

Item No. 3

**Application Reference Number P/18/1712/2**

<b>Application Type:</b>	Full	<b>Date Valid:</b>	23/08/2018
<b>Applicant:</b>	Mrs Jane Gray		
<b>Proposal:</b>	Removal of condition 4 of P/14/1824/2 to enable annexe to be used as a separate dwelling.		
<b>Location:</b>	216 Bradgate Road Anstey Leicestershire LE7 7FD		
<b>Parish:</b>	Anstey	<b>Ward:</b>	Anstey
<b>Case Officer:</b>	Joseph Davies	<b>Tel No:</b>	01509 634988

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This application is presented to the Plans Committee at the request of Councillor Deborah Taylor on the grounds of there not being any significant change to circumstances that would justify the removal of the condition which was deemed to be necessary in 2014.

**Description of the Application**

**Site Description**

The application site comprises a detached single storey building to the rear of No. 216 Bradgate Road. It is a two bedroom annexe which was granted planning permission in 2014. No.216 is a detached flat-roofed bungalow set back from the street on a large plot. To the rear of the dwelling is a garden and there is a large parking area to the front and side of the dwelling. To the north of the site is the property at 216a Bradgate Road, to the south is the dwelling at 214 Bradgate Road and to the west is agricultural land.

**Proposal**

The application proposes the removal of condition 4 of planning permission P/14/1824/2. This application granted planning permission for the single storey, self-contained annexe to the rear of number 216, which was constructed in 2015. Condition 4 of this planning permission prevents the annexe from being occupied as a separate dwelling. The applicant wishes to remove this condition so that it can be occupied as a separate dwelling. The only external works proposed by the application are the subdivision of the existing garden with a 1.8 metre high boundary fence and the separation of the parking provision for 216 and the annexe.

This would result in a modest rear garden for the annexe, with the majority of the garden being retained by No.216. The annexe would have 2 parking spaces and No.216 would have 3 spaces.

## **Development Plan Policies and other material considerations**

### Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy sets out the priority locations for growth in the Borough over the plan period. It establishes a settlement hierarchy in which Anstey is designated as a service centre.

Policy CS2 – High Quality Design sets out the design-related criteria for achieving high quality design. It includes reducing the impact of development to make it more resilient to the effects of climate change; well-designed streets and spaces and making sure development is of an appropriate quality to protect the amenities of people who live or work nearby. It will therefore be essential to consider the massing, height, landscape, layout and materials in new development.

Policy CS25 – Presumption in Favour of Sustainable Development sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

### Saved Policies of the Borough of Charnwood Local Plan

Policy EV/1 – Design seeks to ensure a high standard of design for development which respects the character of the area, nearby occupiers, and is compatible in mass, scale and layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy TR/18 – Parking Provision in New Development seeks to ensure adequate car parking is provided to secure highway safety and minimise harm to visual and local amenities. The adopted standards are used as a starting point in assessing the level of provision and represent the maximum level.

### The National Planning Policy Framework 2018 (NPPF)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Paragraph 8 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

Paragraph 108 states that in considering development proposals, opportunities to promote sustainable modes of transport should be taken up, safe and sustainable access should

be achieved for all users; and any significant impacts from development on the transport network should be cost effectively mitigated to an acceptable degree.

### Leicestershire Highways Design Guide (2018)

This document sets out the highways requirements including parking and visibility standards for new developments across Leicestershire.

### Leading in Design (SPD)

Seeks to encourage, promote and inspire higher design standards in new development throughout Charnwood and, amongst other things, at Appendix 4 sets out Space Standards for Residential Development.

## **Relevant Planning History**

P/11/0898/2 – Single storey extension to rear of dwelling – Granted conditionally

P/14/1824/2 – Erection of self-contained annexe following demolition of garage – Granted conditionally

P/14/1827/2 – Erection of two semi-detached dwellings – Refused

## **Responses of Statutory Consultees**

### Anstey Parish Council

- Objected to the application noting that when application number P/14/1824/2 was originally looked at by the Parish Council objections were made, noting it as a new dwelling which was not appropriate for the site. The location is too close to the neighbour's boundary. These reasons are reiterated in this objection to the application.
- This proposal reduces the space available between properties. It provides limited space for vehicle manoeuvres and increases traffic onto Bradgate Road.

## **Other Comments Received**

### Councillor Taylor

- Objects to the application and requested that it be determined by Plans Committee on the basis that when the original application for the annexe was determined in 2014, several objections were received and it was felt necessary to condition that the annexe is not occupied separately from the main dwelling. It is stated that nothing had changed since 2014 which would justify the removal of this condition. Concern was also raised that there would be insufficient turning space to manoeuvre vehicles and that the garden would be very small. The issue of noise and disturbance due to the close proximity of the two properties was also raised.

## Councillor Snartt

- Objects to the application on the grounds that there was no change in circumstances since the previous application to justify the removal of the condition.

### **Consideration of the Planning Issues**

The main issues to be considered in the determination of this application are:

- i) The principle of development;
- ii) Design;
- iii) Neighbour amenity;
- iv) The amenity of future occupiers; and
- v) Highway safety and parking provision.

#### The principle of development

All planning applications must be considered on their individual merits in accordance with the development plan in place at the time, unless material considerations indicate otherwise. In this context, the site lies within Anstey and is within the settlement boundary in both the currently adopted and emerging Development Plans. Anstey is designated as a Service Centre under Policy CS1 of the Charnwood Local Plan Core Strategy 2015. The Core Strategy makes provision for at least 3,000 new homes within and adjoining Service Centres between 2011 and 2028. It also states that the Council will respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies in the Core strategy.

The principle of a new dwelling in this location is therefore considered to be acceptable, unless material considerations indicate otherwise. The removal of condition 4, therefore, generally accords with the tenet of Policies CS1 and CS25 of the Charnwood Local Plan 2011-2028 Core Strategy.

#### Design

In relation to design, the only external alteration would be the sub-division of the existing garden, with the erection of a 1.8 metres high fence and the provision of a surfaced area in front of No.216 to accommodate 2 parking spaces. Given the set back from the street, the impact of this would be negligible. A fence of this height could be erected without planning permission. There is also no uniform building line on this part of Bradgate Road and the occupation of the annexe as a separate dwelling would, therefore, not be out of keeping with the locality.

The impact of the removal of condition 4 on design and visual amenity is therefore considered to be in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy and Saved Policy EV/1 of the Borough of Charnwood Local Plan 2004.

### Neighbour amenity

The removal of condition 4 would not result in any physical alterations to either the proposed separate dwelling or No.216. It is considered that there would be no significant impact upon the amenities of neighbours, who have not commented on the proposal.

The annexe is set behind and close to the boundary with No.214. It has a blank wall on this elevation. There would be no overlooking of this neighbour and the additional activity and associated noise and disturbance which a modest dwelling, rather than an annexe, would generate is not likely to be significant.

The annexe is approximately 5 metres from the rear corner of No.216 and has windows which look towards the rear garden of that property. The proposed fence would ensure that both properties enjoy reasonable levels of privacy. The access and parking associated with the proposed new dwelling would be close to the side elevation of No.216. This elevation has one secondary window, with the proposed fence ensuring that any disturbance or overlooking of No.216 is kept to acceptable levels.

In light of the above, the impact of the proposed development on the amenity of neighbours is considered to be acceptable and would accord with Policies CS2 and EV/1.

### The amenity of future occupiers

The annexe has been built with adequate light and ventilation and the erection of a 1.8 metres high fence to the north of the building would not have a significant impact upon the amenities of future occupiers. The garden is small, but is not overlooked and is considered to be adequate for a modest dwelling. There are no adopted minimum size standards for garden space and as a result it would be difficult to resist the proposed development on these grounds. The impact of the removal of condition 4 on the amenity of future occupiers is therefore considered to be acceptable and would be in compliance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015.

### Highway safety and parking provision

With regard to the impact on parking provision, there would be room to provide 2 parking spaces for the proposed separate dwelling and at least 3 spaces for No. 216. Furthermore, there would also be sufficient space for turning to allow vehicles to both enter and leave the site in a forward gear. There would be no adverse impact on visibility at the access.

Given the above, the proposed development is considered to be acceptable in relation to highway safety and parking provision and is in accordance with Saved Policy TR/18 of the Borough of Charnwood Local Plan 2004 and Paragraph 108 of the National Planning Policy Framework 2018.

### Conclusion

Condition 4 of planning application P/14/1824/2 was imposed because the annexe was proposed in the rear garden of No.216, which it was considered would be an unsatisfactory relationship for a separate dwelling.

The applicants have proposed a sub-division of the site which satisfactorily addresses the two specific reasons why this condition was imposed. These are the amenity of the occupiers of both properties and their parking and access arrangements, which are detailed above.

There are no adopted standards relating to amenity space and the alterations to the parking provision as a result of the subdivision of the plot means that the access would be acceptable. While it is a slightly unconventional layout there are no reasons to refuse planning permission

The application site lies within a Service Centre as designated in the adopted 2015 Core Strategy, which states that development would be supported in these locations subject to other material planning considerations. The provision of a modest two bedroom bungalow meets an identified local need. The impacts on design, visual amenity, neighbour amenity and highway safety issues raised, are considered to be acceptable and there are no other material planning considerations that would justify the retention of this condition. It is therefore recommended that condition 4 of planning permission P/14/1824/2 is hereby removed.

## **RECOMMENDATION:-**

Grant Conditionally

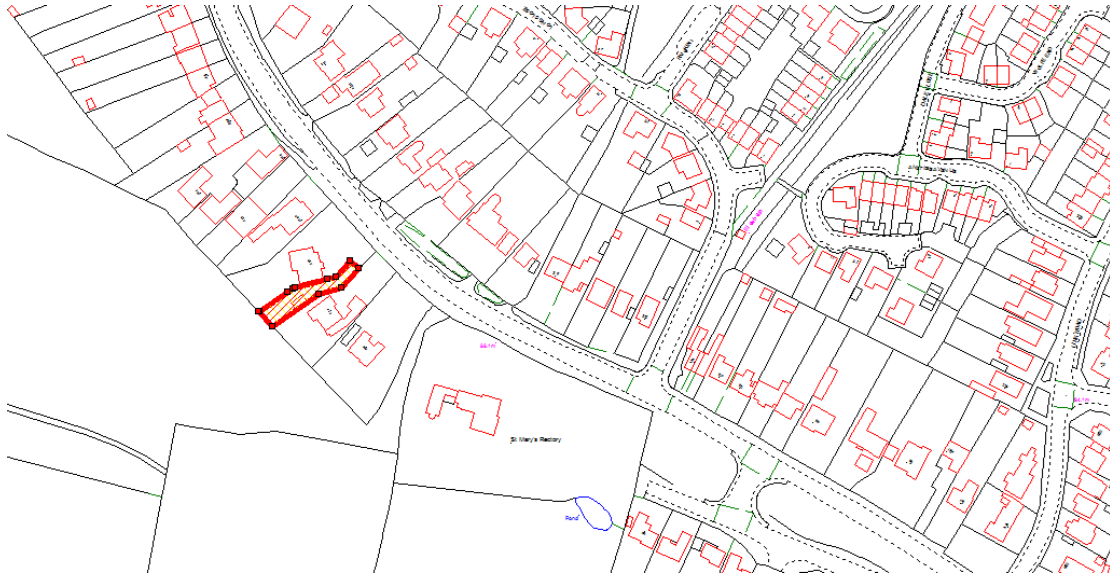
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
WA51 - 100 - Rev B - Proposed Plot Splitting Plan.  
REASON: To define the terms of the planning permission.
  
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking and re-enacting that Order, with or without modifications), no openings or windows shall be inserted in the south side elevation of the building bordering 214 Bradgate Road.  
REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.
  
- 3 The occupation of the annexe as a separate dwelling shall not commence until the parking provision shown on the plan: 'WA51 - 100 - Rev B - Proposed Plot Splitting Plan' has been provided.  
REASON: To ensure that adequate off-street parking is provided and maintained, in the interests of road safety.

The following advice notes will be attached to a decision:

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2 and CS25 of the Charnwood Local Plan Core Strategy 2015, Saved Policies EV/1 and H/16 of the Borough of Charnwood Local Plan

2004 and the provisions of the National Planning Policy Framework 2018 have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

- 2 Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Leading in Design'.
- 3 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.



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