

# Householder Delegated Report



South  
Northamptonshire  
Council

## Application Details

1	Application No.	S/2021/0213/FUL	
2	Case Officer	Megan Sommerville	
3	Site Address	1 Kensington Close, Kings Sutton, Northamptonshire, OX17 3XB	
4	Proposal	Single Storey Extensions	
5	Statutory Expiry Date	29 March 2021	
6	Ward:	Kings Sutton	
7	Councillors:	Cllr Gregor Hopkins	
8	Consultation Expiry Date	<b>Consults date:</b> 7 March 2021 <b>Re-consults date:</b>	
9	Amended plans	Have amended plans been received?	Y/N
			N
		If yes, the changes were:	

## Constraints and Relevant Planning History

10	Constraints	<p>SLA - Special Landscape Area - Distance: 0</p> <p>AC3 - Aerodrome Consults, Height Consultation: 45m Obstacles - Distance: 0</p> <p>SGW - Technical Site Safeguarding Map for Wind Turbine Developments (all wind turbine applications must be forwarded to NATS for consultations, irrespective of size and location) - Distance: 0</p> <p>LWSB - Local Wildlife Site - Within 2km buffer, Name: King's Sutton Meadow, Site ID: S464 - Distance: 0</p> <p>LWSB - Local Wildlife Site - Within 2km buffer, Name: River Cherwell, Site ID: S550 - Distance: 0</p> <p>LWSB - Local Wildlife Site - Within 2km buffer, Name: Newbottle Spinney, Site ID: S378 - Distance: 0</p> <p>CIL - CIL Charging Zones, Name: Rural Areas, Charge: 100 pounds (sites at or above affordable housing threshold) or 200 pounds (sites below affordable housing threshold) - Distance: 0</p>	
11	Site History	<p>S/1991/0384/P A Single And Two Storey Extension At Rear - 3 Kensington Close Kings Sutton</p> <p>S/1998/0721/P Single Storey Extension At Side - 3 Kensington Close Kings Sutton</p>	
12	Permitted	Have permitted development rights been removed from this property?	Y/N

	Development Rights		N
		If Y, please explain below what rights have been removed and why:	
13	Pre-Application Advice	Has pre-application advice been sought for this proposal?	Y/N
			N
		If yes, the details of this were:	
<b>Relevant Planning Policies and Considerations</b>			
14	Development Plan	<ul style="list-style-type: none"> <li>• <a href="#">West Northants Joint Core Strategy</a> (JCS)</li> <li>• <a href="#">Minerals and Waste Local Plan</a> (MWLP)</li> <li>• <a href="#">Local Plan Part 2</a> (LPP2)</li> </ul>	
15	Material Considerations	<ul style="list-style-type: none"> <li>• <a href="#">National Planning Policy Framework</a> (NPPF)</li> <li>• <a href="#">Planning Practice Guidance</a> (PPG)</li> <li>• <a href="#">Supplementary Planning Guidance and Documents</a></li> <li>• <a href="#">Conservation Area Appraisal Document</a></li> <li>• <a href="#">Village Design Statements and Guidance</a></li> <li>• <a href="#">SNC Design Guide</a></li> <li>• <a href="#">Corporate Priorities</a><sup>1</sup> - Protected, Green &amp; Clean, Thriving Communities &amp; Wellbeing, Opportunity &amp; Growth</li> </ul>	
16	Equalities Act	Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.	
17	Human Rights Act 1998 Considerations	There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.	
<b>Summary of Consultation Responses</b>			
Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.			
18	Town/Parish Council	<b>Comment</b> on the following grounds: No objections.	
19	Consultations	<ol style="list-style-type: none"> <li>1. Clerk to Kings Sutton Parish Council</li> <li>2. Cllr Gregor Hopkins</li> </ol>	
<b>Summary of Neighbour Responses</b>			
20	Publicity	This application has been publicised by way of:	Y/N
		a) by <b>letters</b> sent to all <b>properties</b> immediately <b>adjoining</b> the application <b>site</b> that the Council has been able to identify from its records (amend as appropriate); or	Y
		b) a <b>site notice</b> displayed near the site.	N
		c) by <b>advertisement</b> in the local <b>newspaper</b> (if affecting a listed building, conservation area, right of way, a departure from the development plan etc)	N
		d) By doing one of (a) or (b), along with (c) if required, this has fulfilled the <b>Council's statutory requirements</b> to <b>publicise</b> the <b>application</b>	Y
21	Neighbours	Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the	Y/N

		online Planning Register.	
		a) Have any letters have been received from neighbours/third parties? If N, skip to question 22, if Y, go to question (b) below	N
		b) List the number of the neighbours who have commented and summarise their concerns:	
<b>Site Visit/Assessment</b>			
22	<b>How the site is assessed</b>	Not all applications require a site visit to assess a proposed development. Where possible a site will be assessed remotely. Only where a physical visit to the site is necessary due to complexity/scale of a proposal or site will a site visit take place	
		<b>How was the site assessed?</b>	<b>Y/N</b>
		a) <b>Site Visit</b>	N
		b) <b>Photos</b> submitted by <b>applicant/agent</b>	N
		c) <b>Photos</b> submitted by <b>neighbours</b>	N
		d) <b>Documents/plans</b> submitted with application	Y
		e) Online <b>mapping/GIS/aerial</b> photos and <b>street view</b>	Y
		f) <b>Council photos</b> taken on previous visits to the site	Y
		Comments (if any): All of the above means that Officers have been able to fully appreciate and consider all aspects of the proposal and reach a decision.	
<b>Case Officer Appraisal</b>			
23	<b>How the application is assessed</b>	Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The assessment below has taken into account all relevant policies within the development plan along with the material considerations related to the proposal.	
24	<b>Principle of Development</b> Policies: • SA (JCS) • SDP1 (LPP2)		<b>Y/N</b>
		a) Is the application site <b>within the settlement confines of town or village?</b>	Y
		b) Is the development in <b>open countryside?</b>	N
		Y to (a) The principle of the development is considered acceptable, subject to complying with the policies below Y to (b) move to question (c)	
		c) The <b>principle of development</b> of an extension in the <b>open countryside</b> will <b>not be acceptable</b> if it results in one of the following:	<b>Y/N</b>
		i) The extension is overlarge	
		ii) The development effectively represent a new residential dwelling in the open countryside	
		iii) Is of a size and scale that does not reflect that of the host property	
		Comments (if any):	
25	<b>Impact on character of host dwelling &amp; surrounding area</b> Policies: • SA, (JCS)	Paragraph 56 of the NPPF explains that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. The importance of <b>high-quality</b> responsive design also forms a central component of the policies of the development plan and local guidance. <b>Therefore to be supported development proposals should meet the following design tests:</b>	<b>Y/N</b>
		a) Does the development use <b>matching materials?</b>	Y

<ul style="list-style-type: none"> <li>• SS2, SDP1, (LPP2)</li> <li>• SNC Design Guide</li> <li>• Village Design Statements</li> <li>• NPPF</li> </ul>	b) Is the <b>design in keeping</b> (use of similar style windows and architectural detailing, fencing/walling) with the host dwelling and the surrounding area?	Y
	c) Is the development <b>in scale</b> with the adjacent properties, especially when considered in relation to the size of the plot?	Y
	d) Is the extension <b>subservient</b> to the host dwelling?	Y
	e) For two storey side extensions, does the dwelling <b>avoid a terracing effect</b> ?	Na
	f) For <b>upward extensions to single storey dwellings</b> , the proposal will only be <b>acceptable in principle</b> where they meet the following criteria:	
	i) are <b>detached</b> ; or the proposal involves the <b>whole</b> of a <b>semi-detached pair or terrace</b> ?	
	ii) are in an <b>area with little uniformity of design and layout</b> ;	
	iii) are in <b>keeping</b> with the <b>existing property and context</b> with regard to <b>style and materials</b> .	
	g) Is the development <b>consistent</b> with the <b>SNC Design Guide</b> ?	Y
	Comments (if any): The proposal consists of a single storey side extension and an addition to the rear.  The proposal is set down from the principal elevation. It is in-scale with the size of the plot, in appropriate materials.  There are multiple examples of single and two storey additions within the street-scene. The proposal is sited in modern area of Kings Sutton.  The proposal is unlikely to have an adverse impact on the character of the host dwelling and the surrounding area.	
26	<b>Impact on Listed Buildings</b>	<b>Y/N</b>
	a) Is the development to or affecting the setting of a listed Building? <sup>2</sup>	<b>N</b>
	N Move onto question 27 Y The proposal needs to be assessed against the policies, legislation and guidance on listed buildings and their setting	

27	<b>Impact on Conservation Areas</b>	<b>Y/N</b>	
		a) Is the development in or adjacent to a Conservation Area? <sup>3</sup>	<b>N</b>
		N Move onto question 28 Y The proposal needs to be assessed against the policies, legislation and guidance on conservation areas and their setting	

28	<b>Impact on Scheduled Ancient Monuments</b>	<b>Y/N</b>	
		Does the development affect a <b>Scheduled Ancient Monument (SAM)</b> ?	<b>N</b>
		N Move onto question 29 Y The proposal needs to be assessed against the policies, legislation and SAMs	

Open hyperlink to additional tables [here](#)

29	<b>Impact on</b>	<b>Y/N</b>
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	<b>Historic Park and Gardens</b>	Is the development within or adjacent to an Historic Park or Garden?	<b>N</b>
		N Move onto question 30 Y The proposal needs to be assessed against the policies, legislation and guidance Historic parks and Gardens and their setting	

<b>30</b>	<b>Impact on Registered Battlefields</b>		<b>Y/N</b>
		Is the development within or adjacent to <b>Registered Battlefield</b> ?	<b>N</b>
N Move onto question 31 Y The proposal needs to be assessed against the policies, legislation and guidance on Registered Battlefields and their setting			

<b>31</b>	<b>Impact on Special Landscape Area</b>		<b>Y/N</b>
		Is the development within a Special Landscape Area?	<b>N</b>
N Move onto question 32 Y The proposal needs to be assessed against the policies and guidance on Special Landscape Areas			

<b>32</b>	<b>Impact on non-designated heritage asset</b>		<b>Y/N</b>
		Does the development affect a <b>non-designated heritage asset</b> ?	<b>N</b>
N Move onto question 33 Y The proposal needs to be assessed against the policies, legislation and guidance on non-designated heritage assets			

<b>33</b>	<b>Impact on Archaeology</b>		<b>Y/N</b>
		Is the site within a known area of <b>archaeology</b> , or does the development have the potential to impact on <b>archaeology</b> ?	<b>N</b>
N Move onto question 34 Y The proposal needs to be assessed against the policies, legislation and guidance on archaeology			

<b>34</b>	<b>Impact on neighbours</b> Policies: • H1 (JCS) • SS2, SDP1 (LPP2) • SNC Design Guide • NPPF		<b>Y/N</b>
		a) Does the development <b>comply with the separation guidelines</b> of the SNC Design Guide?	Y
		b) Does the development provide an <b>acceptable garden size</b> in accordance with the SNC Design Guide, along with suitable <b>amenity</b> and <b>utility space</b> ?	Y
		c) Will the development <b>dominate</b> or be <b>overbearing</b> upon a neighbour's garden or property?	N
		d) Will the development cause adverse degree of <b>overshadowing</b> or <b>loss of light</b> to a neighbouring property?	N
		e) Will the development cause an adverse degree of <b>overlooking</b> to the any neighbouring property	N
		f) will the development provide an <b>acceptable standard of living for future occupiers</b> , including noise, privacy, daylight, outlook, air quality etc?	Y
g) Will the development adversely affect neighbouring non-domestic uses?	N		

		<p><b>Comments (if any):</b> The real proposal is 2m in depth and 2.27m to the eaves in height.</p> <p>While the proposal to the rear does not meet the 45 degree. A single storey extension in this location of this height if done alone could have been done under permitted development. Furthermore, when assessing the impacts within this application, one must look at the fall back. Therefore, while the proposal may overshadow the neighbouring dwelling, it is unlikely to be to a degree that would be warrant a refusal.</p> <p>Due to the boundary treatment and single storey nature, the proposal will not overlook any neighbouring property.</p> <p>The side extension is not considered to have an adverse impact on amenity.</p> <p>Overall the proposal is not considered to have an impact on amenity that would warrant a refusal.</p>
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35	<b>Impact on highway safety</b> Policies: <ul style="list-style-type: none"> <li>• H1 (JCS)</li> <li>• SS2, SDP1 (LPP2)</li> <li>• SNC Design Guide (4.14)</li> <li>• SNC Parking SPD</li> <li>• NPPF</li> </ul>		Y/N	
		a) Does the development have an <b>adverse impact</b> on highway safety?	N	
		b) Does the development result in an appropriate number of <b>parking spaces</b> in accordance with the Parking SPD?	Na	
		c) Does any new <b>access</b> proposed meet highway standing advice/NCC response (width, visibility splays etc)?	Na	
		d) Does the <b>layout</b> of the <b>parking accord</b> with the <b>SNC Design Guide</b> ?	Na	
		<b>Comments (if any):</b>		
36	<b>Impact on Flooding and drainage (in Flood Zone 1)</b> Policies: <ul style="list-style-type: none"> <li>• BN7A, BN7 (JCS)</li> <li>• SS2 (LLP2)</li> <li>• NPPF</li> </ul>		Y/N	
		a) Is the application site in <b>Flood Zone 1</b> ?	Y	
		N Move onto question 37 Y The proposal is acceptable in flood zone terms		
		b) Is the site <b>subject to other sources</b> , and forms, <b>of flooding</b> and/or where other <b>bodies have indicated</b> that there may be <b>drainage problems</b> , such as risk of <b>surface water drainage</b> ?	N	
		c) If, Y have you added a <b>condition</b> requiring details of <b>surface water drainage</b> ?	Na	
		<b>Comments (if any):</b>		

38	<b>Air Quality</b> <ul style="list-style-type: none"> <li>• BN9 (JCS)</li> <li>• SS2g (LPP2)</li> </ul>	In order to be acceptable in relation to <b>air quality</b> , the development needs to <b>meet</b> the following <b>tests</b> :	Y/N
		a) Is the development <b>within</b> or <b>adjacent</b> to an Air Quality Management Area ( <b>AQMA</b> )?	N
		b) If <b>Y</b> , has appropriate regard been given to the effects of air quality on the future occupiers of the proposed development?	Na

		c) If N, is there any reason why dwellings in this location would be affected by air quality or why the development would give rise to adverse impact on air quality to the locality or neighbouring properties?	N
		<b>Comments (if any):</b>	
39	<b>Impact on Trees/Hedges / Landscaping</b> • BN3 (JCS) • NE4 (LPP2)	In order to be acceptable in relation to <b>trees/hedges/landscaping</b> , the development needs to <b>meet</b> the following tests:	Y/N
		a) Are there <b>mature trees</b> with a <b>high amenity value</b> that the proposed development is adjacent to or in <b>the Root Protection Area</b> of?	N
		b) If <b>Y</b> , will the development result in adverse harm to the tree or its loss?	Na
		c) Is the tree in a <b>conservation area</b> or protected by a <b>Tree Preservation Order (TPO)</b> ?	N
		d) Do the <b>benefits</b> of the development <b>outweigh</b> the <b>loss</b> of the <b>tree</b> ?	N
		e) Do any trees need to be <b>protected</b> by a <b>TPO</b> ?	N
		f) Will the development result in the <b>loss</b> of <b>landscaping/important hedgerows</b> that will help <b>screen/soften</b> the development/ <b>lessen the impact to neighbouring properties</b> ?	N
		g) Does the development propose <b>appropriate landscaping</b> to help <b>screen</b> or <b>soften</b> the development?	N
		h) Have you <b>proposed</b> any <b>conditions</b> to secure the <b>retention</b> of or planting of any trees/hedges/landscaping?	N
		<b>Comments (if any):</b>	
40	<b>Impact on Ecology<sup>4</sup></b> • BN2 (JCS) • SS2 (LPP2)		Y/N
		Does the site or proposed development <b>possess/impact</b> on any of the features where <b>protected species</b> are likely to be present (assessed against <a href="#">Natural England's standing advice</a> ) and <a href="#">where species are likely to be found</a> ?	N
		N Move onto question 41 Y The proposal needs to be assessed against the policies, legislation and guidance on impact on ecology	

41	<b>Response to Comments</b>		Y/N
		The above report incorporates all of the concerns of the Parish Council, consultees and/or neighbours. If no, the response to other matters raised by Parish Council, consultees and/or neighbours are detailed below.	Y
		<b>Comments (if any):</b>	
42	<b>Section 73 Applications</b>		Y/N
		a) Is this application made under Section 73 of the Town And Country Planning Act (to vary or delete conditions on a previous planning permission)?	N
		N Move onto question 43 Y The proposal needs to ensure the correct process is followed	

## Conclusion

43	<b>Conclusion</b>	Due to its siting, scale and design I consider that the proposed development will be sympathetic to the context of the development and will be compatible with the appearance, character, layout, scale and design of existing dwellings in the area, including any listed buildings. I consider that the proposal will provide adequate standards of amenity and privacy for existing and/or proposed residents. The proposal therefore accords with the policies and considerations as set out at section 14-17 above., and those within sections 21-37 above.
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### Recommendation

44	<b>APPROVE</b>	Subject to the conditions and reasons set out on the attached decision notice.	Y
	<b>REFUSE</b>	For the reasons set out on the attached decision notice.	N

### Community Infrastructure Levy (CIL)<sup>5</sup>

45	<b>CIL Liability</b>		<b>Y/N</b>
	a) Is this an application for an <b>extension</b> ? Y Answer the CIL questions related to Extensions		Y
	b) Is this application for a <b>residential annex</b> ? Y Answer the CIL questions related to Residential Annexes		N

45a	<b>CIL Liability for Extensions</b>		<b>Y/N</b>
	a) Is the development proposing an extension that increases the net floorspace of the dwelling by more than 100sqm? Y you need to calculate the CIL charge, N the development is not CIL liable and skip to question 46		N
45b	<b>CIL Charge for extensions</b>	a) What is the total net floorspace in square meters of the dwelling (s) as a result of the extension?	
		b) The CIL payment under the Council's current CIL Charging Schedule as a result of the increased floorspace is therefore?	
		c) Has the applicant applied for and been granted a sion exemption under CIL which has resulted in a zero charge for this development? (However should any disqualifying events occur this development may attract a CIL payment totaling the figure at (b) above.)	

### Authorisation

46	<b>Case Officer</b>	<b>Megan Sommerville</b>	Date:	09/04/2021
	<b>Authorising Officer</b>	<b>Peter Gittins</b>	Date:	12/04/2021

Notes	
1	<p><b>Council Corporate Priorities:</b></p> <p>South Northamptonshire Council’s Business Plan for 2020-21 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2020–21. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.</p> <p>The three corporate priorities are to ensure the District is “Protected, Green &amp; Clean” , is a place which supports “Thriving Communities &amp; Wellbeing” , and is a District of “Opportunity &amp; Growth” . All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, are goals of which are a number that relate to the consideration of planning applications and appeals.</p> <p>The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.</p>
2	<p><b>Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990</b> sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.</p>
3	<p><b>Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990</b> sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.</p>
4	<p><b>Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006)</b> states that “every public authority must, in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”.</p> <p>Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in <b>Regulation 9(5) of Conservation of Habitats and Species Regulations 2010</b>. When determining a planning application that affects a EPS, local planning authorities must have regard to the requirements of <b>the EC Habitats Directive</b> which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.</p> <p><b>Under Regulation 41 of the Conservation Regulations 2010</b> it is a criminal offence to cause harm to a EPS and/or their habitats which includes damage or destruction of a breeding site or resting place. However, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:</p> <ol style="list-style-type: none"> <li>1) Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature?</li> <li>2) Is there any satisfactory alternative?</li> <li>3) Is there adequate compensation being provided to maintain the favourable conservation status of the species?</li> </ol> <p>In order for the local planning authority to discharge its legal duty under Reg 9(5) of the Conservation Regulations 2010 when considering a planning application where EPS are likely or found to be present at</p>

	<p>the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing to authority has to consider itself the 3 derogation tests above.</p> <p>In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.</p>
5	<p><b>CIL Charge</b></p> <p><u>Officer comment:-</u> Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.</p> <p>In this particular instance, any financial payments listed at section 49 above are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the calculated CIL amount referred to above is therefore provided on an information basis only.</p>