

Item No. 4

Application Reference Number P/19/1551/2

Application Type:	Full	Date Valid:	23/07/2019
Applicant:	Orange Est8 Ltd		
Proposal:	Single storey extension to rear of semi-detached house in multiple occupation.		
Location:	16 Oaklands Avenue Loughborough LE11 3JF		
Parish:	Loughborough	Ward:	Loughborough Nanpantan
Case Officer:	Deborah Liggins	Tel No:	01509 634733

This item is referred to Plans Committee at the request of Councillor Smidowicz who is concerned about the impact of the proposed development on the residential amenities of neighbours and upon car parking. Councillor Smidowicz also calls the application in as she has concerns about the number of local developers testing the Council's systems and feels this warrants challenge.

Description of the Application Site

The application site is located on the southern side of Oaklands Avenue – a cul-de-sac off Forest Road and which lies within a Primarily Residential area as identified in the Borough of Charnwood Local Plan. The street is quite narrow and is known to be heavily populated by students and this is thought to have led to higher than average demand for car parking within the street.

The application site is within Flood Zone 2 and is an area of medium risk of flooding and a flood risk assessment accompanies the application.

The application property is semi-detached house fronting onto the turning head of the street and which has 2 off-street car parking spaces to the front of the house and the frontage is two thirds served by dropped kerbing. The dwelling is a known House in Multiple Occupation and this was verified through the granting of a Certificate of Lawfulness under application reference P/19/0414/2. The use of the dwelling as an HiMO is therefore undisputed and does not form part of this planning application.

The property is of red brick and clay tile construction.

Description of the Proposals

The proposal was originally envisaged to provide single and three storey extensions to the rear of the dwelling. However, revised plans were received on 3rd September 2019 which significantly reduced the proposals to a rear single storey extension only. The remainder of the internal alterations (including the loft conversion and roof extension) and the insertion of 3 roof lights into the existing loft roof, can be undertaken as 'permitted development, and although shown on the drawings, do not form part of the proposals before members.

The proposed extension is therefore a single storey mono-pitched roof extension set across the entire rear elevation and would have a width of 5.76m and a projection of 3.6m. The height of the extension would be 3.73m to the ridge and 2.58m to the eaves. The addition to the house would provide a shared living room area.

The fallback position of the applicant is a significant material consideration in the determination of this proposal. The position is that if the extension were reduced in height to not exceed 3m and reduced in depth to not exceed 3m, it would be 'permitted development' and this is significant in terms of assessing the impact of the proposal to neighbouring occupiers in particular. The submission of the revised plans prompted a second round of consultation and the responses are summarised below.

It is proposed that the extension be constructed in brick and tile to match the existing dwelling.

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy

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 (including garages) – 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 (2019)

Paragraph 8 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.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 109 states that development should only be prevented or refused, on highway grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Chapter 12 of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between the permission and completion, as a result of changes being made to the permitted scheme.

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

P/19/0414/2 – Certificate of Lawfulness (Existing) for use of the property as a house in multiple occupation (Class C4) – certificate granted. This confirms that the number of unrelated persons residing at the property should not exceed 6 and the Council is not in receipt of any information which suggests otherwise.

Responses of Statutory Consultees

None.

Other Comments Received

Oaklands Avenue – 1, 10, 11, 12, 14, 24, 31, 35

Concerns about the original and revised plans include:-

- The property forms one of a row of 3 houses in multiple occupation with only 4 car parking spaces between them
- Insufficient car parking & street already congested
- Increased noise, debris and increased pollution
- Insufficient drainage capacity & increased flood risk
- The use is not in-keeping with the area
- The street is already over represented with HiMO's
- There is no need for flats at this property
- The proposal erodes family accommodation
- The proposal would drastically increase the capacity of the HiMO
- Any property adaptations that increase occupancy should be rejected.
- The 20% threshold for HiMO's is already exceeded
- Traffic, noise and disturbance during construction
- Increased security risk to the street as student houses empty for holidays
- The design of the extension fails to accord with planning policies.

Specific comments on the revised plans received 3rd September and submitted in response to the re-consultation:

- The revision does not prevent HiMO's being sited side by side
- The revisions do not alter the flooding situation or student behavior
- The proposals still include the conversion of the loft and potential increase in occupants with the attendant problems already outlined above.

Councillor Smidowicz considered that the design of the originally proposed development would be harmful to the residential character of the area and the living conditions of surrounding occupiers as it would increase the occupation density at the house and be out of character with the small cul-de-sac. She pointed out that refuse lorries are already impeded by parked cars and that residents already suffer anti-social behaviour and noise. Additionally, she considers that the 20% threshold for assessing planning proposals for houses in multiple occupation is not sustainable.

In specific response to the revised plans, Councillor Smidowicz acknowledges that the applicant has compromised but supports the comments of residents and wishes the number of residents at the property to remain at three and not increase by virtue of the extension. She requests that if planning permission is granted, a condition be imposed to require an extended dropped kerb and additional hard-surfaced car parking to both be provided and remain available in perpetuity. Despite this she remains concerned about the parking situation in the street and comments that there is no shortage of student accommodation in Loughborough.

The Council's Environmental Health department confirms it last received a complaint about noise emanating from the property in 2008.

Consideration of the Planning Issues

The proposal does not seek to alter the existing lawful use of the property, which is as a house in multiple occupation. Accordingly, the impacts of this use, whilst raised within objections, are not planning issues arising from the proposed development that is being considered. The main issues to be considered in the determination of this application are:

1. The design and impact of the proposal on the amenities of neighbouring occupiers
2. The impact of the proposals on the street scene
3. Car Parking
4. Flood Risk

The design and impact of the proposal on the amenities of neighbouring occupiers

The proposal is located entirely to the rear of the dwelling and would be adjacent to a similar extension at the attached property (No.14). It would not project beyond this adjacent extension. Due to this orientation and the single storey nature of the proposal, there would be no loss of sunlight, daylight or privacy to No. 14.

No. 18 lies to the south-west and has a rear elevation that is set approximately 1.7m further back than the application property. The proposed extension projects approximately 1.9m beyond this elevation. Whilst No. 18 does have a principal window in its rear elevation, the proposal by virtue of its orientation and scale does not breach the 45 degree rule with regard to this window meaning there would be no material loss of daylight. Coupled with this, the majority of the proposal lies to the north and east of this window which, combined with the single storey height of the proposal means that there would not be a material loss of sunlight. There are no new windows proposed which would lead to loss of privacy to No. 18.

Given the above context, and the orientation of the dwellings, it is considered that the position, design, height and scale of the proposal would not cause loss of daylight or sunlight to either of the adjacent occupiers, nor would it introduce additional opportunities for overlooking.

Although neighbours have raised other concerns such as increased noise, refuse, pollution and the potential for anti-social behavior, these are not considered to be relevant to the determination of this application which is for a domestic extension to the dwelling. As mentioned above, the use as an HiMO is a lawful one and permits occupancy by up to 6 unrelated persons. Any amenity impacts associated with the increase in the current number of occupiers (up to the maximum permitted within the terms of the Lawful Development Certificate) are outside the scope of this application to control.

It is considered that the proposal would have no significant impact on neighbouring residential amenity and in these respects, the proposal accords with Policies CS2, EV/1 and H/17. Members are reminded that, in the event planning permission is refused, a very similar extension could be undertaken as 'permitted development' as set out above and the applicant is very likely to utilize this fall back position.

The impact of the proposal on the street scene

The street scene is characterised by pairs of bay fronted semi-detached and hipped roof dwellings some of which have been extended at ground, first floor or roof level to become

gabled dwellings. The proposal is located entirely to the rear of the dwelling and the front elevation of the resultant dwelling would remain unchanged from its existing appearance. The proposal would therefore have no adverse impact on the street scene and would accord with Policies CS2, EV/1 and H/17.

Car Parking

The proposal does not reduce the number of existing car parking spaces, or create a need for additional car parking.

It is important to note that the assessment of the requirement for car parking can only be based on the need as generated by the development, not works which could be undertaken without planning permission. Additional bedrooms which may in the future be created by a loft conversion or internal alterations are (as is commonly the case) permitted development and have no bearing on the consideration of the current proposal which is for a ground floor extension.

The property has two off-street car parking spaces to the site frontage and it is considered that it would be unreasonable to require additional car parking as a result of the development permission is sought for. Additionally, it is noted that it would not be possible to provide further parking within the site.

It is therefore considered that the proposal accords with Policy TR/18 and as, a minor, house extension, would not be likely to result in cumulative unacceptable impacts as described in Paragraph 109 of the National Planning Policy Framework.

Flood Risk

Policy CS16 seeks to direct development to locations that are least likely to flood, encourages development that does not lead to flood risk elsewhere and requires development to manage surface water run off appropriately.

In terms of flood risk, Environment Agency mapping puts the actual house within Flood Zone 2 and the rear garden within Zone 3. The proposed development use would be considered to be 'more vulnerable' with a minor extension. The site is within 1km of the Burleigh Brook which passes to the north-west and within 60m of the Wood Brook to the south east. Both are main rivers in terms of the Environment Agency classification of watercourses. The Environment Agency defines a minor extension as including all householder development and its standing advice is helpful in terms of ensuring extensions are designed and constructed to conform to any flood protection already incorporated into the property, and include flood resilience measures in their design. In terms of the proposed extension, this would largely mean that the floor level should be set no lower than existing floor levels and that services, such as electrical connections should be set at higher levels.

The proposal is unlikely to impede access to flood defence or management facilities or have an adverse impact on the watercourses, flood flows or storage capacity. The development is therefore acceptable in terms of flood risk.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them, including in this case the adopted SPD on House Extensions.

The proposal is considered to comply with policies CS2, and CS16 of the Core Strategy and saved policies EV/1, H/17 and TR/18 of the Local Plan. There are no material considerations set out within the Framework or other significant documents that would override this. Accordingly, the development accords with the most relevant policies within the development plan and it is recommended that planning permission is granted conditionally.

RECOMMENDATION:-

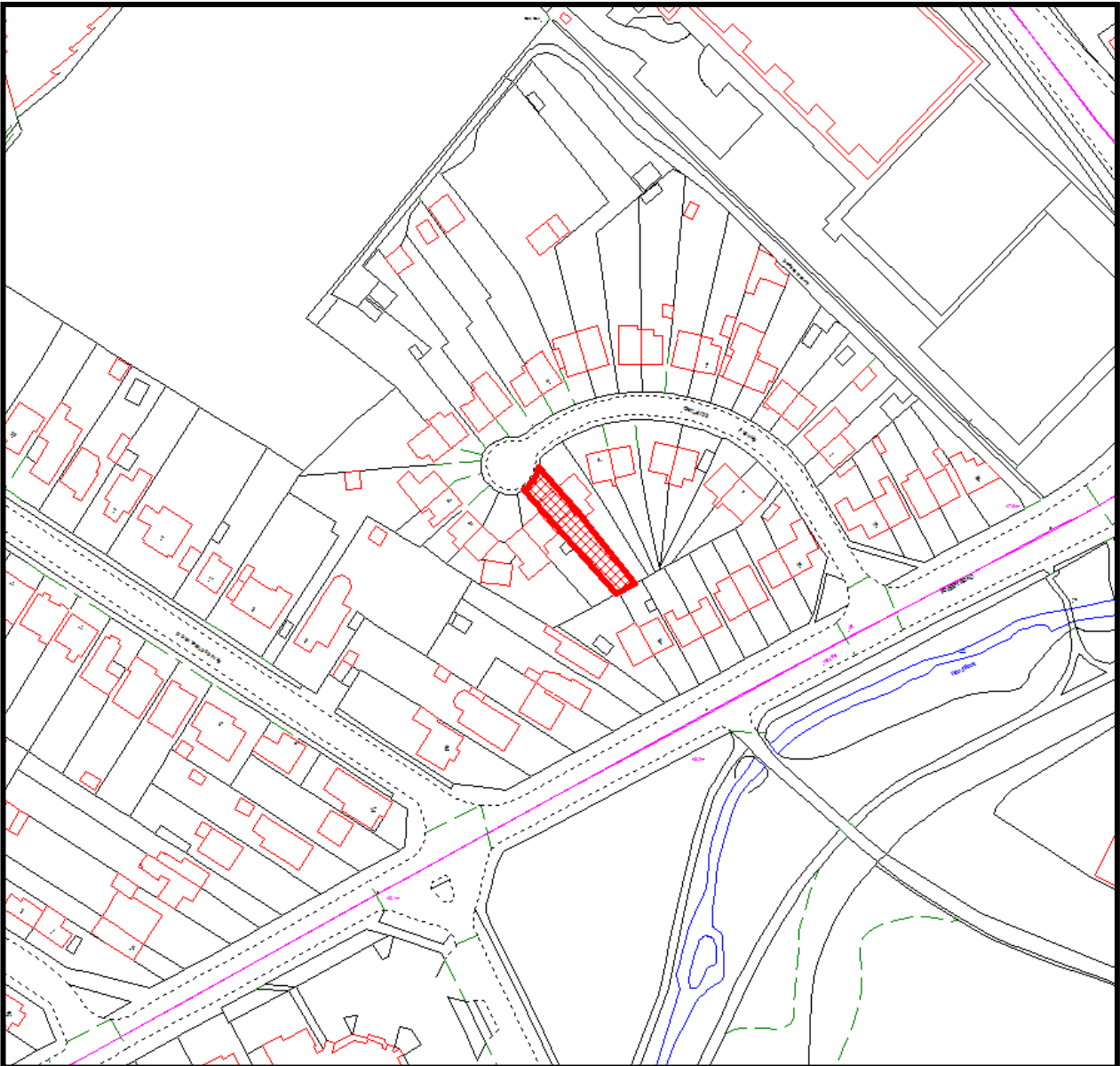
Grant Conditionally

- 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:
1907-04 Rev D - Proposed elevations and section - revised plan received by the local planning authority on 3rd September 2019
1907-03 Rev E - Proposed floor plans - revised plan received by the local planning authority on 3rd September 2019
1907-01 Rev A - Site location plan and proposed block plan - revised plan received by the local planning authority on 3rd September 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 DECISION
- Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies EV/1 and H/17 of the Borough of Charnwood Local 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, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Guidance on House Extensions and, therefore, no harm would arise such as to warrant the refusal of planning permission.
3. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
4. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
5. You are reminded of the need to comply with the mitigation measures set out within paragraph 9.12 of the Flood Risk assessment submitted with the application.



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