

Item No. 2

Application Reference Number P/18/2469/2

Application Type:	Householder	Date Valid:	07/12/2018
Applicant:	Mr Mick Burke		
Proposal:	Two storey extension to side and rear and single storey extension to rear of dwelling.		
Location:	7 Derwent Drive Loughborough Leicestershire LE11 3RJ		
Parish:	Loughborough	Ward:	Loughborough Nanpantan
Case Officer:	Louise Winson	Tel No:	01509 634742

This item has been called in to Plans Committee at the request of Councillor Smidowicz who has a number of outstanding concerns about the proposal.

Description of the Application

The application site forms one half of a pair of semi-detached dwellings on the eastern side of Derwent Drive. The dwelling has a lawful use as a C4 House in Multiple Occupation for up to six people. A Certificate of Lawful Use was granted in August 2018 under the application reference P/18/1238/2, after it was demonstrated to the Council that the change of use to a HiMO had occurred before the introduction of the Article 4 Direction in February 2012.

The surrounding area is residential and within convenient walking distance of a small collection of shops to the north. The site also benefits from good public transport links and is within walking and cycling distance of Loughborough town centre.

The locality is typically characterised by detached and semi-detached dwellings of varying styles and plots. No.7 is set back from the street and benefits from a front garden area and small driveway/parking area. There is also a driveway along the side of the property to serve a detached garage to the rear of the property, along the boundary with No.5 Derwent Drive, a detached dwelling. No.5 has undergone a side extension to provide a garage and utility room along the boundary with No.7. The adjoining property, No.9 is of similar design and scale to No. 7, although it has undergone a single storey rear extension along the boundary with No.7. There are further residential properties to the rear along Keswick Avenue.

This application seeks consent to provide a two storey extension to the side and rear of the dwelling, along with a single storey rear extension. The two storey rear extension would be 4.8m high to the eaves and centralised on the rear elevation and approximately 2.3m away from the boundary with No.5 and approximately 1.5m away from the side boundary with No.9. The single storey rear extension would be 2.7m high at the eaves. The roof of the single storey rear extension would be pitched away from No.5, and hipped onto the rear elevation of No.7, adjacent to No.9. This would match the roofline of the

extension to No.9. The two storey side extension would be situated along the boundary with No.5 and would have an eaves height of 4.9m and a ridge height of 7.8m.

The extension would increase the number of bedrooms at the property from four to six, along with a communal living and dining area. The submitted plan makes provision for three off-street parking spaces to be provided to the front of the dwelling.

Following officer advice, amended plans have been received which make provision for the two storey side extension to appear more subordinate to the existing dwelling, and for the roof of the single storey rear extension to be hipped away from No.5 to reduce the impact on this property.

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the Borough.

Policy CS2 – High Quality Design requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

Policy CS4 – Houses in Multiple Occupation seeks to support the well-being, character and amenity of our communities by managing the proportion of houses in multiple occupation. It states that Class C4 dwellings will be prevented where they, either in themselves, or cumulatively with other HiMOs damage the social/physical character and amenity of a street or residential area or generate noise and disturbance which is detrimental to the amenity of the street or residential area or generate a demand for on-street car parking that would prejudice the safe operation of the highway or cause detriment to amenity.

Policy CS16 – Sustainable Construction and Energy encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Borough of Charnwood Local Plan

Policy EV/1 – Design seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy H/17 – Extensions to Dwellings states that planning permission will be granted provided the development meets specific criteria relating to the scale, mass, design and use of materials with the original dwelling etc.

Policy TR/18 – indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The

policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current, or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Other material considerations

The National Planning Policy Framework

The National Planning Policy Framework (chapter 7) sets out a presumption in favour of sustainable development. The framework 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. One of the principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Leading in Design SPD

The adopted Leading in Design Supplementary Planning Document is a working document intended to encourage, promote and inspire higher design standards in development throughout Charnwood.

House Extensions SPG

The adopted House Extensions Supplementary Planning Guidance (2001) sets out guidelines for the assessment of house extensions on neighbouring amenity. The SPG remains broadly consistent with Saved Local Plan policy EV1 and H17 and Core Strategy policy CS2

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. 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 required to be provided in new housing development.

Housing Supplementary Planning Document December 2017

A Housing Supplementary Planning Document was adopted (as amended) in December 2017 which provides guidance when dealing with Houses in Multiple Occupation proposals in the context of adopted Core Strategy Policy CS4.

Section 4 of the Housing SPD provides guidance for assessment of applications that propose small or large houses in multiple-occupation. Small HiMOs are defined as shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities and large HiMOs are for more than 6 occupiers and are a 'sui generis' use. i.e. they do not fall into any existing class in the Town and Country Planning (Use Classes) Order. These proposed changes of use do not benefit from being 'permitted development' in Loughborough due to the Article 4 Direction that was introduced in 2012.

The SPD accepts that HiMOs help to meet local housing requirements and can be an important type of accommodation for a range of people including those on low incomes and young people (para 4.1) and it also repeats the objectives of Core Strategy Policy CS4 that seeks to support the well-being, character and amenity of local communities by managing the proportion of HiMOs.

The SPD also provides guidance in respect of the Policy CS4 criteria for considering the potential impact on the social and physical character and amenity (HSPD12), amenity space (HSPD 13), noise insulation (HSPD 14) and parking (HSPD 15).

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

Article 4 Direction

Although an Article 4 Direction has applied in Loughborough since February 2012, which removes the rights to change the use of Class C3 dwellings to Class C4 Houses in Multiple Occupation in Loughborough, this is not directly relevant to this application. This is because the applicant has secured a Certificate of Lawfulness in 2018 confirming the property was used as a C4 HiMO before 2012 when the Article 4 Direction came into effect.

Relevant Planning History

P/18/1238/2 – Certificate of Lawfulness for use of the property as a House in Multiple Occupation (C4). This certificate makes provision for the dwelling to be occupied by up to 6 unrelated people and was granted unconditionally on 9th August 2018.

Responses of Statutory Consultees

The Leicestershire County Council Highway Authority

The Highway Authority has no comment to make on the application and has referred to adopted Standing Advice

The Council's Environmental Health Officer

The EHO raises no objection to the proposal given the lawful use of the property.

The Council's Private Sector Housing team

The Team raises no objections to the proposal.

Other Comments Received

Councillor Smidowicz objects to the proposal on the following grounds:

- The increase in the number of bed spaces at the property would lead to community imbalance
- The scale of the proposal would have negative effects on the adjacent neighbouring properties by reason of over-dominance, loss of daylight and noise and disturbance
- The proposal represents an overdevelopment of the site which is not in-keeping with the immediate properties and would thereby have an adverse effect on the street scene.
- The proposal fails to provide sufficient parking and would be detrimental to highway safety

11 letters of objection have been received from neighbouring properties. Concerns regarding the proposal include:

- Loss of sunlight and daylight
- Loss of privacy to the adjoining properties through increased overlooking
- Increased noise and disturbance due to the increase in occupancy
- The extensions would be out of scale, over-dominant and detrimental to the character of the area
- Unsightly appearance of bins
- Continued community imbalance
- The proposal would have an overbearing impact on the street scene
- The extension would cover a manhole leading to drainage problems
- Parking and highway safety

- Increased odour
- Potential for untidy front gardens

The Nanpantan Ward Residents' Group has objected on the following grounds:

- Over-concentration of HIMOs in the area
- The proposal is an over-development of the site
- The proposal will have an over-bearing impact on the street scene
- Loss of a family dwelling
- Highway safety and parking.

Consideration of the Planning Issues

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

- Principle of development
- Design and the Impact on the Street Scene
- The Impact on Residential Amenity
- Highway Safety
- Other Matters.

The Principle of the Development

The starting point for decision making on all planning applications is that they must be made in accordance with the Development Plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration. The application site is within Loughborough, one of the main urban areas of the Borough, where the principle of extending dwellings is acceptable. The proposal is therefore in accordance with Policy CS1 of the Core Strategy and Policy ST/2 of the saved Local Plan.

Design and the Impact on the Street Scene

Concerns have been raised regarding the design and scale of the proposed extensions. Core Strategy Policy CS2, saved Local Plan Policy EV/1 and the Leading in Design SPD seek high quality design that is of a design, layout, scale and mass compatible with the locality and respects and enhance the character of the area. The House Extensions SPG seeks to avoid development that creates a terracing effect and encourages development which reflects the existing characteristics of dwellings.

It is acknowledged that the scale of the proposed extensions is large; however the scheme has been amended to provide a set back at the front side elevation and to provide a lower ridge height. This results in a proposal that is now subordinate to the existing dwelling and would not result in a terracing effect. The revised plans ensure that the front elevation of the extension is set back from the front elevation of the garage belonging to No.5, which would provide a break between the dwellings. The design and features of the side elevation would match those of the existing dwelling and it is not considered that the extension would form a visually intrusive feature within the street scene. The street does not benefit from any uniformed appearance or layout that the development would be at

odds with. Matching materials are also proposed which will help the development assimilate into its surroundings.

The provision of the extension to the rear would not be seen from any public areas and therefore its impact on visual amenity would be minimal. However, the design of these elements is also considered to be acceptable. Whilst differing roof styles are proposed for the rear extensions along the boundary with the neighbouring properties, this approach has been taken to match the extension to No.9 and reduce the impact on No.5. Given this context, it is considered that this approach is acceptable.

Concern has been expressed regarding No.5, a detached dwelling, appearing as a semi-detached dwelling as a result of the proposed two storey side extension. However, it is not uncommon for extensions to dwellings to be adjacent to boundaries with neighbouring properties. Likewise, the concern expressed regarding the potential impact on No.5 being able to extend to the side in the future is not considered a reason for refusal which could be justified or sustained. If planning permission was sought for a side extension to No.5 in the future, this would need to be considered on its own merits in accordance with the provisions of the Development Plan at that time.

It is also pertinent to point that the application does not propose a new or unusual design approach, and that similarly designed extensions have been approved elsewhere in the Borough. One example of this is an almost identical development approved at No.47 Ashleigh Drive under reference P/17/2486/2.

Overall, planning applications need to be considered on their individual merits in accordance with the Development Plan. Given this and the above context it is not considered that the amended proposal would represent an incongruous development in the street scene. As such, in design terms, the development is considered acceptable and complies with the provisions of Core Strategy policy CS2, saved local plan policies EV/1 and H/17, the House Extensions SPG, the Leading in Design SPD and the Framework.

The Impact on Residential Amenity

Core Strategy Policy CS2 and saved local plan policies EV/1 and H/17 promote high quality design and layouts to preserve residential amenity for both occupiers of existing neighbouring properties and the future occupiers of new development. Further guidance on residential amenity is set out in the Leading in Design SPD and the House Extensions SPG.

Concern has been expressed regarding the provision of extra bedrooms at the property to accommodate 6 people, and the impact this will have on the social character of the area. However, it should be noted that this is not an application for a change of use of the dwelling to a C4 House in Multiple Occupancy. Following the grant of the Certificate of Lawfulness in 2018, the property has a lawful use as a C4 HiMO for up to six unrelated people. This means six unrelated people could occupy the property at any time without the need for any further consent from the local planning authority. It is, however, acknowledged that it is more likely that the proposal if approved would accommodate 6 unrelated persons than the current property.

Concern has also been expressed regarding the scale of the extensions and the impact on the amenities of neighbouring properties. The amended proposal does not breach the '45 degree angle of light' rule as advocated by the Building Research Establishment as being an accepted way of assessing loss of daylight and is advocated within the Council's adopted SPG on House Extensions. It is considered that the orientation of the property and the overall height and design of the amended extension are such that a significant loss of sunlight and daylight is unlikely to be caused to the adjoining properties. The amended proposal also complies with the minimum distances set out in the adopted Leading in Design SPD, which seek to prevent over dominance and loss of privacy to neighbouring properties.

The Housing SPD requires consideration of whether noise from either a new HiMO in itself, or cumulatively with others will generate unacceptable levels of noise and disturbance. Where such impacts are identified, the SPD sets out measures for how noise and disturbance can be mitigated.

As previously stated, the occupation of the property by up to six unrelated people is lawful, which is a material consideration in this case. Noise in HiMOs can often be a concern for objectors because of the number of people who are living independently within the dwelling which can be considered to adversely affect the amenity of neighbouring properties. The proposal provides bedrooms for six occupants, which is two more than the present time. Therefore, whilst the property has a C4 use, the consideration of this application requires a judgement to be taken on the potential for noise and disturbance resulting from the extensions and its impact on neighbouring amenity.

The property is a semi-detached dwelling, and the amended application makes provision for extensions along the boundaries with the neighbouring properties. With regard to noise transference between the semi-detached properties, there is no guarantee that there would not be some sound transmission to the adjoining properties. However, it is considered that it would be unreasonable to refuse planning permission on the basis of noise concerns without any evidence that the property would be noisier than the existing use, given that the property will remain as a residential use and the additional bedrooms to be created would not be adjacent to any habitable room of the neighbouring properties. For this reason, it is also not considered reasonable to apply a planning condition requiring the provision of sound proofing to conform with building regulations (document E) as set out in the HSDP14.

Information from the Borough Council's Community and Partnerships Team shows that over the past year, there have been a total of three recorded incidents relating to anti-social behaviour in the locality around Derwent Drive, which includes Rydal Avenue, Keswick Avenue and Kirkstone Drive. None of these incidents were however along Derwent Drive or attributed to students. It is considered that these reported incidents are comparatively low and is further evidence to suggest that the current proposal for extensions to the existing C4 dwelling is unlikely to result in a significant increased noise and disturbance in the locality which would warrant a refusal of the planning permission.

To conclude therefore, whilst it is considered that there will be instances where a clash of lifestyles or behaviour may cause disturbance to adjoining occupiers, it is considered unreasonable to assume the proposal would lead to an unacceptable level of noise and disturbance to neighbouring properties. Conflict that occurs in individual cases is not a

matter that can easily be expressed as a planning control. Such occurrence can be dealt with by other forms of regulation. Due to the level of evidence available, it is concluded that there is insufficient justification to refuse the application on the basis of a perceived increase in noise and disturbance.

The provision of bin storage for HiMOs can also be of concern for local residents. The property has sufficient space to its frontage to accommodate the range of current wheelie bin types offered as part of the regular domestic refuse collection service and bins can therefore be stored off the pavement on collection days. A condition is recommended to require the details of the bin storage facilities to be submitted in the interests of neighbouring and visual amenity.

Given the above context, it is not considered that the amended proposal would have a substantial adverse impact on neighbouring amenity. As such, the proposal accords with Core Strategy Policy CS2, saved local plan policy EV/1, the Framework, the House Extension SPG and the SPD's on Housing and Leading in Design.

Highway Safety

Saved local plan policy TR/18 requires new development to provide off-street parking for vehicles and promotes standards that requires 3 parking spaces for a 4 or more bedroom dwelling in the interests of highway safety. Paragraph 109 of the NPPF states that; new development should only be resisted on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

Concern has been expressed by residents about the impact of the proposal on on-street parking in the area, claiming that the proposal would exacerbate the shortage of street parking in the area, to the detriment of highway safety and amenity. The Leicestershire County Highway Authority has not commented on the application and has referred the application to its Standing Advice.

The amended plans make provision for three off-street parking spaces to the front of the dwelling. This is in compliance with the standards of the Highway Authority for a dwelling of this size. The application site is also situated within walking/cycling distance of the town centre and university campus and is close to a bus route. The occupiers of the property would not, therefore, be solely reliant on the use of a car to meet daily needs.

To refuse a planning application on highway safety grounds it must be demonstrated that there is severe harm caused by the proposal. The amended proposal provides off-street parking in compliance with the County Highway Authority's adopted guidance and the site benefits from acceptable public transport links. On-site cycle parking could be provided with the rear garden of the property.

It is pertinent to note that Planning Inspectors have accepted HiMOs in Loughborough where there is substandard or no car parking, because of the proximity to local services, schools and employment. For example, in allowing the appeal at 76 Hermitage Road, the Inspector noted the property was to be occupied by up to 6 persons and considered a single parking space to be adequate (Ref P/17/0072/2). It is also relevant that in allowing the HiMO appeal at 94 Hermitage Road where one space was provided and room for a

second space was available, the Inspector considered that the second space was unnecessary and would be damaging to the character and appearance of the street (Ref P/16/0845/2).

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework and saved Policy TR/18 of the adopted Local Plan and that severe harm as described in Paragraph 109 of the NPPF would not be caused by the development.

Other matters

Concern has been raised regarding drainage matters and specifically the location of a manhole to the rear of the dwelling. The single storey rear extension would cover this manhole. However, this is not a planning issue and would be a matter for Severn Trent and the Building Regulations Legislation.

Objectors have also raised concern regarding the potential for increased cooking odour levels arising from the increased occupancy of the dwelling. This property would remain within residential use and the type of food which may be cooked within a private residential kitchen is not a material planning consideration.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.

The main issue to be considered in this case is the impact of the provision of additional bedrooms at the property, design, the impact on residential amenity and highway safety.

Whilst it is acknowledged that a large extension is proposed, the design of the amended application is considered acceptable in design terms and would comply with Policies CS2, EV/1 and H/17 and the advice contained within the Leading in Design SPD and the House Extensions SPG. Only the side extension would be visible from the street scene, and, overall it is not considered that the proposal would cause significant harm to visual amenity and the character of the area.

With regards to neighbouring amenity, the development complies with the provisions of policies CS2, EV/1 and H/17 along with the advice given in the Leading in Design SPD and House Extensions SPG with regards to loss of light, privacy and outlook. Whilst concerns have been raised with regards to community imbalance and noise and disturbance, the dwelling has a lawful use as a C4 HiMO for 3-6 people, which is a significant consideration in this case. Given this context and for the reasons set out in the report above, it is not considered that there are sufficient grounds to justify a reason for refusal on neighbouring amenity grounds.

The development provides parking in accordance with Policy TR/18 and the minimum standards of the Highway Authority. It is therefore not considered that the development would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Accordingly it is recommended having regard to the above considerations that planning permission is granted conditionally.

RECOMMENDATION:

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
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.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
1808.30 Rev B - Proposed Elevations and Floor Plan
1808 Rev A - Site Location and Block Plan
Planning Application Form received on 7th December 2018
REASON: To define the terms of the planning permission.
- 3 The facing materials to be used in the construction of the new works hereby permitted shall match as closely as possible those of the existing building.
REASON: To ensure the satisfactory appearance of the completed development.
- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), no openings or windows shall be inserted in the southern elevation of the single storey rear extension hereby approved.
REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.
- 5 No occupation of the development shall take place until such time as the existing dropped kerb to the front of the dwelling has been extended, and the parking facilities shown on drawing no.1808.30 Rev B have been completed, surfaced in a permeable hard bound material and made available for use. Thereafter, the parking facilities shall not be obstructed in any way that would prevent such use.
REASON: To provide off-street parking, in the interests of road safety.
- 6 Within two months of the commencement of development, a scheme showing full design details of the bin storage facilities for the development shall be submitted in writing to the local planning authority for approval, and no occupation of the development shall take place until the bin storage facilities have been provided in accordance with the agreed details. The bin storage areas shall thereafter be maintained and retained at all times thereafter.
REASON: to ensure satisfactory bin storage is provided the interests of visual and residential amenity.

The following advice notes will be attached to a decision

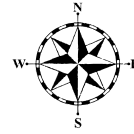
- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS2, CS16 of the Charnwood Local Plan (2011-2028) Core Strategy, Policies EV/1, TR/18 and H/17 of the Borough of Charnwood Local Plan and the provisions of the National Planning Policy Framework have been taken into account in the 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, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring properties at Nos. 5 and 9 Derwent Drive. A Solicitor or Chartered Surveyor should be able to give advice about whether and how the proposed work falls within the scope of this Act.
- 4 All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the County Council's Highway Manager on 0116 305 0001.
- 5 Provision should be made to make sure that all existing drainage systems continue to operate effectively.
- 6 The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 7 The applicant is advised to contact the Borough Environmental Health Officer for advice on noise insulation measures.



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