

Item No. 1

Application Reference Number P/18/2485/2

Application Type: Householder **Date Valid:** 10/12/2018
Applicant: Mr & Mrs B Green
Proposal: Erection of single storey extension, dormer window extension and
2 Juliet balconies to rear.
Location: 30 Leicester Road
Quorn
Leicestershire
LE12 8ET
Parish: Quorn
Ward: Quorn and Mountsorrel Castle
Case Officer: Steven Holmes **Tel No:** 01509 634770

This item is brought to Plans Committee as the application has been subject to a 'call in' from Cllr Shepherd and Cllr Hunt. They are concerned that the proposal would have an overbearing and adverse impact on the neighbours and would result in a loss of sunlight/daylight.

Description of the Application

The application site is a two storey terraced property on the northern side of Leicester Road in Quorn. The site is on a residential street and is located between No's 28 and 32 Leicester Road. The textile factory of MJ Wright & Sons Ltd is also located to the rear.

The proposal consists of the following:

- A single storey rear extension
- A Juliet balcony at first floor
- A rear facing dormer extension with Juliet balcony
- The installation of three roof-lights

The rear single storey extension would project beyond the rear elevation by a maximum of 6.62 metres and would feature a mono pitch roof. Where this roof is adjacent to the two storey outrigger it measures 2.8 metres at the eaves and will have a full height of 3.78 metres. Where the works project beyond the outrigger the design changes to a flat roof at a height of 2.8 metres.

The dormer window would measure approximately 3.25m wide x 3.3m high x 4.2m deep (where measured along the ridge of the pitched roof) and would feature a rear facing gable end.

The Juliet balcony will be located within the rear elevation of the outrigger.

The roof-lights will be installed with two to the front facing pitch and one to the rear.

Members should note that the proposal originally included a front porch extension; however, this was removed as part of the application process, following officer's advice.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS/14 – Heritage requires developments to protect and enhance the heritage assets of the Borough for their own value and the contribution they make to the community, the environment and the economy.

Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

The policies relevant to this proposal include:

Policy EV/1 – Design seeks to ensure a high standard of design that respects the character of the area and is compatible in mass, scale and layout.

Policy H/17 – Extensions to Dwellings should not be detrimental to visual amenity or to the amenities of occupiers of nearby properties.

Policy TR/18 – Parking Provision in New Development notes 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 minimise harm to visual and local amenities.

Other Material Considerations

National Planning Policy Framework (NPPF)

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (para.6), fulfilling an economic, a social and an environmental role (para.8). Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para.12). The NPPF states that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development (para.124).

The NPPF requires Local Planning Authorities to assess and consider the potential impact of proposal upon heritage assets when determining applications (para's 189 to 196).

Supplementary Planning Guidance (SPG) on House Extensions

This SPG provides advice about the way planning applications for house extensions will be assessed. This includes guidance on the design and appearance of extensions and their impact on the enjoyment of neighbouring properties.

Supplementary Planning Document Leading In Design

This document seeks to encourage, promote and inspire higher design standards in new development.

Quorn Conservation Area Character Appraisal

The purpose of this appraisal is to examine the historical development of the Conservation Area and to describe its present appearance in order to assess its special architectural and historic interest. The appraisal is then used to inform the consideration of management and development proposals within the Area

The Quorn Neighbourhood Plan

The Quorn Neighbourhood plan was the subject of a referendum on 2nd May 2019 with the majority voting in favour of Charnwood Borough Council using the Neighbourhood Plan for the Quorn area to help decide planning applications in the neighbourhood area.

The plan will be taken to the Borough Council's Cabinet on 6th June to be formally "made"; however, a neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. On that basis the Quorn neighbourhood plan should be used in the determination of planning applications in the parish.

In terms of design, Policy S2 Design Guidance requires new development to reflect the guidance in the current Quorn Village Design Statement.

Quorn Village Design Statement

Identifies the village's valued visual features and physical qualities and sets out guidelines for new development.

Relevant Planning History

None relevant

Responses of Statutory Consultees

None received

Other Comments Received

Ward Councillors Shepherd and Hunt

Councillor Shepherd and Councillor Hunt have objected to the planning application, raising the following concerns:

- The proposal would be overbearing and with an adverse effect on neighbours
- The proposal would result in loss of sun/daylight

Neighbours

4 Neighbouring residents, at 26, 28 and 32 Leicester Road and 24 Paddock Close, have raised concerns regarding the planning application. These concerns are summarised below:

- The proposal would result in loss of privacy.
- The porch would remove a sense of symmetry for the cottages which would have a detrimental impact upon the street scene and conservation area contrary to the Quorn Village Design Statement.
- The proposal would result in permanent noise issues resulting from the works from the use of the new bathroom in the loft space due to the increased resonance of tiled rooms and potential requirement of mechanical pumps to deliver facilities with the room.
- The porch would result in a loss of light to the front door of No.28 Leicester Road and the dining room and kitchen windows of 32 Leicester Road.
- The proposal would result in over-bearing impact from the tunnel effect caused by the front porch when using the front door of no.28 Leicester Road and from the scale of the dormer extension.
- An increase in parking requirements due to increase in bedrooms.
- Increased overlooking of the rear amenity space of 32 Leicester Road caused by the Juliette balcony and dormer extension.
- Over-dominance of 32 Leicester Road resulting from the single storey rear extension.

Concerns have also been raised about the potential for damage to adjacent properties, noise and disturbance during construction, the structural integrity of the cottages, the method of construction, the storage of materials during construction, a lack of contact from the applicant and fire safety. However, these are not material planning considerations.

Consideration of the Planning Issues

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

- The impact on the character and appearance of the street scene;
- The impact on the amenity of occupants of neighbouring properties;
- The impact on the highway;
- The impact upon the heritage assets.

Impact on the Character and Appearance of the Street Scene and Conservation Area

Members should note that the porch element of the proposed scheme which was originally submitted has been entirely removed now from the planning application. Accordingly, two roof lights will be visible from within the street scene; however, these will be at a high level and shall be relatively minor additions to the dwelling. The details of the roof-lights shall be reserved by planning condition to protect visual amenity and the appearance of the conservation area.

The remaining works are located entirely to the rear of the property and are not visible from within the street scene or any public vantage points.

The appearance of the proposed rear extension is considered to be acceptable in design, scale and form, featuring a simple mono-pitched roof which transitions to a flat roof to the rear. While it is recognised that flat roofs are not always desirable in design terms, the proposed extension is to the rear of dwellings where obscured from public view. As such the proposed design is considered appropriate in a residential setting in this instance.

The dormer extension and the Juliette balcony are also to the rear of the dwelling and are similarly obscured from public view. Nevertheless, the dormer extension is considered to be acceptable with respect to design, featuring a pitched roof with rear facing gable which is entirely acceptable for a residential setting. The Juliette balcony is considered a minor addition to the dwelling and will not detract from the main dwelling.

Accordingly the proposal, for the reasons given above, would comply with policies CS2, EV/1 and H/17 of the Development Plan, Policy S2 of the Quorn Neighbourhood Plan and the advice contained within the National Planning Policy Framework.

Impact on the Amenity of Neighbouring Residential Properties

Impact on No.32 Leicester Road

The dwelling at No.32 Leicester Road is adjoined to the application site to the east. The length of the proposed works that is considered would be apparent to the occupants at No.32 is some 6.62 metres at a height of 2.8 metres at the eaves.

It is acknowledged that the proposal would not conform with the relevant space standards, as set out within the Leading in Design guidance and not conform with the 45 degree rule with respect to loss of light. However both the Leading in Design SPD and the House Extension SDG are guidance and not Development Plan policy, and need to be balanced against other material considerations.

The current distance from No.30 and the 2 metre high boundary fence to the kitchen windows serving No.32 also fails to meet the space standards set out within the Leading in Design guidance. Members should also note that an extension projecting 3 metres from the rear elevation of the original dwelling, which would have a similar impact to the kitchen window at No.32, could be carried out under permitted development. Furthermore, the extension will be slightly stepped in from the boundary line which would allow the fence to be retained. A slight drop in ground level (approximately 200mm) from where the fence is located to where the extension would be constructed would also help reduce the impact of the extension on No.32 and would mean that only circa 600mm of the extension would be apparent above the fence line. Furthermore the proposed extension would be located to the west of No.32.

On balance, taking all of the above into account, the additional impact of the proposed extension, when considering the existing boundary treatment and the extent of work which can be undertaken under permitted development rights, is not considered to have a significant impact on light which would warrant the refusal of planning permission.

The proposals impact on overdominance and any overbearing impact has also been carefully considered. Due to the existing boundary treatment and the minimal increase in height of the proposed extension above it, it is considered the proposal would on balance be acceptable and the proposal would not have a significant impact on the residential amenity of the neighbouring property by reason of overbearing impact.

It is not considered that the dormer roof extension or Juliet balcony would cause any significant loss of light or sense of over dominance either given their location, scale and position.

The gardens serving No's 26 to 32 Leicester Road have an approximate length of 4 metres from the rear most part of the original dwellings. The Juliette balconies and dormer are not considered to impose significantly upon privacy as they do not facilitate a raised platform which can be stepped out upon and they offer the same views that can be seen from a standard rear facing window.

The single storey extension will have no side facing windows within it and the flat roof can have planning conditions applied to prevent it being used as a terrace or raised platform. In addition it is noted that privacy would be improved as a result of the proposed works for No.32 Leicester Road on account that the rear decking area (which has an approximate height of 400 to 500 mm) would be removed, this would prevent the direct overlooking in to the habitable rooms of No.32 and the rear amenity space which is currently available.

Impact on No.28 Leicester Road

This dwelling is located to the west of the application site. The proposed rear extension would not exceed the rear building line of No.28 Leicester Road. As such it is not considered that the works would cause any significant loss of light or sense of over dominance upon this property.

There is no opportunity for windows facing no.28 to be installed within the single storey extension and it is considered that the Juliette balconies offer no greater impact upon privacy than standard windows. As such, the proposal is considered to be acceptable with respect to its impact upon the residential amenity of occupiers at No.28 Leicester Road.

Other properties

The occupants of No.26 Leicester Road have also raised concern with respect to overlooking; however, the opportunity to overlook is considered to be less than the immediate neighbours where the impact was considered acceptable. As such, the impact is also considered acceptable.

The commercial premises to the rear are not considered to be impacted by the proposed works on account of the level of screening afforded by the factory.

There are no other properties that are considered to be affected on account of the distance from the application site.

In conclusion, whilst there will be some impact upon the residential amenity to the occupiers of No.32 Leicester Road, on balance, it is considered that the impact will not be significant when considering the level of additional harm over the existing situation. Therefore the proposal is considered to accord with Development Plan policies CS2, EV1 and H/17.

Impact on the Highway

Saved Local Plan Policy TR/18 requires new development to provide off-street parking for vehicles and promotes standards that require 2 parking spaces for a 2 or 3 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.

The properties along this stretch of Leicester Road (including No.30) predominantly have no off street parking. The existing 2 bedroom house 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. It is not considered that the addition of one bedroom would result in any additional parking demand at the property that would adversely affect highway safety or exacerbate an existing shortfall in parking provision.

Given the site's sustainable location in close proximity to the local facilities and transport links and the minimal increase in the number of bedrooms 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 policy TR/18 and Paragraph 109 of the National Planning Policy Framework and a refusal of planning permission on highway grounds could not be supported.

Impact upon the Heritage Asset

The roof-lights will be subtle additions within the street scene and a planning condition requiring the submission of design details prior to the works to the roof commencing shall ensure that the works do not detract from the conservation area.

The works to the rear will not be visible from any public areas within the conservation area. The proposed materials will match those present on the original building and the design is considered to be sympathetic to the main dwelling.

Accordingly it is considered the proposal would not result in any harm to the character or setting of the conservation area and subsequently will comply with Core Strategy Policy CS14, the National Planning Policy Framework, the Quorn Village Design Statement and Policy S2 of the Quorn Neighbourhood Plan.

Other Issues raised

Concerns have been raised with respect to the proposal's adherence to fire safety regulations; however this would be a matter to be considered under the Building Regulations.

Further concerns in relation to access for maintenance, damage to neighbouring properties, method of construction, storage of materials and any legal issues are a private matter for the parties involved to resolve. Information notes can be attached to the decision notice, if members are minded to grant planning permission, informing the applicant of his private legal obligations.

Permanent noise issues have been raised as a concern; however, the use of all parts of the dwelling will remain domestic and therefore any noise would not exceed that which could already be undertaken within the existing dwelling. Accordingly it is considered the proposal would have an acceptable impact on residential amenity in terms of noise and disturbance.

Conclusions

In summary, the proposed development is considered to be acceptable in its design and appearance, its impact on highway safety and its impact on the local heritage asset of the Quorn Conservation Area and its setting.

The proposal's impact on residential amenity of neighbouring properties is not considered to be significantly detrimental and, on balance, it is not considered that a refusal of planning permission could be sustained on these grounds, for the reasons set out earlier in this report.

Accordingly it is considered the proposal complies with Policies CS2 and CS14 of the Charnwood Core Strategy (adopted 9th November 2015) and EV/1, H/17 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004), Policy S2 of the Quorn Neighborhood Plan and the National Planning Policy Framework. It is therefore recommended that planning permission be granted, subject to conditions.

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 plans:
 - Application Form - received by the Local Planning Authority on 10 December 2018.
 - Proposed Application Plans – PN 867 Issue No.2 - received by the Local Planning Authority on 19 February 2019.REASON: For the avoidance of doubt and to define the terms of the permission
3. The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
REASON: Use as a balcony would result in overlooking of adjoining dwellings and would result in an unacceptable loss of privacy for local residents.
4. A 2 metre high fence (measured from the original ground level) shall be retained in perpetuity upon (or parallel to) the rear boundary line between No's 30 and 32 where beyond the east facing doorway of the, hereby approved, single storey extension.
REASON: To ensure the satisfactory preservation of residential amenity for the occupants of No.32.

5. No works to the roof shall begin until details of the design, materials of construction and finish of each roof-light have been submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the agreed details.

REASON: To ensure the satisfactory appearance of the completed development.

The following advice notes will be attached to a decision

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies CS2 and CS14 of the Charnwood Core Strategy (adopted 9th November 2015), policies EV/1, H/17 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and policy S2 of the Quorn Neighbourhood Plan have been considered in reaching a decision on this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
2. Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Guidance on House Extensions.
3. 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.
4. This permission does not give any legal right for any work affecting neighbouring property, including buildings, walls, fences and vegetation within that property. The responsibility for meeting any claims for damage to such features lies with the applicant.
5. This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.
6. This grant of planning permission does not grant, override or supersede any lawful right to refuse or gain access to neighbouring properties. Where it is suggested that there is no legal right of access for you to maintain your property, you may wish to seek legal advice as to whether that is the case.
7. The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property at No's 28 & 32 Leicester Road, Quorn. 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.
8. You may be aware that your neighbour objected to the proposal on the grounds of loss of light to a window or windows. If there is a legal right to light, this would apply independently of planning control. You may wish to seek legal advice before starting development. This planning permission does not override or negate any such established right to light.



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