

Householder Delegated Report

South Area



West
Northamptonshire
Council

1. APPLICATION DETAILS

APPLICATION NO.	WNS/2021/0314/FUL	CASE OFFICER	Megan Sommerville
SITE ADDRESS	11 Astrop Gardens Kings Sutton OX17 3PR		
PROPOSAL	Proposed 2 storey side extension and single storey porch and rear extension		
AMENDED PLANS	None received		
WARD	Middleton Cheney	COUNCILLORS	Elected Ward Members (Middleton Cheney)

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

2.1	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: Charlton Stream, Site ID: S365 - 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>	
2.2	SITE HISTORY	<p>S/1992/0062/P A Single Storey Extension At Rear And A Single And Two Storey Extension At Front - 10 Astrop Gardens Kings Sutton - Approval</p> <p>S/1999/0128/P Single Storey Extension At Rear - 10 Astrop Gardens Kings Sutton - Approval</p> <p>S/2004/0633/P Single storey extension. Removal of car port - 12 Astrop Gardens Kings Sutton - Approval</p>	

		S/2014/1463/FUL	Two storey rear/side extensions - 13 Astrop Gardens Kings Sutton - Approval
		S/2020/1955/FUL	Outbuilding garden room/home office (retrospective) - 11 Astrop Gardens Kings Sutton OX17 3PR - Approval
2.3	PRE-APPLICATION ADVICE	None sought	
3. SUMMARY OF RESPONSES			
3.1	CONSULTATIONS - 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.		
	1. Clerk to Kings Sutton Parish Council No objections		
3.2	NEIGHBOURS – Below is a summary of the consultation responses received at the time of writing this report.		
4. CASE OFFICER APPRAISAL			
4.1	HOW THE APPLICATION IS ASSESSED		
	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.		
4.2	RELEVANT PLANNING POLICIES AND CONSIDERATIONS		
	Development Plan <ul style="list-style-type: none">West Northants Joint Core Strategy (JCS)Minerals and Waste Local Plan (MWLP)Local Plan Part 2 (LPP2)	Material Considerations <ul style="list-style-type: none">National Planning Policy Framework (NPPF)Planning Practice Guidance (PPG)Supplementary Planning Guidance and DocumentsConservation Area Appraisal DocumentVillage Design Statements and GuidanceSNC Design Guide	
4.3	PRINCIPLE OF DEVELOPMENT – Policies: SA (JCS); SDP1 (LPP2)		
	The principle of development is considered acceptable if the development meets one of the following two tests:		Y/N
	a)	Is the application site within the settlement confines of town or village , and therefore the principle of development is considered acceptable ?	Y
	b)	Is the application site in open countryside and the extension is not overlarge; does not represent a new residential dwelling; and is of a size and scale that reflects that of the host property, therefore the principle of development is considered acceptable ?	N
	Comments (if any):		
4.4	IMPACT ON NEIGHBOURS – Policies: H1 (JCS)SS2; SDP1 (LPP2); SNC Design Guide; NPPF		Y/N
	a)	Does the development comply with the separation guidelines of the SNC Design Guide?	Y
	b)	Does the development provide an acceptable garden size in accordance with the SNC Design Guide, along with suitable amenity and utility space ?	Y
	c)	Will the development dominate or be overbearing upon a neighbour's garden or property?	N
	d)	Will the development cause adverse degree of overshadowing or loss of light to a neighbouring property?	N

	e) Will the development cause an adverse degree of overlooking to the any neighbouring property	N
	f) will the development provide an acceptable standard of living for future occupiers , including noise, privacy, daylight, outlook, air quality etc?	N
	g) Will the development adversely affect neighbouring non-domestic uses?	N
	Comments (if any): The proposal due to is set back nature, within the scale of the garden space is not considered to overbear or overshadow any neighbouring property. The ground floor windows to the rear will observe the existing boundary treatments. The rear and side first floor windows are not considered to adversely overlook any neighbour. Overall, the proposal is considered acceptable.	
4.5	IMPACT ON HIGHWAY SAFETY – Policies: H1 (JCS); SS2, SDP1 (LPP2); SNC Design Guide (4.14); SNC Parking SPD; NPPF	Y/N
	a) Does the development have an adverse impact on highway safety?	N
	b) Does the development result in an appropriate number of parking spaces in accordance with the Parking SPD?	Y
	c) Does any new access proposed meet highway standing advice/NCC response (width, visibility splays etc)?	Na
	d) Does the layout of the parking accord with the SNC Design Guide ?	Y
	Comments (if any): The proposal retains 3 off road parking spaces which is in compliance with the Parking SPD.	
4.6	IMPACT ON CHARACTER OF HOST DWELLING & SURROUNDING AREA – Policies: SA, (JCS); SS2, SDP1, (LPP2); SNC Design Guide; Village Design Statements; NPPF	
	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 high-quality responsive design also forms a central component of the policies of the development plan and local guidance. Therefore to be supported development proposals should meet the following design tests:	Y/N
	a) Does the development use matching materials ?	Y
	b) Is the design in keeping (use of similar style windows and architectural detailing, fencing/walling) with the host dwelling and the surrounding area?	Y
	c) Is the development in scale with the adjacent properties, especially when considered in relation to the size of the plot?	Y
	d) Is the extension subservient to the host dwelling?	Y
	e) For two storey side extensions, does the dwelling avoid a terracing effect ?	Y
	f) For upward extensions to single storey dwellings , the proposal will only be acceptable in principle where they meet the following criteria:	
	i) are detached ; or the proposal involves the whole of a semi-detached pair or terrace ?	
	ii) are in an area with little uniformity of design and layout ;	
	iii) are in keeping with the existing property and context with regard to style and materials .	
	g) Is the development consistent with the SNC Design Guide ?	Y

	<p>Comments (if any): The proposal consists of a two storey extension to the side.</p> <p>While the proposal is not set down, this adds symmetry on the end of the terraced houses. The proposal is well set back which enables to proposal to be sufficiently subservient.</p> <p>The proposal is using matching materials and is thus considered in character with the host dwelling and the surrounding area.</p> <p>There are multiple examples of additions within the street-scene.</p> <p>Thus, the proposal is considered acceptable.</p>	
4.7	IMPACT ON HERITAGE – Policies BN5, S10 (JCS); HE1, HE2, HE3, HE4, HE7, NE2 (LPP2); NPPF	Y/N
	a) Is the development to or affecting the setting of a listed Building ? ¹	N
	b) Is the development in or adjacent to a Conservation Area ? ²	N
	c) Does the development affect a Scheduled Ancient Monument (SAM) ?	N
	d) Is the development within or adjacent to an Historic Park or Garden ?	N
	e) Is the development within or adjacent to Registered Battlefield ?	N
	f) Is the development within a Special Landscape Area ?	Y
	g) Does the development affect a non-designated heritage asset ?	N
	h) Is the site within a known area of archaeology , or does the development have the potential to impact on archaeology ?	N

4.7 (f)	IMPACT ON SPECIAL LANDSCAPE AREA (SLA) - Policies: NE2 (LPP2); NPPF	
	Development within a Special Landscape Area should meet the following tests :	Y/N
	a) pay particular regards to design, materials, siting of buildings and the use of land; and	Y
	b) make best use of the land available; and	Y
	c) be informed by, the qualities of the special landscape area as set out in South Northamptonshire: A Review of Special Landscape Areas 2017 or any successor document(s); and	Y
	d) contribute, where appropriate, to the conservation and enhancement , or restoration of the area.	Y
	Comments (if any):	

4.8	IMPACT ON NATURAL ENVIRONMENT – Policies BN2, BN3, BN7, BN9 (JCS); SS1, SS2, NE4 (LPP2); NPPF	Y/N
	a) Is the application site in Flood Zone 1 ?	Y
	b) Is the application site in Flood Zone 2 or 3 ?	N
	c) Are there mature trees / hedgerows with a high amenity value that the proposed development is adjacent to or in the Root Protection Area of?	N
	d) Does the site or proposed development possess/impact on any of the features where protected species are likely to be present (assessed against Natural England's standing advice) and where species are likely to be found ?	N

	e) Is the development within or adjacent to an Air Quality Management Area (AQMA)?	N
--	---	---

4.8 (a)	IMPACT ON FLOODING AND DRAINAGE IN FLOOD ZONE 1 - Policies: BN7A, BN7 (JCS); SS2 (LLP2); NPPF	Y/N
	a) Is the site subject to other sources , and forms, of flooding and/or where other bodies have indicated that there may be drainage problems , such as risk of surface water drainage ?	N
	b) If, Y have you added a condition requiring details of surface water drainage ?	N
	Comments (if any): As the site is in Flood Zone 1 the development is acceptable in flood zone terms.	

4.9	RESPONSE TO COMMENTS	
	The above report incorporates all of the concerns of the Parish Council, consultees and/or neighbours.	
4.10	SECTION 73 APPLICATIONS	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

5. CONCLUSION			
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, 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 4 above.			
6. RECOMMENDATION			
The application is recommended for APPROVAL subject to the conditions set out on the attached decision notice.			
7. AUTHORISATION			
CASE OFFICER	Megan Sommerville	Date:	30/06/2021
AUTHORISING OFFICER	Peter Gittins	Date:	30/06/2021

Notes	
1	<p>Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 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>
2	<p>Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 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>
3	<p>Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) 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 Regulation 9(5) of Conservation of Habitats and Species Regulations 2010. When determining a planning application that affects a EPS, local planning authorities must have regard to the requirements of the EC Habitats Directive 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>Under Regulation 41 of the Conservation Regulations 2010 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"> 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? 2) Is there any satisfactory alternative? 3) Is there adequate compensation being provided to maintain the favourable conservation status of the species? <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 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>