

<b>Plans Committee Date:</b>	<b>19<sup>th</sup> January 2023</b>
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**Item No: 1**

**Application Reference Number:** P/22/0508/2

<b>Application Type:</b>	Full (Householder)	<b>Date Valid:</b>	18/03/2022
<b>Applicant:</b>	HSSP Architects Limited		
<b>Proposal:</b>	Proposed two storey side extension to side of dwelling to replace existing garage, and proposed single storey link to existing dwelling.		
<b>Location:</b>	35 Kingfisher Way, Loughborough, Leicestershire, LE11 3NF		
<b>Parish:</b>	N/A	<b>Ward:</b>	Loughborough Southfields
<b>Case Officer:</b>	Mr J Worley	<b>Tel No:</b>	07513702966

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## **1. Background**

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation, represents a departure from the development plan and the Officer recommendation is one of approval.

## **2. Description of the application site**

- 2.1 The application site sits within a residential estate to the west of Loughborough centre and hosts a detached two and a half storey property with an off white rendered finished and symmetrical window arrangement with red brick features above each frame. The second floor of the property is kept within the roof space of the building with two front facing dormers.
- 2.2 The property is served by a detached double garage and the existing driveway serves as off street parking for two vehicle spaces. To the rear of the site is a public footpath which dissects through the housing estate.

## **3. Description of the proposal**

- 3.1 The application proposes a two storey side extension comprising an 'undercroft' parking arrangement with living space contained within a gabled upper storey containing feature glazing addressing Kingfisher Way, and first floor terrace area linking to the rear elevation of the existing house.
- 3.2 The extension would sit angled approximately 30° to the existing house, reflecting the shape of the house plot adjacent to the footpath referred to above, which links to residential properties at Emmanuel Way.

3.3 The extension would result in the loss of two ornamental trees from the garden of the property but there would remain three parking spaces within the application site.

#### **4. Development Plan Policies**

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Minerals and Waste Local Plan (2019)

4.2 The policies applicable to this application are as follows;

##### **4.2.1 Charnwood Local Plan Core Strategy**

- Policy CS2 – High Quality Design
- Policy CS25 - Presumption in favour of sustainable development

##### **4.2.2 Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)**

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy EV/1 – Design
- Policy TR/18 - Parking in New Development

##### **4.2.3 Minerals and Waste Local Plan (2019)**

Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

The site is not within a Mineral Safeguarding Area.

#### **5. Other material considerations**

##### **5.1 The National Planning Policy Framework (NPPF 2021)**

5.1.1 The NPPF policy guidance of particular relevance to this proposal includes:

- Section 12: Achieving well-designed places.

5.1.2 Proposed revisions to the NPPF were published for consultation in December 2022. They do not impact upon the consideration of this application and at this stage are considered to carry very minimal weight.

## 5.2 Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travel plans, supporting the policy framework as set out in the NPPF.

## 5.3 National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

## 5.4 Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

## 5.5 Leicestershire Highways Design Guide

The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development.

## 5.6 The Draft Charnwood Local Plan 2019-37

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2019-37. A number of hearing sessions have been held on some matters in June 2022. Further hearing sessions were held in October 2022 to address the specific matter of Leicester's unmet need. Following the further consideration of this issue by the Planning Inspectorate, hearing sessions will resume in February 2023.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to;

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given),
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given),

(c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS5: High Quality Design

## **6. Relevant Planning History**

6.1 There is no relevant planning history for the site.

## **7. Responses of Consultees & Other Comments Received**

7.1 No consultation responses or representations have been received regarding this application

## **8. Consideration of the Planning Issues**

8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019).

8.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such that there is no reason for them to be given reduced weight.

8.3 The main planning considerations applicable to this application are considered to be:

- Design
- Impact on residential amenity

## **9. Key Issues**

### **9.1 Design**

9.1.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the locality. This is reinforced by the adopted Design Supplementary Planning Document that builds upon the policy in terms of how good design can be achieved.

- 9.1.2 Emerging Local Plan Policy DS5: 'High Quality Design' requires development to respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials, access arrangements, and heritage assets and their setting, and to protect the amenity of nearby residents. The Policy is well advanced through the Local Plan process and has a limited degree of contention, and is therefore considered to carry moderate weight.
- 9.1.3 The design proposed is overtly modern in character and is considered to contrast, rather than complement, the surrounding area. Its overall shape and use of pronounced 'framing' of the upper storey would result in the extension being a pronounced feature in the street scene.
- 9.1.4 However the finish incorporates a render which would serve to 'tie' the extension to the existing house, whose rendered finish is intended to provide accentuation from its immediate surroundings, and a condition can be included to match the existing dwelling. The roof slope of the extension has been pitched to match the main dwelling and whilst large in scale, a single storey link breaks up the overall mass.
- 9.1.5 The NPPF (Paragraph 134) provides significant weight to be given to innovative designs which promote high levels of sustainability, and emerging Local Plan Policy D5 promotes development which enhances the character of the area. The application site is considered to be in a prominent location within the street scene of this section of Kingfisher Way and the public realm of Emmanuel Way to the rear of the site. Whilst the overall design is considered to be somewhat at odds with the wider housing estate and as such considered to be contrary to a literal application of Core Strategy Policy CS/2, Local Plan Policy EV1 and the Design SPD, the immediate locality does not present a strong sense of character and it is considered that the extension would create a feature of interest within an area which is otherwise limited in variety and character, and would serve to enhance it.
- 9.1.6 The trees within the site are considered to make a limited contribution to the amenities of the area and are not protected by Tree Preservation Order or other means. Parking would remain sufficient for the size of the house, with 3 spaces contained within the new structure.

## 9.2 Impact on Residential Amenity

- 9.2.1 Policies CS2 of the Core Strategy, EV/1 of the Local Plan and DS5 of the emerging Local Plan seek to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved Policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is
- 9.2.2 The application is supported by a solar analysis which sufficiently demonstrates that the proposal would not result in overshadowing or dominate neighbouring properties on Kingfisher Way, mostly due to the location and existing distances with neighbours.

There is no risk of overlooking due to the unique corner plot and distance from neighbouring properties.

- 9.2.3 There is potential for noise disturbance from the first floor terrace area but it is considered this would be no greater than, for example, patio or decking provision found in many residential environments. Environmental Pollution legislation would be applicable if its use gave rise to a statutory nuisance.

## **10. Conclusion**

- 10.1 The proposed extension adopt an design approach which is unusually innovative and modern. It is not considered that it satisfies the design policies of the development plan, Saved Policy EV/1 of Local Plan and policy CS2 of Core Strategy, in terms of being harmonious with its surroundings. However, the character of the surrounding area is not considered to provide a high standard environment or any special qualities and within this context it is considered the extension could be accommodated without undue harm arising. The NPPF (Paragraph 134) provides significant weight to be given to innovative designs. As such, the design rationale is not considered to be wholly inappropriate and on balance is considered beneficial to the area and therefore acceptable.

## **11.1 RECOMMENDATION :**

**That permission is granted conditionally subject to the imposition of the following conditions.**

## **11.2 Recommended conditions:**

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: In order to comply with the requirements of Section 92 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 permitted shall be carried out in accordance with the following approved plans and details:
  - Proposed Block Plan reference 7713 03 01 dated January 2022
  - Proposed Ground Floor Plan reference 7713 03 02 dated December 2021
  - Proposed First Floor Plan reference 7713 03 03 dated December 2021
  - Proposed Elevations reference 7713 03 04 dated December 2021

REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPD and the NPPF.

