

Item No. 5b**Application Reference Number P/23/0003/2**

Application Type:	Householder	Date Valid:	4 th January 2023
Applicant:	Mr A Norton		
Proposal:	Two storey and single storey extensions to front and rear of detached dwelling and render and stone cladding to existing house.		
Location:	18 Beaumanor Gardens, Woodhouse, Leicestershire, LE12 8UR		
Parish:	Woodhouse	Ward:	Forest Bradgate
Case Officer:	Deborah Liggins	Tel No:	07864 603401

1. Background

- 1.1 This application is reported to Plans Committee at the request of the Ward Councillor, Councillor Snartt, citing the following material considerations:
- Size and scale of the two storey and single storey extensions.
 - Overbearing impact from the development.
 - Impact on the privacy of the neighbouring property.

2. Description of the application site

- 2.1 The application site is a large, detached dwelling situated on the south-eastern side of this small cul-de-sac development of individually designed dwellings built during the 1960's and 1970's. The property is a gabled dwelling with an attached double garage on its northern side. A flat roofed extension to the rear is also utilised as a first floor balcony. The street is characterised by a limited palette of materials including stone and Swithland slate and properties feature low stone boundary walls to front boundaries at the highway boundary which gives an open-plan appearance to much of the street. Dwellings are typically set in generous plots with space retained around each property.
- 2.2 To the north of the site is No. 16 Beaumanor Gardens which is an extended two storey dwelling with a blank facing gable off-set from the boundary by approximately one metre. This is part of a 1980's two storey extension undertaken to the southern side of the house which includes a double aspect study to the ground floor with a bathroom and storeroom above. To the rear, this property is separated from the application site with a 1.8m high close-boarded fence. To the east of the site is an open boundary to agricultural/equestrian fields with a drainage ditch running alongside the property boundary. To the south of the site is No. 20 Beaumanor Gardens which is a 2 storey gabled house with single storey rear extensions. A large, attached garage to this property is positioned 5.1m from the existing side gable of the application property. That garage contains a ground and first floor window within its gable and facing onto the boundary with No. 18 Beaumanor Gardens. This property is also separated from the application site at the rear with a 1.8m high close

boarded fence. Trees and vegetation within the application site and in the gardens of both neighbouring properties, are planted alongside these side boundary fences.

- 2.3 The site is located within the designated Woodhouse Conservation Area. No Listed Buildings are near to the site. The site lies entirely within Flood Zone 1 which is land at low risk of fluvial flooding. The site lies within the Woodhouse Limits to Development as defined by saved Policy ST/2 of the Borough of Charnwood Local Plan 2004. However, the later adopted Charnwood Local Plan (2011-2028) Core Strategy sets out the settlement as being a 'small village or hamlet' and the Neighbourhood Plan also superseded the Adopted Local Plan in this respect by deleting the limits to development and placing the whole village within the defined 'countryside' (Policy H3 refers).
- 2.4 A Sycamore tree located to the south-eastern corner of the site is subject to a Tree Preservation Order.

3. Description of the proposal

3.2 The application seeks full planning permission for the erection of extensions to the dwelling. During the course of the application, and in consultation with officers, the plans have been revised, triggering a re-consultation with neighbours and consultees. The proposal is therefore revised by amended plans received on 19th June 2023. The application includes the following elements:

- A two storey extension to the front of the house to provide a new front entrance hall and vaulted stairwell. This would project 2.65m from the existing front elevation and would feature a triple light window at first floor level within the catslide roof.
- A single storey extension to the front of the house for a forward projecting double garage. The garage would have a hipped roof to the front with the ridge height of 5m. This would project 6.1m beyond the existing front elevation. The submitted block plan shows that this element would not project beyond the forwardmost wall of no. 16 Beaumanor Gardens to the north.
- To the rear/side, the roof over the existing garage would be raised in height from 5.59m to 7.57 to facilitate a ground floor playroom and utility room (created within the existing garage footprint) and a ground floor kitchen/dining room extension with an additional bedroom above. To the rear, this would feature twin gabled roofs and would replace an existing dormer in the rear roof slope of the existing garage.
- A single storey rear extension forming part of the kitchen/dining room extension would project 4.3m beyond the two storey rear extension and would have a flat roof 3m high with 2 concealed roof-lights. The resultant side elevation facing no. 16 Beaumanor Gardens would have no additional window openings but would feature a new side doorway.

- A two storey rear extension to the south-eastern side of the dwelling would project 5.35m from the existing rear elevation and would provide a living room with a master bedroom above. This would comprise a new rear gable with feature glazing and a Juliet balcony and would present a blank elevation facing no. 20 Beaumanor Gardens and a side facing window overlooking the proposed flat roof extension and towards No. 16 Beaumanor Gardens. The proposed ridge would be 7.9m high with the highest point positioned 6.97m from the boundary with no. 20 Beaumanor Gardens. Both roof slopes of this extension would feature an array of solar panels.
- The existing dwelling is partly stone, painted brick, render and Swithland slate and the proposal seeks to introduce render and stone cladding to parts of the dwelling with Swithland slate being re-used to the front elevation and slate tiles to the rear. Doors and windows would be aluminium.
- The existing vehicular access and trees to the front of the site, and existing garden wall would be retained, and new landscaping would be proposed to enhance the front garden area. To the rear, a new terrace would be constructed to provide an apron to the proposed extensions, with steps leading down to the remainder of the garden. A new 2m high fence is to be installed along the north-eastern rear boundary (as allowed under 'permitted development').
- The submitted block plan indicates that new air conditioning and an air source heat pump would be installed against the north-eastern elevation of the existing property although these elements do not require planning permission.

3.3 The application is supported by the following information:

- A topological survey which shows that ground levels vary by 3.3m between the front and rear boundaries of the site.
- A supporting statement with marked up drawings setting out the differences between the existing and proposed elevations for the purpose of assessing neighbour impact.

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 Woodhouse Neighbourhood Plan made on 9 December 2021.

4.2 The policies applicable to this application are as follows:

4.2.1 Charnwood Local Plan Core Strategy

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS11 - Landscape and Countryside
- Policy CS14 - Heritage
- Policy CS16 - Sustainable Construction and Energy
- 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 ST/2 - Limits to Development
- Policy EV/1 - Design
- Policy H/17 – Extensions to Dwellings
- Policy TR/18 - Parking in New Development

4.2.3 Woodhouse Neighbourhood Plan 2020-2036 (Made December 2021)

- Policy H3 – Limits to Development (relating to Woodhouse Eaves only)
- Policy H6 – Design Standards

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 2: Achieving sustainable development
- Section 12: Requiring well-designed places.
- Section 16: Conserving and enhancing the historic environment

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 travels 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 The Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5.5 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality

5.6 Design Supplementary Planning Document (SPD) (January 2020)

This document sets out the 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.

5.7 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.

5.8 Landscape Character Assessment 2012

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

5.9 Woodhouse Forest Road and School Lane Conservation Area Character Appraisal

The village of Woodhouse is split into two Conservation Areas due to the separation both geographically and in character of School Lane from the main body of the village along Forest Road. The purpose of the appraisal is to examine the historic development of these Conservation Areas and to describe their present appearance in order to assess their special architectural and historic interest. Beaumanor Gardens is mentioned in the document as being important as the only significant group of twentieth century buildings to be included within the boundaries of the Conservation Area. Their referencing of materials found in the village as well as their positioning and scale ensure they justify their inclusion within the Area.

5.10 The Woodhouse Village Design Statement

This is an advisory document adopted by the Council in 2006 and also describes the distinctive character of Woodhouse Eaves village and summarises its historical development, landscape, buildings and wildlife. It was produced by local people with the aim of promoting good design and to ensure that new developments are designed in harmony with identified village characteristics identified as being of value to those residents.

5.11 The Draft Charnwood Local Plan 2019-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirements for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 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).

- 5.13 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 DS1 - Development Strategy
 - Policy DS5 - High Quality Design
 - Policy C1 – Countryside
 - Policy T3 – Car Parking Standards
 - Policy EV1 – Landscape
 - Policy EV8 - Heritage

6. Relevant Planning History

Reference	Description	Decision & Date
P/92/3000	Extension for breakfast room, replacement laundry room and garden store to rear of detached house	Granted – 08/02/1993
P/14/1634/2	Thinning and crown raising of 1 Sycamore tree (Tree Preservation Order)	Granted – 15/10/2014

7. Responses of Consultees & Other Comments Received

- 7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire County Council – Highways	Refers the local planning authority to its standing advice dated September 2011.
Neighbours & Ward Councillors consulted	
Councillor Snartt	Considers the proposed garage would be very prominent in the street scene. The proposal conflicts with Paragraphs 3.36, 3.37 and 3.42 of the adopted SPD on Design. The site is within the Conservation Area and its character and appearance should be maintained in its current form.
Woodhouse Parish Council	Strongly objects to the proposal and supports the comments of residents. It considers the amenity of immediate neighbours would be severely affected. The scale and dominance of the proposal would cause loss of daylight and impact on the character and appearance of the Conservation Area.
Charnwood Conservation and Design (in relation to amended plans; April 2023). Revised comments regarding the most recent	Beaumanor Gardens' development is important as the only significant group of twentieth century buildings to be included within the boundary to Woodhouse Forest Road Conservation Area due to the positioning and scale of the houses and the referencing of materials found in the village. They have been designed to form a cohesive group with a distinct character and the way in which they

<p>amended plans will be reported to the Committee</p>	<p>present themselves to the streetscape is an important aspect of the development with a sense of openness to the front. There are variations in appearance and design to the dwellings, but their form and appearance follow a consistent design approach which bestows a distinctive architectural style to the streetscene. There have been alterations and additions to some of the dwellings but in general, the consistent architectural style of the dwellings has been retained.</p> <p>The width and height of the proposed porch have been reduced but the overall development is still considered to be over dominant and unsympathetic to the existing architectural style which will change its character, adversely impacting on the balanced and well-proportioned architectural composition of the original dwelling and the overall concept of this mid-20th century development. Despite the agent's comments regarding the proposed garage to the front of the development. It is still considered that the garage is oversized, given its prominent position, and this adds to the sense of overdevelopment. The arguments made regarding 'building line' are not accepted and do not relate to the established line between nos. 18, 20 and 22.</p> <p>In summary, it is considered that the proposals are over-dominant and are unsympathetic to the character and appearance of the Conservation Area as well as adversely impacting on the sense of openness.</p> <p>This will result in less than substantial harm to the significance of the designated heritage asset, that of Woodhouse Forest Road Conservation Area.</p>
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Responses to publicity	
From	Comments
<p>12 letters of objection from 11 addresses were received on the originally submitted plans and eight letters of objection from eight addresses were received in response to the amended plans.</p>	<ul style="list-style-type: none"> • Design not in keeping with the rest of the houses • Impacts appearance of the street • The garage would be forward of the front and rear building lines • Permanent noise from air conditioning units • The scale and size of the extensions are tantamount to a new build dwelling • Disturbance during the construction period • The proposal would harm the character and appearance of the Conservation Area • Loss of light & privacy; the proposal would breach the 45 and 25 degree rule (includes detailed diagrammatic illustration on the impact on rear

	<p>window and amenity area of no 16 (adjacent) from overshadowing).</p> <ul style="list-style-type: none"> • The resultant dwelling would be overbearing • The proposal is contrary to the Neighbourhood Plan • The proposal is contrary to the Design SPD • The proposal is contrary to the Woodhouse Eaves Village Design Statement • Loss of trees to site frontage • The rear elevation would be prominent in the landscape • No Design and Access Statement is submitted with the application • The proposal is an overdevelopment of the village and the site itself • Insufficient parking is provided within the site • The proposed 5-bedroom home would not meet a local housing need • The proposal, if approved, would set a precedent for applicants to ignore neighbour impact
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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), “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), the Minerals and Waste Local Plan (2019) and the content of the Woodhouse and Woodhouse Neighbourhood Plan (2021).

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

- Principle of Development
- Landscape Impact
- Design & Visual Amenity
- Design and Residential Amenity
- Impact to Heritage Assets
- Highway matters
- Other matters

9. Key Issues

9.1 Principle of the Development

9.1.1 The principle of extensions to existing dwellings are not restricted by local or national planning policy, providing they accord with the other relevant policies of the development plan. The application therefore falls to be considered in terms of its design, impact on the design, the impact on heritage assets, amenity and highway safety.

9.2 Landscape Impact

9.2.1 Policy CS11 of Charnwood Core Strategy is concerned with protecting the landscape and ensuring new development does not result in visual harm. The policy generally accords with the National Planning Policy Framework and does not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that it should be given.

9.2.2 Policy CS2 of the Charnwood Core Strategy requires new development to respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements.

9.2.3 Policy H3 of the Woodhouse Parish Neighbourhood Plan states that land outside the defined Limits to Development (such as Woodhouse) will be treated as open countryside, where development will be strictly controlled in line with local and national strategic planning policies. Policy H3 supersedes the former defined 'limit to development' for Woodhouse established by Policy ST/2 of the adopted Local Plan 2004 and has primacy over the Local Plan 2004 as it is the most recent part of the Development Plan. Policy H6 of the Neighbourhood Plan also explains that development should not impact negatively on any significant wider landscape views.

9.2.4 Policy C1 of the Draft Charnwood Local Plan (2021-2037) seeks to manage development in areas of countryside to protect its largely undeveloped character and its intrinsic character and beauty. This policy is consistent with Paragraphs 11, 16, 20, 23, 80, 84 and 174 of the National Planning Policy Framework. The emerging Local Plan is well advanced and there is limited contention regarding this policy, and therefore it carries moderate weight.

9.2.5 The Charnwood Landscape Assessment (2012) places Woodhouse within the Charnwood Forest area of landscape character. This is the most complex of the character areas within Charnwood. The area has an upland character which contrasts with the lower lying nature of the surrounding landscape character areas. It is a landscape of mosaic pasture, frequent woodland and exposed hilltops of acidic grassland with rocky outcrops of ancient Precambrian volcanic and plutonic rocks with bracken and heath land. It is the most densely wooded area of the Borough with coniferous and deciduous woods and includes many wildlife areas and ancient semi-natural woodlands. Field boundaries of stone walls and large free growing hedges and there are strong rectilinear patterns of parliamentary enclosure fields and straight roads. Scattered settlements are often of local stone with steeply angled slate roofs.

9.2.6 The proposal would not extend beyond the limits of existing residential curtilages within this street and would not encroach into the countryside beyond the existing site boundaries. The proposals comprise alterations and extensions to an existing dwelling which already enjoys an open boundary to the rural land to the south-east of the site. Neighbours observe that the rear of dwellings can be seen from Vicary Lane and from nearby public footpaths although these are not designated as such and are assumed to be permissive. Views from Vicary Lane of the proposed rear elevation would be seen at distances of over 250m and it is considered that although the resultant property could be viewed, the appearance of the development would not harm the open and otherwise undeveloped character and appearance of the countryside.

9.2.7 It is therefore considered that the proposal would accord with Policies CS2 and CS11 of the adopted Core Strategy, Policies H3 and H6 of the Neighbourhood Plan and Policy C1 of the emerging Local Plan.

9.3 Design and Visual amenity

9.3.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality, and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.3.2 Saved Policy H/17 of the Borough of Charnwood Local Plan supports extensions to residential dwellings where the development meets all of the following criteria:

- It remains compatible in scale, mass, design and use of materials with the original dwelling;
- It would not appear as an intrusive or incongruous feature in the street scene to the detriment of visual amenities;
- It would not prove detrimental to the amenities of occupiers of nearby properties by reason of overshadowing, dominance, or substantial loss of privacy or light;
- It would not involve the removal of areas of existing landscaping important to the character of the location.

9.3.3 Policy H6 of the Woodhouse Parish Neighbourhood Plan also sets out that new development should conform with specific design principles, and this includes residential extensions. The adopted SPD on Design provides further guidance to developers of what constitutes high quality design.

9.3.4 Policy DS5 of the Draft Charnwood Local Plan (2021-2037) requires new development to make a positive contribution to the local distinctiveness of the area and provide attractive and functional places where people will want to live, work and visit. The policy sets out design-based criteria which will assist in achieving these aims and is consistent with Paragraph 130 of the National Planning Policy Framework. This emerging policy therefore carries moderate weight.

- 9.3.5 The proposal includes the provision of a forward-projecting garage and several neighbours have reported that this would be forward of a 'building line' and in breach of a private covenant between the original developers of the cul-de-sac (Jelsons) and homeowners. Whilst the content of such covenants are not material planning considerations (nor are they negated or overridden by planning permissions granted), an assessment as to the visual impact of this proposal is therefore required for planning purposes.
- 9.3.6 In the case of the layout of Beaumanor Gardens, there is no obvious 'building line' as dwellings are individually placed within their plots and are often positioned just in front of or just behind neighbouring buildings. There are however some commonalities in that dwellings are generally set back within their plots and have open plan gardens to their front, bounded by low stone walls. Other dwellings in the street (such as No's 1, 2, 3, 4, 14, and 20) have forward projecting garages with some impact to the street scene but these are well-related to the street, screened or with limited projections. The principle of forward projections is therefore established.
- 9.3.7 The revised plans show the forward garage with a reduced projection, which does not exceed the projection of the forwardmost wall of the adjacent dwelling at No. 20. The front elevation of the proposed garage would be set back between 6.9 and 9.9m of the highway boundary with the existing access utilised and existing trees are now retained in the revised plan received on 19th June 2023. Although the new garage would be 1.9m wider than the existing one, it would have a hipped roof sloping towards the house and it is considered that this, together with its position, landscaping and design would not be a harmful element within the street scene or particularly visually prominent.
- 9.3.8 In terms of the remainder of the proposed front elevation, the proposal utilises materials selected from within the existing palette within the street and would re-use Swithland slates taken from the rear of the house.
- 9.3.9 The extensions to the rear of the dwelling are also considered to be acceptable and in keeping with the scale of the original house.
- 9.3.10 Subject to a condition requiring details of final proposed materials and of the window and door openings, it is considered that the overall appearance of the resultant front elevation, although containing new areas of glazing and aluminium windows, would not introduce visual harm to the street scene. In these ways, the impact of the proposed development on design and visual amenity is therefore considered to be acceptable in accordance with Policy CS2 of the adopted Core Strategy 2015, saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 2004, Policy H6 of the Neighbourhood Plan Policy DS5 of the Draft Charnwood Local Plan, and the adopted Supplementary Planning Document on Design (2020).

9.4 Neighbour Amenity

- 9.4.1 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 achieved.
- 9.4.2. In addition, Policy H/17 of the Borough of Charnwood Local Plan states that planning permission will be granted for residential extensions where It would not prove detrimental to the amenities of occupiers of nearby properties by reason of overshadowing, dominance, or substantial loss of privacy or light.
- 9.4.3 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.
- 9.4.4 The main properties affected by the proposal are No's 16 and 20 Beaumanor Gardens – these being the properties directly adjacent to the application site. No 16 has a two storey side extension which is inset from the boundary by a metre. There are ground floor front and rear windows serving a study (a main habitable room) within this extension and the rear of these windows is already impacted by the presence of the existing building when assessed against the 25 degree 'Building Research Establishment' method of assessing impact on daylight, due to its position south west of no. 16. Analysis provided by the adjacent neighbour indicates overshadowing of this rear window would increase from an impact starting at 12.30 pm whilst it is currently from 2pm (average) and a modest impact on shadowing of the garden area. It is material to note that the rear window faces south-east rather than being due north of the proposed side extension and that this window is considered to be a secondary one. The proposed 2 storey extension to the rear will also have an impact as the roof of the extension would be higher and longer than the existing building. However, having considered the circumstances of the site, compared the solar difference in impact between the existing and proposed situation, the secondary nature of the window affected, the orientation of the properties, it is considered that the proposal would not so significantly reduce light to the existing study as to warrant a refusal of planning permission.
- 9.4.5 Additionally, the proposal has been assessed against the 'Building Research Establishment' 45 degree rule for assessing loss of sunlight and, it is considered that although this would be breached when measured horizontally and vertically, the secondary nature of the study window and the orientation of the properties means that there would not be significant loss of light to that room. Whilst the owner of No. 16 Beaumanor Gardens claims a 'right to light' this is dealt with under private legislation outside the scope of planning considerations and is not determinative to the application.

- 9.4.6 The two-storey rear extension proposes a side facing master bedroom window and this would create a new direct overlooking opportunity. It is therefore recommended that in the event planning permission is granted, a condition be imposed to require this to be of a non-opening, fixed type which shall be obscure glazed to at least a Pilkington Privacy level of 4 (or industry equivalent). Other proposed windows in the rear elevation replicate views from existing windows within the current dwelling and, together with first floor windows in neighbouring properties, provide mutually oblique views over gardens.
- 9.4.7 Some residents raise concerns about noise both during the construction period and permanent noise upon occupation of the dwelling. A degree of noise and disturbance is common to all construction projects and the practices of contractors and the owners of the site should be able to limit this to reasonable daytime hours. In terms of noise following occupation of the extensions, the property would remain in residential use and there is no evidence that the property would be more intensively occupied or altered in terms of its residential character. Although noise from air source heat pumps is mentioned in objection letters, such installations do not require planning permission in their own right and this is therefore not a consideration in the current proposal.
- 9.4.8 In terms of the impact to No. 20 Beaumanor Gardens, the proposed two-storey rear extension is inset from the boundary by 3.5m and presents a blank gable to No. 20 and a ridgeline some 6.97m from the boundary and 8.5m from the garage gable of No. 20 Beaumanor Gardens. Whilst projecting 5.7m beyond the rear of the garage at No. 20, there are no principal windows within that property affected by this element of the proposal.
- 9.4.9 In conclusion, it is considered that the proposal would have an acceptable impact on the amenities of neighbouring occupiers and would be in compliance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015, Saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 2004, Policy H6 of the Woodhouse Parish Neighbourhood Plan Policy DS5 of the Draft Charnwood Local Plan, and the Council's Design Supplementary Planning Document 2020.

9.5 Impact to Heritage Assets

- 9.5.1 Core Strategy policy CS14 (Heritage) seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.
- 9.5.2 In addition, emerging Local Plan policy EV8 (Heritage) seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight.

- 9.5.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.5.4 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.5.5 The site lies within the designated Conservation Area and the associated Character Appraisal points out that Beaumanor Gardens is important as the only significant group of 20th-century buildings to be included within the boundary of the Conservation Area due to the positioning and scale of the houses and the referencing of materials found within the village. Although the houses are not listed, they have been designed as a cohesive group with a distinct character with a sense of openness to the property frontages and roof slopes which face the street.
- 9.5.6 It is considered that the revised proposals shown on the drawings received on 19th June 2023 would not significantly impact on this sense of openness or the street-front rhythm. The revised plans overcome the previous concerns of the Senior Conservation Officer and further comments from the Senior Conservation Officer will be included within the 'extras' report. The use of aluminium-framed windows would be more sympathetic to the Conservation Area than the white UPVC windows commonly used.
- 9.5.7 It is therefore concluded that the proposal would result in no harm to the setting of the wider Conservation Area that would need to be outweighed by public benefits and the impact of the proposal is therefore considered to be acceptable in terms of heritage impact. As such, it is considered that the proposal would at least preserve the character and appearance of the Conservation Area as required by Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal would also be in compliance with Policy CS14 of the Charnwood Local Plan Core Strategy 2015 and Policy EV8 of the Draft Charnwood Local Plan and the requirements of the National Planning Policy Framework.

9.6 Highway Matters

- 9.6.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seek to ensure safe access is provided to new development and policy. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is considered that there is no need to reduce the weight that should be given to them. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Policy T3 of the Draft Charnwood Local Plan (2021-2037) also seeks to ensure that parking is provided to accord with the Leicestershire Highways Design Guide.

- 9.6.2 The Local Highway Authority is not usually consulted on extensions to residential extensions but were, in this case, because initially the proposal included a second vehicular access. The amended plan received on 19th June 2023 removed this from the proposal as a re-orientation of the revised garage door means that the existing vehicular access can serve the extended dwelling, with no change to existing arrangements. The Local Highway Authority therefore makes no further comment on the revised plan but refers the local planning authority to its standing advice to which the development accords.
- 9.6.3 The Leicestershire Highways Design Guide sets out expected highway standards including access geometry and what would be considered an acceptable quantum of parking for various types of new development, including house extensions. Saved Local Plan Policy TR/18 makes it clear that these requirements are to be the starting point for assessing the level of parking need and the location of the site and its ease of access to non-car modes of transport would also need to factor into this assessment.
- 9.6.4 In terms of the proposal, the resultant dwelling would have five bedrooms and this would command the provision of three off-street car parking spaces. There is ample provision within the site's garage and frontage to accommodate this.
- 9.6.5 Consequently, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, and Policy T/3 of the Draft Charnwood Local Plan which seek to ensure safe access/parking is provided to new development. Furthermore, it is considered that the proposal would not result in cumulative highway impacts that could be regarded as 'severe' in accordance with Paragraph 111 of the National Planning Policy Framework.

9.7 Other matters

- 9.7.1 Some neighbours mention the existence of a possible covenant which may limit or prevent the proposal from being built if planning permission is granted. However, such agreements are private contracts between parties and are outside of planning control. Whilst not being determinative to the planning application, the applicant should familiarise themselves with the terms of any such covenant ahead of commencement of works. They are neither overridden or deleted by a grant of planning permission and need to be addressed additionally and separately.
- 9.7.2 Some neighbours also mention a loss of views as a result of the proposal. The planning system cannot protect views around dwellings because there is much that home owners can do to properties without the need for planning permission including some extensions which may obstruct previous views. The loss of a view is to be distinguished from a loss of outlook. This is where development would have an adverse overbearing effect that would result in an unduly oppressive living environment for existing or future residents. This is a valid planning objection, and each situation is assessed on its merits.

10. Conclusion

- 10.1 The extension of the dwelling and other external alterations as shown on the revised plans received on 19th June 2023 are considered to accord with National and Local Policies, including the adopted and emerging Local Plans.
- 10.2 The proposed development is considered to be acceptable in terms of its design and impact on the countryside, and on residential amenities. There are no technical constraints relating to highways and it is considered that the imposition of suitable conditions could satisfactorily agree the use of materials and the obscure glazing of the proposed master suite window to mitigate privacy impact as set out above. There would be no harm to heritage assets.
- 10.3 It is therefore considered that the development accords with the requirements of the Development Plan and the emerging Local Plan and there are no other material considerations presented which indicate a decision departing from its content is appropriate. Overall, the application is therefore recommended for approval subject to conditions.

11. RECOMMENDATION

- 11.1 That planning permission is granted subject to the following Conditions:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>1:1250 scale site location plan 22.4222.01 - Topographical Survey 22.422.12. F - Proposed site and roof plan and proposed block plan - revised plan received 19th June 2023 22.4222.13 G - Proposed side and front elevations - revised plan received 19th June 2023 22.4222.14.G - Proposed side and rear elevations - revised plan received 19th June 2023 22.4222.15 F - Proposed floor plans - revised plan received 19th June 2023</p> <p>REASON: To define the terms of the planning permission.</p>

3.	<p>The first floor master bedroom window in the north-eastern elevation shall be fixed to be non-opening and glazed with obscure glass to at least Pilkington privacy level 4 (or industry equivalent) which shall thereafter be retained at all times. No changes shall be made to this window, nor shall any additional windows be inserted in this elevation thereafter.</p> <p>REASON: To minimise the effect of the development on the privacy and amenities of nearby residents and in order to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy, saved policies EV/1 and H/17 of the Borough of Charnwood Local Plan, Policy H6 of the Woodhouse Parish Neighbourhood Plan and Policy DS5 of the Draft Charnwood Local Plan (2021-2037).</p>
4.	<p>No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development including doors, windows and ground surfaces have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory and in order to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy, saved policies EV/1 and H/17 of the Borough of Charnwood Local Plan, Policy H6 of the Woodhouse Parish Neighbourhood Plan and Policy DS5 of the Draft Charnwood Local Plan (2021-2037).</p>

APPLICATION SITE

