2. Notice: (Evening Telegraph) – There is no requirement for a public notice for applications of this nature as the site is not within a Conservation Area.
- 6.3. Neighbour Letters (22nd December 2017 & 31st January 2018 – Due to amended description and amended plan)
  - 6, 8 and 114 Patrick Road
  - 284 and 288 Oakley Road
- 6.4. Summary of Representations Received –
  - No representations have been received

## 7. **Officers Assessment:**

### **Principle of Development**

- 7.1. The application site forms the rear garden of 286 Oakley Road and the proposed property is to be accessed from Patrick Road. The site is sufficiently large to adequately enable an additional new dwelling with the provision for two off-street parking and amenity space for the host and proposed dwelling house.
- 7.2. The proposed scheme is to be situated within a predominantly residential area and also within an established back land development where similar applications have been granted for residential development in the immediate area.
- 7.3. The proposed property would front Patrick Road, a residential street, mixed in character comprising primarily detached and semi-detached dwellings varying in their size, design and from 1 to 2 storeys in height.
- 7.4. The location of this site is considered to be a sustainable location with good access to local services and transport links, the principle of developing this site for additional dwelling is considered acceptable and in line with paragraphs 14, 17 and Section 6 of the NPPF and Policies 1 and 8 of the JCS.

### **Design & Impact upon the street scene**

- 7.5. The proposed scheme is a 1½ storey, three bedroom detached dwelling with accommodation contained entirely within the roofspace and with an integral garage. The proposed dwelling is set back approx. 7 metres from the public highway. Internally the dwelling will provide a hall, dining/lounge, kitchen and integral garage at ground floor level and three bedrooms, en-suite and bathroom at first floor level.
- 7.6. The proposed dwelling would have a width of 7.2 metres, a depth of 10 metres, eaves height of 2.5 metres (front elevation) and 5 metres (rear elevation) and ridge height of 7.8 metres, dual-pitched roof. The property will be brick built set under a tile roof in keeping with neighbouring properties.
- 7.7. The front elevation has been designed to incorporate dormer window, respecting the character of the local area.
- 7.8. The new dwelling is considered acceptable in scale, massing and siting. The design and appearance of the proposed scheme will contribute positively to the character of the area.

7.9. The subject property is considered to be acceptable in terms of scale, design and appearance with no significant impact upon the visual amenity of the street scene and would therefore accords with Policy 8 of North Northamptonshire Joint Core Strategy (JCS) (2016).

### **Neighbouring amenity**

- 7.10. In terms of impact upon neighbouring amenity, the proposed scheme is not considered to detrimentally affect the amenity or privacy of any of the nearby properties due to its siting and separation distance. The proposed dwelling is at a distance away from residential properties to the rear on Oakley Road approx. 25 metres and the closest opposite neighbouring properties on Patrick Road are at a distance of approx. 30 metres.
- 7.11. The position of the proposed new property within the plot results in a separation distance of approx. 25 metres between the rear elevation of the new dwelling and the host dwelling (No. 286 Oakley Road) and as such it is not considered to have any significant impact on the residential amenities in term of loss of light, privacy, overlooking, overbearing or overshadowing.
- 7.12. All openings to be formed within the proposed dwelling will either face Patrick Road itself or the proposed rear boundary fence (1.8 metres high) of the application site. The application also proposes trees to be planted at the rear of the site.
- 7.13. There is one first floor window proposed on the east facing side elevation, which would serve a non-habitable room, hence appropriate to be obscure glazed. As an added safeguard a condition is recommended requiring that the window is suitably obscure glazed to level 4.
- 7.14. No windows are proposed at first floor level on west facing side elevation; therefore the proposal does not affect the amenity or cause loss of privacy of the adjacent neighbouring property No. 114 Patrick Road. However for an added safeguard, a condition for the removal of permitted development rights for openings to the side elevations is recommended.
- 7.15. The proposed private amenity/garden space amounts to approx. 66.5 square metres (7 metres in length by 9.5 metres in width), which is considered to be acceptable.
- 7.16. The proposed site layout plan indicates appropriate boundary treatment (close boarded fencing) at 1.8 metre high to the side and rear of the application. The boundary treatment as proposed are also considered to be acceptable.
- 7.17. The proposal is therefore considered to be acceptable with regards to residential amenity and accords with Policy 8 of JCS (2016).

### **Highways**

- 7.18. The Highways Authority initial comments raised concern to the proposal with regards to garage internal dimensions, parking numbers, pedestrian visibility splays, tree proximity.
- 7.19. Amended and additional plans were received on 7th March 2018 to address highways concerns. The amended proposed site layout plan and additional vision splays plan provided the following details:-
- Trees removed at the front of the site in order to widen the proposed drive and access,
  - 2m x 2m pedestrian visibility splays added to access,
  - As drive falls away from footpath, surface water drain located near the front of the house and
  - 43m x 2m vehicular visibility splays shown on additional plan.
- 7.20. The Highways Authority were re-consulted on the amended and additional plans. The Highways Authority has accessed the amended plans and are satisfied with the proposed scheme subject to highways conditions. However still raised concerns relating to the garage's internal dimensions.
- 7.21. The proposal creates the provision for two off-street parking spaces at the front of the new dwelling. The standards set by Northamptonshire Highways Parking Standard, requires a

scheme for 3 bedroom dwelling to make provisions for 2 off-street car parking spaces. The proposal therefore meets this standard.

- 7.22. The amended and additional plans show that both pedestrian and vehicular visibility splays can be achieved within the application site.
- 7.23. Despite Highways concern regarding the garage internal dimensions being substandard in size, the proposed scheme does provide adequate off-street parking provisions. Additionally no objections on highway safety grounds were received from the Highways Authority; hence a refusal for this reason only cannot be justified.
- 7.24. The proposal is therefore considered acceptable and in accordance with Policies 8 and 15 of the JCS (2016).

#### **Tree Issues**

- 7.25. The proposal will result in the loss of trees located on the amenity land to the front of the proposed development in order to make way for the creating of access and erection of the proposed dwelling. The Corby Borough Council (CBC) Tree Officer has considered the revised layout plan and proposed replacement trees. The CBC Tree Officer has no objection to the removal of the trees they have no amenity value, however has requested a landscape condition requiring all new trees are maintained and replaced if they die within 5 years. It is considered that this is a reasonable request and condition has been recommended.
- 7.26. The proposed change of use of amenity land to garden where the trees are located is a grass verge, not part of dwelling or a recreation function within the street. Given that the CBC Tree Officer has no objection to the felling of these trees as they not considered having amenity value, the proposed change of use is therefore acceptable.

#### **Environmental Services**

- 7.27. CBC Environmental Services have not objected to the proposal however they have requested an informative be added for the site to be investigated in the event of unexpected contamination should be found and suitably remediated if required. It is acknowledged that the site has previously been used for part of a domestic garden and the risks of land contamination would normally be very low.

#### **8. Conclusion:**

- 8.1. In summary the proposed development is considered to be acceptable, resulting in good design, layout and appearance that respects the context of the area. There are no adverse impact on visual amenity, residential amenity and highway safety. The proposal is therefore considered acceptable and the recommendation is for approval subject to the following conditions:

#### **9. Recommendation:**

##### **Approve subject to the following conditions:**

- 1. The development hereby approved shall begin before the expiration of three years from the date of this permission.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby approved shall be built in accordance with the following approved plans – Site Location Plan 1:1250 and Site Plan 1:200 & Drawing Nos. 01 & 02 & 03 & 04 & 05, received by the Local Planning Authority on 14<sup>th</sup> December 2018 & Drawing Nos. 06’C’ & 07’A’ & 08, received on 7<sup>th</sup> March 2018. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

**Reason:** To specify the permission and for the avoidance of doubt.

3. Notwithstanding the details submitted, no development shall commence on site until samples of all materials to be used in the external construction of this proposed development shall be provided on site and details (including photographs) shall be submitted for the approval in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance in the interests of visual amenity and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Notwithstanding the details shown on the approved plans, no development shall commence on site until a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation of the dwelling, whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted.

**Reason:** To ensure that the appearance of the development is satisfactory in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the commencement of the development hereby approved, details of a positive means of drainage to ensure that surface water from the vehicular access [or private land] does not discharge onto the highway [and/or Public Right of Way] shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.

**Reason:** To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

6. Prior to first use or occupation of the development hereby approved, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5.0 metres behind the Highway boundary and thereafter shall be so maintained.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and in the highway causing dangers to road users and in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

7. Prior to first use or occupation of the development hereby approved, vehicular visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access by a distance of 43m\* measured from the centre of the vehicular access along the carriageway edge. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above carriageway level. \*This dimension may be reduced subject to the receipt of a vehicle speed survey proving the 85%ile speeds are less than 30mph.

**Reason:** To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

8. Prior to first use or occupation of the development hereby approved, pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level.

**Reason:** To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

9. The vehicular access gradient from the Highway Boundary shall not exceed 1 in 15 for the first 5m from the highway boundary.

**Reason:** To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

10. No gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards away from the highway.

**Reason:** To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

11. The first floor window in the side (eastern facing) elevation shall be obscure glazed (at least Level 4) and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted, and shall be permanently maintained as such at all times thereafter.

**Reason:** To safeguard the amenities of occupiers of adjoining properties and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the side (east and west facing) elevations of the building hereby approved without the grant of a separate planning permission from the Local Planning Authority.

**Reason:** To safeguard amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no extension or enlargement (including additions to roofs) shall be made to the dwelling house hereby approved, or any detached buildings, fences or enclosures shall be constructed or erected within the site without the prior written approval of the Local Planning Authority.

**Reason:** In order to protect the character of the area, the residential amenities of nearby occupants and to prevent over development of the site in accordance Policy 8 of the North Northamptonshire Joint Core Strategy.

#### **Informatives:**

1. Corby Borough Council worked with the applicant in a positive and proactive (Granting Consent)

*In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' Policy policies of the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.*

2. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.
3. The applicant's attention is drawn to the fact that no works may commence within the existing highway without the express written permission of the Local Highway Authority. This planning permission does not give or imply such consent which may be forthcoming subject to the completion of an appropriate licence or Agreement under the Highways Act

1980. Any works within the highway shall comply with the Local Highway Authority's standards and specifications.

4. The applicant's attention is drawn to the requirement that any new sewer connection required for this development within the highway will require a licence from the Local Highway Authority under Section 50 of the New Roads and Street Works Act 1991.
5. The applicant's attention is drawn to the Traffic Management Act 2004 where three month notice periods to allocate road space (for works within the highway, including footways and verges) is required prior to the commencement of works. Such notice cannot be submitted or commence until the completion of an appropriate license or Agreement with the Local Highway Authority.

#### **Reasons for Approval:**

Subject to the conditions the proposed new dwelling on land to the rear of 286 Oakley Road is considered to represent a form of development which is of a suitable design and appearance that preserves the character and appearance of the street scene, whilst safeguarding the living conditions of neighbouring residents and providing sufficient off street parking in the interests of highway safety. The proposal is therefore considered to be in accordance with the requirements of Policies 1, 3, 8 and 15 of the North Northamptonshire Joint Core Strategy, paragraphs 14 and 17 and Sections 6 and 7 of the National Planning Policy Framework and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework.

#### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

#### **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, Officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

#### **Background Papers:**

- Design and Access Statement, received by the LPA on 14<sup>th</sup> December 2017
- Sustainable Design and Energy Statement, received by the LPA on 14<sup>th</sup> December 2017
- Letter to purchase additional land, received by the LPA on 14<sup>th</sup> December 2017

#### **Officer to Contact:**

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