

## Item No. 2

### Application Reference Number P/19/1513/2

<b>Application Type:</b>	Householder	<b>Date Valid:</b>	16/07/2019
<b>Applicant:</b>	Mr & Mrs Seymour		
<b>Proposal:</b>	Erection of front porch and two storey side & rear extension including demolition of existing rear garage		
<b>Location:</b>	275 Bradgate Road Anstey Leicester LE7 7FX		
<b>Parish:</b>	Anstey	<b>Ward:</b>	Anstey
<b>Case Officer:</b>	Jennifer John	<b>Tel No:</b>	01509 634755

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

### Description of the Application

The application site is a brick built end of terrace property constructed in 1929. The immediate area is defined by five rows of four terraced properties, known locally as the 'Twenty Row'. The terraced rows are constructed of the same design and style, albeit some have been altered with varying styles of fenestration and small additions to the front elevations, to include porches and pitched roofs added to bay windows. Many properties have been extended to the rear. The site is located on the western edge of the village which is defined by its open character with the pastoral fields to the front and rear. Public right of way J74 runs from east to west connecting Bradgate Road and Bradgate Park to Link Road close to the centre of Anstey Village.

The application proposes a single storey rear and side extension which is to project 5.8m from the original rear wall and will extend 7.4m across the width of the property, projecting 1.3m beyond the existing side elevation wall. The application also proposes a first floor rear extension above the proposed ground floor extension, which is to project 3.6m beyond the original rear wall across extending the full width of the existing building. The proposal also includes an open fronted and gabled porch to the front elevation. Proposed external materials to match the existing building. The proposals if approved and constructed would require the removal of an existing garage positioned within the rear garden and the removal of a small brick outhouse attached to the rear elevation.

The application is supported by a Design and Access statement.

### 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.

#### 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.

#### 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.

#### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

#### The Draft Charnwood Local Plan 2029-2036

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2036. Due to the stage this has reached in the plan making process, at this time, the Draft Local Plan carries only very limited weight.

### **Relevant Planning History**

None

### **Responses of Statutory Consultees**

Anstey Parish Council initially objected to this application for the following reasons:

- This row of houses were traditionally affordable houses within the village. This extension changes the character of the property.
- The proposal stands on a large plot but is considerably larger in terms of mass and scale compared with the original dwelling.
- There are further concerns that the proposal would have a detrimental effect on the neighbouring properties limiting light.
- The proposal is likely to be seen from Bradgate Park.

However following submission of a Design & Access Statement to support the application, these comments were withdrawn and the Parish Council noted the application.

Councillor Taylor objects to the proposal on the following grounds:

- Raises concern about the size of the proposed development. This proposal will change the whole look of the property and change the street scene considerably. This is a row of traditional houses and this proposal is not in keeping.
- Also raises concern that the proposals would have a detrimental effect on neighbouring properties and affect the enjoyment of their homes by the overbearing structure.

### **Other Comments Received**

There have been 11 letters of objection received from 8 different neighbouring properties (Nos. 257, 265, 267, 269, 271, 273, 279 & 287 Bradgate Road) raising the following issues:

- Proposal doesn't meet requirements of policy H/15 (*this is not a saved policy in CBC's Local Plan but from context it appears the comments refer to policy H/17*)
- Excessive size, scale, massing
- Overdevelopment of the plot/very large increase in floorspace
- Impact on neighbouring amenity
- Dominating/overbearing impact
- Overshadowing/loss of light
- Loss of privacy
- Loss of view/outlook
- Impact on character of area and streetscene
- Proposed porch forward of building line
- Out of keeping with the row of terraces
- Setting of a precedent for two storey extensions (currently only single storey extensions to properties on 'Twenty Row')
- 'Twenty Row' originally intended as affordable housing not 'executive homes'
- Visible from public right of way in Bradgate Park
- Increase in existing water pressure and disposal problems
- No details of ventilation from bathrooms/utility room/kitchen
- Business being run from the property
- Comparisons to No. 293 in DAS not relevant as this is a detached property
- Conversion of the attic space could be used to achieve additional bedroom instead of two storey extension

### **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

#### The principle of 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 Anstey, one of seven Service Centre Villages 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.

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 are assessed below.

### Design and the impact on the street scene and character of the area

The immediate area is defined by ribbon development on the northern side of Bradgate Road which are largely of the same period, scale, style and form, including the application property.

Concerns have been raised regarding the scale of the proposal and the impact it would have on the character and appearance of the area and the street scene.

Policy CS2 of the Core Strategy and saved Policy EV/1 of the Local Plan require new development to respect the character of the surrounding area. Saved policy H/17 of the Local Plan also sets out a requirement for house extensions to fit in with the streetscene and not to cause harm to visual amenity.

The proposal is generally to the rear of the existing house with the small side projecting element set well back behind the front elevation. Additionally the side element would be largely hidden from view from Bradgate Road by the adjacent property, 277. For this reason it is not considered that the proposals would result in unacceptable harm to the street scene or the character and appearance of Bradgate Road.

Concern has been expressed that the proposals would be seen from the public right of way within fields to the rear of the property. The rear wall of the proposed first floor extension would be located approximately 90m from the public right of way with intervening vegetation and fencing. Given that the proposed extension would be subordinate in scale and design to the existing dwelling, constructed in matching materials and viewed within the context of existing extensions and alterations to the rear of adjacent properties along this section of Bradgate Road, it is not considered that the proposal would result in harm to visual amenity from this viewpoint.

In respect of the proposed porch addition, concerns have been expressed that it would appear out of character with other houses in the row and alter the Bradgate Road street scene. The proposed porch measures 2.5 square metres and is 3.4m in height to its ridge. It should be noted that if the height was below 3m, the porch addition could be constructed under Permitted Development rights. Notwithstanding this, it is considered that the form and scale of the porch as proposed would not represent an incongruous or discordant addition to the property or cause harm to the street scene or the character of the terraced row. Furthermore, there are other examples of similar porches constructed in close proximity to the application site at 285 Bradgate Road. For these reasons, it is considered that the porch as proposed is acceptable in terms of its form, scale and design.

Consequently, the proposed extensions would preserve the character and appearance of the host dwelling, the street scene and the character of the area, including the wider countryside. It would therefore accord with Policies CS2 and CS11 of the Core Strategy, Policies EV/1 and H/17 of the Local Plan and the Framework, which amongst other things, seek to ensure that proposals are of high quality design.

#### 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.

Concerns have been expressed that the proposed two storey rear extension would result in loss of light and be overbearing in relation to the adjoining neighbouring property at 273 Bradgate Road. When assessing the impact of proposals in terms of loss of light, the Council's House Extensions SPG uses the Building Research Establishment's (BRE) method of assessing any breach of the 45 degree rule. The House Extensions SPG states that planning permission for house extensions will only be granted where the proposal will not result in substantial loss of sunlight to main rooms of adjoining dwellings, measured using the BRE methodology.

The adjoining property at 273 Bradgate Road has been extended at ground floor level and the proposed extension would extend a further 1.5m beyond the rear elevation of this adjoining extension. There would be no breach of the 45 degree line when considering the position of the nearest ground floor habitable room window. The proposed first floor extension would project 3.6m beyond the first floor rear elevation of the adjoining property. However, when taking into account the nearest window within the adjoining property is a small bathroom window, the proposal would not result in substantial loss of light to a main room. Furthermore, the proposal would not breach the 45 degree line when considering the nearest bedroom window within the rear elevation of the adjoining property. For this reason it is not considered that the proposal would result in substantial loss of daylight to this property. Although the extension lies to the south of 277 it does not project back to such an extent that it would lead to a material loss of sunlight.

Furthermore, taking into account the size and position of the extensions proposed, including the proposed porch, it is not considered that there would be unacceptable overbearing impacts to either of the nearest neighbouring properties, nor would there be any loss of privacy when taking into account the position of proposed windows.

Given the above context, it is not considered that the proposal would have a substantial adverse impact on neighbouring amenity. As such, the proposal accords with Core Strategy Policy CS2, saved local plan policies EV/1 and H/17, 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 require a maximum of 3 parking spaces for a 4 or more bedroom dwelling. It goes on to acknowledge that the standards represent the "starting

point” and does not rule out an assessment based on local circumstances.

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 application site is located on a 30mph stretch of road within the settlement limits of Anstey. The existing property has an area to the front and side that is laid to hardstanding and which can comfortably accommodate two parked vehicles when taking into account the standards set out in the Leicestershire Highways Design Guide. The area to the side of the property measures approximately 2.3m in width and is therefore below the required standard to be considered a useable parking space when considering its location hard up to the side elevation wall of the application property. The proposal would therefore not provide the suggested number of parking spaces for a four bedroom property. In this regard although the proposal would not accord with the maximum standards set out in policy TR/18 the nature of the area and proposal suggest that a lower number of spaces than this maximum would not result in harm.

Given that the standard set out by TR/18 is a maximum, and that to refuse a planning application on highway safety grounds requires there to be severe harm a refusal on these grounds would be difficult to defend. Additionally taking account of the sites location within a 30mph zone, it is not considered that even if parking occurred on the public highway, the proposal would not result in material harm that would justify a refusal of planning permission.

The proposal is considered to comply with saved policy TR/18 and with the advice in the NPPF.

### Other Matters

Concerns have been raised that the proposal if approved would set an undesirable precedent for other two storey extensions within the immediate locality. Any future proposals would be considered on the individual merits of the case taking into account the relationship and impact with neighbouring properties and the character and appearance of the area. It is not considered that the proposal if approved would result in the setting of a precedent.

Concerns have been raised that the row of properties known locally as the ‘Twenty Row’ were built as affordable homes, and not as executive homes. The property subject to this application is a privately owned dwelling and there are no material planning considerations that would prevent the enlargement of the property.

Concerns have been raised that the applicant has been operating a business from the property. There is no evidence that any existing use of the property has resulted in a breach of planning control or a material change of use. Furthermore, it is not considered that the proposals constitute or would facilitate a material change of use. In this regard, the concerns raised by objectors cannot be given any weight.

It has been suggested that the applicant consider conversion of the second floor loft space to achieve the desired additional internal living space. The local planning authority must consider the acceptability of the submitted proposal having regard for the above mentioned

policies and guidance. In this regard, it is not considered that the submitted proposal would be of sufficient concern to justify a refusal of planning permission.

Concern has been expressed that the proposals do not detail how the bathrooms are to be ventilated. This would be a matter for building regulations approval and is not therefore considered to be a material planning consideration that would require details to be approved as part of the planning application. Furthermore, objections have been raised with regards to the capacity of the foul drainage network and the position of drains within the site. Similarly, this would be a matter for building regulations and is not a material consideration in the determination of an application that seeks to extend an existing residential property.

## **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 proposed extensions having regard to the design and the impact on residential amenity and highway safety.

Whilst it is acknowledged that a large extension is proposed, the extension is considered acceptable in terms of its design and impact on the character of the area. Accordingly it 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.

With regards to 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. Accordingly there is no material harm that would warrant a refusal of planning permission on amenity grounds.

The proposal complies with saved policy TR/18 with regard to parking and the advice within the Framework.

Taking into account all of the relevant material planning considerations, the application is recommended for approval.

## **RECOMMENDATION:**

Grant Conditionally subject to the following conditions:-

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:  
Drawing No. 001 – Location Plan received on 16<sup>th</sup> July 2019



Drawing No. 100 – Existing Site Plan received on 16<sup>th</sup> July 2019  
Drawing No. 101 – Existing Floor Plans received on 16<sup>th</sup> July 2019  
Drawing No. 102 – Existing Elevations received on 16<sup>th</sup> July 2019  
Drawing No. 200 – Proposed Site Plan received on 16<sup>th</sup> July 2019  
Drawing No. 210 – Proposed Floor Plans received on 16<sup>th</sup> July 2019  
Drawing No. 220 Rev A – Proposed Elevations received on 15<sup>th</sup> August 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 those of the existing building.

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 DEVELOPMENT - Policies CS2 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 property at No. 273 Bradgate Road. 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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