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**Application for Planning Permission**

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20/00507/OUT

**Outline application for a single dwelling in rear garden 5  
Kettering Road Stanion, Corby**

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**Site Surroundings:**

The application site relates to the rear garden of host dwelling at No. 5 Kettering Road Stanion. The application site is located on the south side of Kettering Road. The host property is a two storey detached house set within a generous plot. There is a vehicular access off Kettering Road serving existing residential host property. The host property is setback from the adjacent highway with front garden providing off street parking. The surrounding area is largely residential in character which comprises predominantly detached dwellings set within generous plot. There are matured trees and vegetation within the rear boundary of the application site.

**The Proposal:**

Outline application for a single dwelling with an integral garage within rear garden of the host property at No.5 Kettering Road. The indicative plans shows that the proposed dwelling will be a two storey dwelling with accommodation in the roofspace and incorporating three dormers.

**The Site and its History:**

19/00448/DPA: Proposed double storey side and single storey rear extensions. Tiled canopy to front. Application Permitted

**Policy Context:**North Northamptonshire Joint Core Strategy

In July 2016, the North Northamptonshire Joint Core Strategy (JCS) was adopted by the Joint Committee representing the District Councils of Corby, East Northamptonshire, Kettering and Wellingborough, as well as Northamptonshire County Council. The following policies are relevant for this application:

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 28: Housing Requirements

Policy 29: Distribution of New Homes

Policy 30: Housing Mix and Tenure

Emerging Local Plan for Corby

Policy 11 – Delivering Housing

Policy 16 Residential Gardens

National Planning Policy Framework (2019)

Section 2: Achieving Sustainable Development

Section 5: Delivering a Sufficient Supply of Homes

Section 8: Promoting Healthy and Safe Communities

Section 9: Promoting Sustainable Transport

Section 11: Making Effective Use of Land

Section 12: Achieving Well Designed Places

Section 14: Meeting the challenge of climate change, flooding and coastal change

## Section 15: Conserving and Enhancing the Natural Environment

### **Consultations**

**NCC Highways:** Local Highway Authority (LHA) made the following observation.

The application details that the size of the proposed dwelling has not been ascertained yet, it must be noted that the number of bedrooms in a dwelling dictates the number of car and cycle parking spaces required. The maximum required is 3 car parking spaces and 1 cycle space per bedroom.

The existing access details a shared dropped kerb with number 3A and an initial shared asphalt area over the footway and then separation by highway verge. This separation allows both accesses to act independently and reduces conflict for drivers over who has the right of way.

The site access plan details a dual driveway of 6.8m, this layout generates a shared surface with 4 way movement on it immediately adjacent to another driveway (no3). It is also noted that this layout includes a pedestrian visibility splay that is not wholly within the applicant's ownership and cannot, therefore be permitted or counted as viable.

The rear of the highway boundary is expected to be the rear of the highway verge, should the applicant believe otherwise they are to submit a copy of the adopted highway plan.

The proposed, possible garage does not meet LHA size specifications.

Presently the LHA cannot support the application.

### **CBC Environmental Services:**

No objection and no comment.

### **Advertisement/Representations**

1. Site Notice was displayed 08.01.2021 and expired 29.01.2021
2. Public Notice (ET) – N/A
3. Neighbour Notifications – Surrounding premises were notified by individual letter on 21.12.2020 (Notification period expired 29.01.2021)
4. Summary of Representations – 5 representations were received against the application of the following grounds:
  - Against planning policy
  - Highway considerations
  - Increase in traffic
  - Overlooking
  - Parking
  - Possible damage to the local environment
  - Possible pollution implications
  - Possible problems with noise
  - Loss of Privacy
  - Effect on listed building
  - Detriment to the visual amenity
  - Effect on character of Conservation area
  - Over development of site

### **Officer Assessment:**

- a) Principle
- b) Design/Scale/Effect on Street Scene
- c) Amenity Issues
- d) Highway Safety Issues
- e) Tree issues
- f) Ecological Issues

- g) Drainage Issues
- h) Flood Risk Issues

### **Principle**

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the development.

Corby Borough Council can currently demonstrate a 6.01-year housing land supply of deliverable sites for the period 1 April 2019 to 31 March 2024, inclusive of a 5% buffer. Paragraph 11 (d) of the NPPF (2019) requires that the balance at the start of the assessment is tilted in favour of approval (this is referred to as 'the tilted balance') unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or the adverse impacts arising from development would significantly and demonstrably outweigh the benefits (i.e. tip the scales the other way) to justify a refusal of planning permission.

The proposal seeks an outline planning consent for a detached dwelling house with an integral garage, and associated vehicular access, and amenity space.

The application land forms part of the garden area of 5 Kettering Road, a two storey detached dwelling house siting within a generous plot which forms part of the character of the area. There are established trees and vegetation along the rear boundary of the site. The application site sits adjacent to an open country field. There is a vehicular access off Kettering Road currently serving the host property.

Although sited within the built-up area, the context of the locality can be described as rural, which is reinforced by its direct connection to the wider countryside to the north-west and south of the application site.

Policy 11 of the North Northamptonshire Joint Core Strategy (2016) states that:

- a) Development in the rural areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement.
- b) Small scale infill development will be permitted on suitable sites within Villages where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services. Part 2 Local Plans and/ or Neighbourhood Plans may identify sites within or adjoining Villages to help meet locally identified needs or may designate sensitive areas where infill development will be resisted or subject to special control.

The application site is not proposed for allocation for development in the draft Local Plan. The proposed development is therefore contrary to, criterion 2b of Policy 11 which refers to small scale infill development being permitted on suitable sites within villages. This refers to the development of vacant and under-developed land within the main built-up areas of the village on land which is bounded by existing built curtilages on at least two sides, such as the filling in of a small gap in an otherwise substantially built-up frontage.

The proposed development would be sited within the garden area of an existing dwellinghouse with an open view and established vegetation that forms part of the distinct character and landscape setting of the local area and would not be bounded by existing built curtilages on at least two sides. As such, it is not considered an infill development, by reason of its location and character of the application site being within the rear garden of an existing dwellinghouse.

The proposed development will introduce a built form, such that will erode the openness of the garden area connecting the plot to the open countryside and will materially harm the distinct character and landscape setting of the settlement.

The site currently serves as part of the garden of No 5 Kettering Road, it is considered historically to be associated with the above-mentioned property, an assessment of whether the proposal meets the local level infill development policy has been undertaken and the principle of development is considered to contradict with Policy 11 of the North Northamptonshire Joint Core Strategy (2016).

### **Impact character and appearance**

This application has been submitted in outline form only and formal approval of the details of the design, scale and layout of the new dwelling are not being sought at this stage. However, the agent has submitted illustrative details indicating how they envisage a detached dwellinghouse with an integral garage could be accommodated on this plot. These show a freestanding building positioned towards the south side of 5 Kettering Road. Given that this is an outline application with all matters reserved, there are no details submitted apart from the indicative site layout, front elevation, section plan and first floor plan with the application.

There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. The proposal would result in the loss of garden. The proposed two storey dwelling located within the rear garden will appear prominent in this space and would not harmonise with the context of the area.

Given the position shown on the illustrative block plan it is considered that the siting of the proposed development within the garden area would have an adverse effect upon the visual amenity of the host property and the area which currently affords unrestricted view into the open countryside, such that will fail to respond to the local topography and the overall form, character and landscape setting of the settlement.

Consequently, the proposal would lead to the subdivision of the existing plot creating two plots that would be significantly smaller than others in the locality. The retention of 5 Kettering Road on one of these, and the erection of a new dwelling on the other, would, it is considered, result in a cramped form of development with the proposed dwelling relating poorly to its surroundings and the development representing overdevelopment in general.

It is considered that the proposal currently fails to meet the aims of Policy 8 of the Core Strategy, Policy 16 of the Draft Corby Local Plan and of Sections 12 and 15 of the National Planning Policy Framework in this regard.

### **Amenity Issues**

As indicated above this application has been submitted in outline form only and formal approval of the details of the proposed layout of the development are not being sought at this stage. However, the illustrative details submitted by the agent shows that the proposed development will be located on the south side of the host dwelling.

The lack of detailed plan submitted in this instance will not provide officer with adequate information to conduct a thorough assessment on the potential impact of the proposed development on the host dwelling and neighbouring properties.

However, given that residential garden plays an important amenity role by providing private recreational space for residents, the proposed development would result to a significant loss of amenity space currently available for the occupiers of No.5 Kettering Road. As such, the proposed development would fail to protect the amenity space for the host dwelling causing a detrimental impact on the quality of life because of this loss of amenity space. The development proposed would therefore conflict with Policy 8 (section e) of the North Northamptonshire Joint Core Strategy (2016) and Policy 16 of the Draft Corby Local Plan Part 2, as it relates to safeguarding residential amenity.

## **Highway Safety Issues**

Formal approval of the proposed parking and access arrangements for the existing and proposed dwellings are not being sought at this stage. Furthermore, only very limited illustrative details of these have been included with the application, the only details being of the proposed means of gaining vehicular access to the site. Nevertheless, the County Highways has responded with some observation relating to the proposed development as follows:

- a) Vehicular visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access by a distance of 43m for 30mph\* 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 the specified speed limit.
- b) 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. The land should be contained entirely within land in the control of the developer.
- c) A 'shared private drive' is a private vehicular (or shared vehicular/pedestrian) access to 2-5 number dwellings which joins a road laid out and constructed to adopted highway standards (or is existing public highway) via a vehicle access crossing, not a kerbed radii junction.
- d) Shared private drive width is 4.5m minimum (5.5m between structures and fences) for the first 10m beyond the highway boundary.
- e) All driveways must meet the highway boundary at right angles.
- f) All private vehicular accesses should have a hard bound surface for a minimum of the initial 5.0m from the highway boundary. Gravel or other such loose material shall not be permitted as it could be carried onto the highway and thereby creating a hazard to vehicles, cyclists and pedestrians. It can also track onto grass verges and be flung by mower blades causing damage to property and persons.
- g) Surface water from a private drive or private land must not discharge onto the highway, indeed it is unlawful to do so. Measures to prevent such a discharge are therefore required where vehicular accesses fall towards the highway. The outfall for such drainage should also fall within the curtilage of the private property and may not be connected to any existing highway or surface water drainage system within the highway. Such facilities should always be in place and operational before the vehicular access is brought into use.
- h) The gradient of a vehicular access should not exceed 1 in 15 for a minimum of the first 5.0m from the highway boundary. This ensures that a vehicle sits relatively level when entering or leaving the highway to maximise visibility. In addition, such a gradient reduces the risk of a vehicle sliding in adverse weather conditions.
- i) No gates, barrier 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.
- j) Shared private drives require a multiple-dwelling bin and recyclable bin presentation point for collection. It must be within the curtilage of the development in a location that does not obstruct the highway (including footway and verge), visibility splays, the effective width of the private drive or pedestrian access.
- k) Shared private drives require turning for vehicles to be provided and maintained in perpetuity for vehicles, including the largest likely to use the site.
- l) A double garage can be counted as 1 parking space (for 4+ bed dwellings only) as long as the total space meets LHA standards.
- m) A single garage can be counted as a single parking space as long as additional ancillary external storage is provided, such as a shed (this would only apply to the third space on 4 bed units and above).

- n) Car parking spaces should be a minimum of 2.5m wide, widened to 3.3m where a solid side boundary exists or they are also the sole means of pedestrian access to the dwelling.
- o) Car parking spaces should be a minimum of 5m long, lengthened to 6m where they are enclosed.
- p) Garage internal dimensions, clear of piers and openings, are 6m deep by 3.3m wide for singles and 5.8m wide for doubles.
- q) Provision for an electric vehicle charging point is to be supplied.

The applicant in its planning statement stated that vehicular access to the proposed development would be off Kettering Road. The access road is approximately 35m long to the front of the application site from the public highway. The width of the access will be a minimum of 3.5m for its whole length.

It is pertinent to note that the proposed development will have no impact on the existing off-street parking space for the host property at 5 Kettering Road.

At this stage, there is insufficient information to fully assess the development implication from highway perspective. However, the illustrative plans submitted clearly show that the proposed development will struggle to meet the highway requirements highlighted above such that will make this proposal acceptable. This is considered to significantly weigh against the proposal.

### **Tree and Landscape Issues**

There are substantial early mature/matured trees within rear boundary and adjoining this site. These are visible from the open field adjacent to the site and when approaching the site from the south of the application site

The trees and vegetation are dominant in the area in terms of their visual landscape value, that they are under threat of removal because of this submission, and that they are worthy of protection. It is contended that it has not been satisfactorily demonstrated how the proposed development would safeguard these trees either in terms of preventing their immediate loss, preventing damage to their roots that may lead to future tree loss or avoiding future pressure to fell them. In the absence of satisfactory information to this end, it is considered that the development of this site could potentially have a significant impact upon these trees, and this would harm the visual amenity and landscape setting of the area.

On this basis the proposal is currently considered to be contrary to the provisions of Policy 8 of the North Northamptonshire Joint Core Strategy and Section 15 of the National Planning Policy Framework in this regard.

### **Ecological Issues**

The application site is not known to be the habitat of any protected flora and fauna. Furthermore, as it is currently used as domestic garden it seems unlikely that it will currently be supporting anything of ecological importance. In pure ecological terms, therefore, it is considered that the development would be acceptable reasonably meeting the requirements of Section 15 of the National Planning Policy Framework in this regard.

### **Flood Risk Issues**

The site lies adjacent to Flood Zone 1. The Environment Agency map indicates that there is a very low risk of surface water flooding at this location with a chance of flooding less than 0.1%. Therefore, it is not considered that the proposal will give rise to increase flood risk.

### **Conclusion**

The proposed development is unacceptable, as it fail an assessment of whether the proposal meets the local level infill development policy and the principle of development is considered to contradict with Policy 11 of the North Northamptonshire Joint Core Strategy (2016). The proposal is unacceptable in visual amenity terms failing to fully satisfy the requirements of Policy 8 of the North Northamptonshire Joint Core Strategy, Policy 16 of the Draft Corby Local Plan and Section 15 of the National Planning Policy Framework. The development will significantly harm the quality of life in terms of inadequate amenity space provision within the host property and the new dwelling house by reason of its size.

The harm highlighted significantly and demonstrably outweighs the proposal benefits, including delivery of housing, and the proposal does not represent sustainable development. Subsequently the proposal is contrary to Policies 8 and 11 of the North Northamptonshire Joint Core Strategy (2016); Policy 16 of the Draft Corby Local Plan Part 2 and the National Planning Policy Framework (2020).

**Recommendation: Refuse for the following Reason/s:**

1. The location and scale of the proposed development would not result in a well-integrated extension to the settlement and fails to respond to the existing pattern and character of development in the locality and the intrinsic character and beauty of the settlement. The proposed development as shown within the block plan fails to demonstrate that the site can accommodate the dwellinghouse in a manner that will promote or reinforce local distinctiveness and which reflects the constraints, sensitivity and location of the site. The proposal, therefore, considered to be contrary to the National Planning Policy Framework; Policies 8 and 11 of the North Northamptonshire Joint Core Strategy (2016), Policy 16 of the Draft Corby Local Plan Part 2 and the National Planning Policy Framework (2020)
2. The proposed development by reason of its design, scale and siting would result to loss of amenity space to existing property at No.5 Kettering Road and provide inadequate amenity space for the new dwelling, such that will significantly harm the quality of life for the current and potential occupiers. The development proposed would therefore conflict with Policy 8 (section e) of the North Northamptonshire Joint Core Strategy (2016) and Policy 16 of the Draft Corby Local Plan Part 2, as it relates to safeguarding residential amenity.
3. In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore detrimental to the visual amenity of the street scene, the wider area and landscape setting contrary to Policy 3 and 8 of the North Northamptonshire Joint Core Strategy (2016) and advice within NPPF

## **Schedule of Plans**

Proposed elevation  
Ground floor plan  
First floor plan  
Existing Access Plan  
Proposed Access

### **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.

### **Officer to Contact:**

Mr Babatunde Aregbesola