

PLANNING COMMITTEE: 4th June 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0383

LOCATION: 84 Maidencastle

DESCRIPTION: Remove slope to ground level and build retaining wall around edge, turf and limestone slab area

WARD: Rectory Farm Ward

APPLICANT: Miss Louise Dyball
AGENT: N/A

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would have no adverse impact on the street scene or on the amenities of adjoining occupiers and would thereby comply with the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, and Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The proposal entails the levelling of the majority of the rear garden area, with upper and lower parts of the garden maintained at the current level. Boundary fences would be unchanged.

3 SITE DESCRIPTION

3.1 The application site comprises the rear garden area of a terraced house of 1970s design, located in an area of similar properties.

4 PLANNING HISTORY

4.1 None.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, and the Growing Together Neighbourhood Plan.

6 National Policies

6.1 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following section is of particular relevance to this application:

Paragraph 56 - Good design should contribute positively to making places better.

6.2 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policy of particular relevance is:

Policy S10 – Sustainable Development Principles.

6.3 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 – Design

6.4 Growing Together Neighbourhood Plan

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton.

The Neighbourhood Plan is silent on issues raised by this proposal. The proposal is therefore considered in the context of other plans and strategies within Northampton's Development Plan, national policy and guidance.

7 CONSULTATIONS/ REPRESENTATIONS

7.1 **Environmental Health** – No objections.

8 APPRAISAL

8.1 The issues to consider are any impact on the amenities of adjoining occupiers, as well as any visual impact on the wider area.

8.2 The applicant would like to amend the levels of the garden, as currently it is on a slope, to make the area more useable.

- 8.3 The proposal entails the levelling of part of the existing rear garden area. This would affect only the central part of the garden, with the highest and lowest area retained at their present level, together with the sloping path between the two. The maximum reduction in height of the ground would be 1.3m.
- 8.4 The garden would continue to be surrounded by the existing fences. Therefore from the point of view of the neighbours on either side, no changes would be apparent. Retaining walls are shown which would secure the neighbouring garden at no.85 and the retained adjacent parts of the garden of the application site. The structural stability of such walls is not a consideration under the planning application.
- 8.5 The lowered garden area would be entirely screened from public viewpoints by the existing boundary fence and therefore there would be no impact on the street scene or wider area.

9 CONCLUSION

- 9.1 The proposed alterations would have no adverse impact on the amenities of adjoining occupiers or on the street scene and wider area.

10 CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1905/01.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

11 BACKGROUND PAPERS

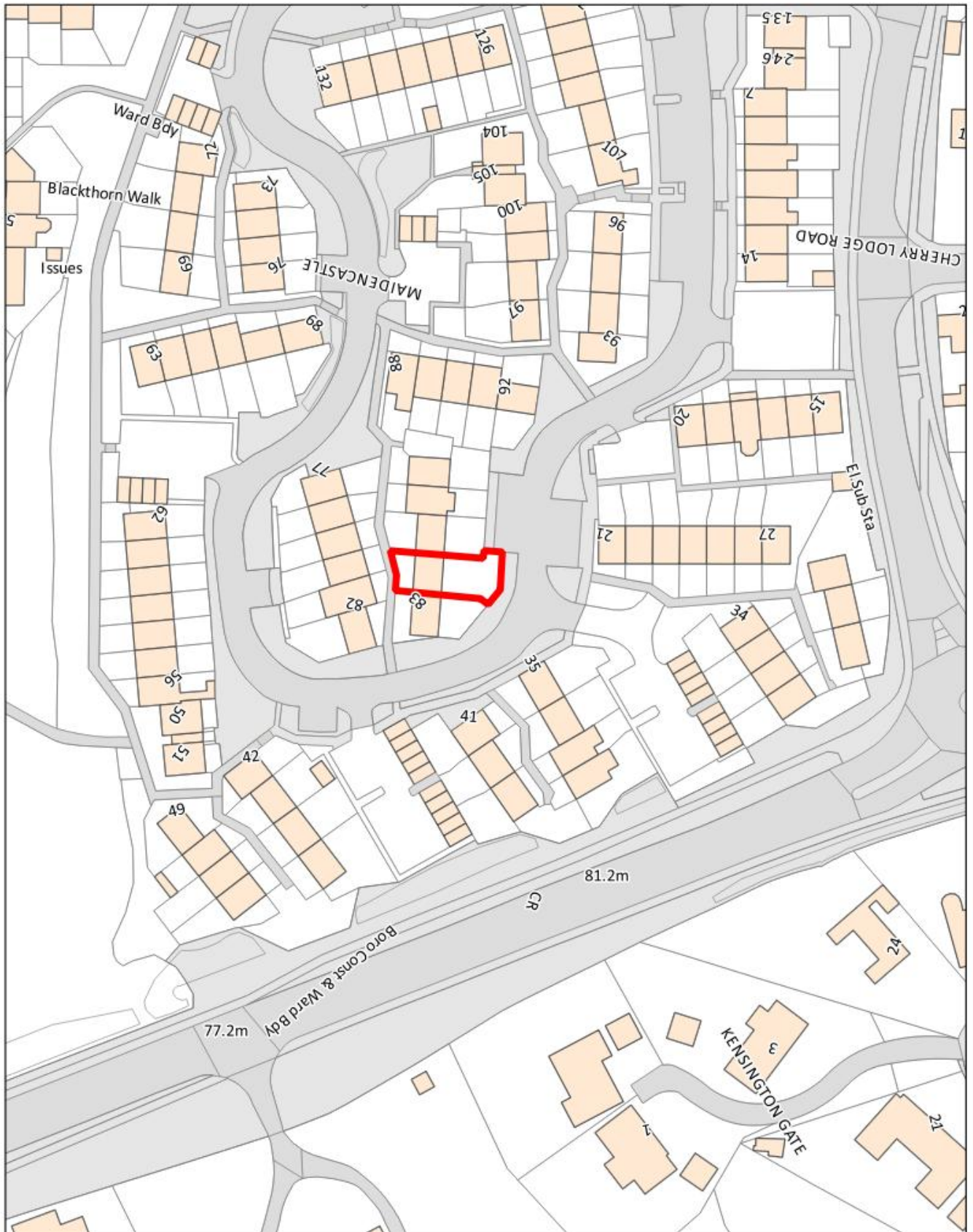
- 11.1 Application File N/2019/0383.

12 LEGAL IMPLICATIONS

- 12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



NORTHAMPTON
BOROUGH COUNCIL

Title: **84 Maidencastle**

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Date: 17-05-2019

Scale: 1:1,000

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