

## Item No. 1

### Application Reference Number P/18/2601/2

<b>Application Type:</b>	Householder	<b>Date Valid:</b>	28th January 2019
<b>Applicant:</b>	Properties 365 Limited		
<b>Proposal:</b>	Erection of single storey extension to rear of C4 dwelling (house of multiple occupation) to create additional bedroom.		
<b>Location:</b>	68 Paget Street Loughborough LE11 5DT		
<b>Parish:</b>	Loughborough	<b>Ward:</b>	
<b>Case Officer:</b>	Lewis Marshall	<b>Tel No:</b>	01509 634691

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This item has been called in to Plans Committee at the request of Councillor Tillotson who has concerns about the proposal.

### Description of the Application

The host dwelling is a Victorian mid-terraced property situated on the southern side of Paget Street, Loughborough. The area is predominately residential in character although many properties, including the host dwelling, operate as Houses in Multiple Occupation (HiMOs). Immediately to the north-west is the adjoining dwelling, No 67 Paget Street, with No 69 Paget Street to the south.

The property lies within the Loughborough Ashby Road Conservation Area, which is characterised by high density terraced streets.

Planning permission is sought to demolish the existing single storey rear outrigger and replace it with a slightly deeper and taller extension, providing an additional ensuite bedroom, WC, utility room and kitchen.

The extension would increase the number of bedrooms at the property from four to five, along with a communal living and dining area.

Following officer advice, amended plans have been received which make provision for the single storey rear extension to be reduced in height and to alter the roof form as proposed. The application now proposes a shallow roof gable that falls away to the boundary shared with no. 69 Paget Street.

### 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.

Section 16 provides guidance on conserving and enhancing the historic environment. 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. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

#### 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 Policies EV1 and H17 and Core Strategy Policy CS2.

#### Loughborough Ashby Road Conservation Area Character Appraisal

The Loughborough Ashby Road Conservation Area Character Appraisal (2005) sets out the special qualities of the Ashby Road Conservation Area, to provide a sound basis for proposals for its preservation or enhancement and for development management decisions.

#### The Leicestershire Highways Design Guide (2018)

This is a guide 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 which 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 property was used as a C4 HiMO before 2012 when the Article 4 Direction came into effect.

## Planning (Listed Building and Conservation Area) Act 1990

Requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

### **Relevant Planning History**

P/01/3075/2 – Demolition of outbuilding and erection of single storey extension to rear of terraced house – Withdrawn.

### **Responses of Statutory Consultees**

The Council's Environmental Health Officer raises no objection to the proposal. With regards to noise issues, it has been confirmed that there have been no reports of noise nuisance arising from the current use over the past five years.

The Council's Housing Standards Officer has no concerns about the proposed application. It is advised that should planning permission be granted, the applicant would need to apply for a new HiMO license.

### **Other Comments Received**

Councillor Tillotson objects to the proposal on the following grounds:

- Paget Street is already saturated with HiMOs, so increasing the size of one cannot be justified.
- No concerns about the design, but does believe increasing the size of a HiMO in an area already saturated with them will reduce the residential amenity of neighbours.

### **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 and Heritage Assets
- 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.

The host property is an existing HiMO, with the proposal seeking to increase the number of bedrooms and communal living space at the property. Policy CS4 of the Core Strategy effectively seeks to manage the proportion of houses in multiple occupation to support the well-being, character and amenity of communities. This will be achieved by preventing development which damages the social and physical character and amenity of a street and residential area, generates noise and disturbance which is detrimental to amenity or generates demand for on-street car parking that would prejudice the safe operation of the highway, or cause detriment to amenity.

Notwithstanding the above, given that the property is an existing HiMO, its extension to provide one additional bedroom would not lead to an overconcentration of HiMOs in this area. Consequently, it would not damage the social character of the street and surrounding residential area, and therefore accords with Policy CS4 in this regard. However, it is still necessary to consider, amongst other things, the physical impact of the development, its impact on residential amenity, car parking, and, highway safety. These matters together with all other relevant material considerations relevant to this particular case are assessed below.

#### Design and the Impact on the Street Scene and Heritage Assets

The application site lies within the Loughborough Ashby Road Conservation Area which is largely defined by the well preserved Victorian terraced streets arranged in a clear grid pattern. With the exception of several dormer windows that have been added to certain houses, including the host property, properties in Paget Street have largely retained their original character, with the front elevations benefitting from well preserved stone window cills and headers, eaves level detailing and prominent chimney stacks. In contrast, many properties have been extended out to the rear, giving the rear elevations of houses on Paget Street a rather varied appearance. The existing single storey additions to No 68 Paget Street is one such example which projects out around 9m from the original rear wall of the property.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework (the Framework) seeks to conserve heritage assets in a manner appropriate to their significance. These objectives are reflected in Policy CS14 of the Core Strategy.

The proposed extension would be positioned to the rear of No 68 and a shallow pitched gable ended roof would respect the design and form of both the host property and other similar rear outriggers elsewhere on Paget Street. Despite its depth of 7m, the scale and proportions of the proposed addition would not dominate the host dwelling, nor appear out of character with the variety of similar single and two storey additions to the rear of houses on this side of the street. The proposal would not therefore cause harm to the character and appearance of the Conservation Area as a designated heritage asset. Consequently, the proposed extension would preserve the character and appearance of the host dwelling and the Conservation Area and would therefore accord with Policies CS2, CS4, CS11 and CS14 of the Core Strategy, Policies EV/1 and H/17 of the Local Plan, the expectations of the Planning (Listed Building and Conservation Area) Act and the Framework, which amongst

other things, seek to ensure that proposals are of high quality design and protect heritage assets and their setting.

### 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 an extra bedroom at the property to accommodate 5 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. The property was in use as a HiMO prior to the Article 4 Direction being in place in 2012. This means that up to six unrelated people could occupy the property at any time without the need for any further consent from the local planning authority.

With regards to the scale of the single storey rear extension and the impact on the amenities of 69 Paget Street to the south west, the amended proposal extends 7m beyond the rear elevation of no 69 Paget Street. The extension proposed is also set 1.5m from the northern boundary shared with 67 Paget Street. 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. Furthermore, the proposal seeks to replace an existing lightweight lean to structure that currently extends 5.4m beyond the rear wall to a height of 2.5m. As such, the additional 1.6m in length and 0.8m in height proposed would not be a cause of unacceptable loss of amenity.

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

As previously stated, the lawful occupation of the property by up to six unrelated people is established, 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 five occupants, which is one 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 terraced dwelling, and the application makes provision for extensions along the boundary with the neighbouring property at 69 Paget Street. With regard to noise transference between the 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 bedroom to be created would not be adjacent to any internal wall or habitable room of either neighbouring properties. Furthermore, the proposal seeks to replace an existing lean-to extension with a more substantial structure that would be subject to modern building regulations and therefore provide better noise and thermal insulation than the extension to be replaced. 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.

There have been six recorded instances of anti-social behaviour on Paget Street over the past 12 month period. A further 15 recorded instances were reported on the adjacent streets. Whilst these statistics are acknowledged, it would be unreasonable to assume that the proposal to increase the size of this existing HiMO would exacerbate any conflict between existing residents or increase any occurrences of anti-social behaviour within the locality.

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 rear with direct access to the street 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 public highway.

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.

Parking in Paget Street is restricted to permit holders only or for maximum stays of 1 hour with no returns within 1 hour. The proposal would only provide one additional bedroom within an existing HiMO. Clearly such a modest increase in the size of the HMO is unlikely to generate demand for on-street car parking that would prejudice the safe operation of the highway (i.e. could be safely accommodated on Paget Street). Furthermore, current parking standards require 3 parking spaces for



properties with 4 bedrooms or more. The existing 4 bedroom HiMO does not benefit from any off street parking provision and therefore does not at present comply with parking standards for a property of this size. The addition of one bedroom as proposed would not therefore result in any additional parking demand that would conflict with Policy TR/18 nor exacerbate an existing shortfall in parking provision.

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 case law above, the sites sustainable location in close proximity to the town centre and the current use and level of occupation at the property, it is not considered that the proposal would cause unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is therefore concluded that the proposal accords with Paragraph 109 of the National Planning Policy Framework.

## **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 an additional bedroom at the property, design and heritage assets, 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 or harm heritage assets or their setting.

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 the over concentration of HiMOs, the dwelling has established 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 does not seek to provide any off street parking. However, the addition of a single bedroom to the property would not create additional demand for

on street parking that would cause an unacceptable impact or severe harm to highway safety. 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

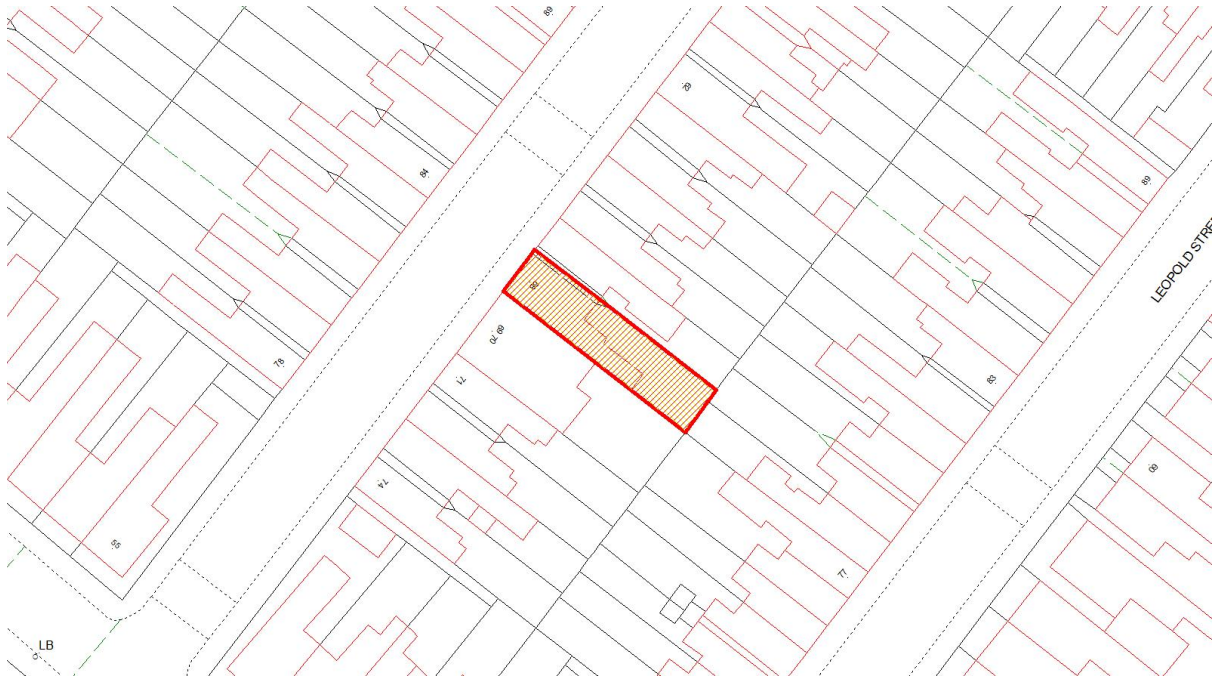
- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
P003 Rev. A - Proposed Ground Floor Plan and Eaves Detail  
P006 Rev. A - Proposed Elevations  
A002 Rev. A - Proposed Site Plans all received on 19th March 2019  
  
P004 – First and Second Floor Plans  
A001- Site Location Plan  
Planning Application Form all received on 2nd January 2019  
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 to 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 south western 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.

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. 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 Provision should be made to make sure that all existing drainage systems continue to operate effectively.
- 5 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.



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