

Item No. 2

Application Reference Number P/18/1161/2

Application Type:	Full	Date Valid:	05/06/2018
Applicant:	Mr Anil Lad		
Proposal:	Removal of existing single storey extension and garage, and proposed erection of single storey extension with part flat and dual pitched roof to existing House in Multiple Occupation.		
Location:	25 Ashleigh Drive Loughborough LE11 3HN		
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 considers the proposal would have an overbearing impact and cause permanent disturbance issues in terms of noise and loss of amenity. The design of the extension is considered to be excessive and there are concerns about the privacy of neighbours. Traffic and car parking issues are also a concern.

Description of the Application Site

The application site located on the north-eastern side of the road and is a semi-detached bay fronted dwelling constructed as one of a symmetrical pair. The property frontage is slabbed/concrete hard-standing where one or two vehicles could be accommodated off-street if required although there are no dropped kerbs directly outside the dwelling.

The previous 0.6m high block/brick wall has since been removed as has the former single storey extension (by the time of the site visit). A 2.4m wide shared driveway gives access to the garage at the rear which belongs to No. 27 – the garage associated with No. 25 has already been demolished and removed from site.

No. 23 has been extended to its rear with a single storey pitched roof extension granted planning permission under application reference P/11/0396/2. This extension is set in from the boundary slightly and presents a blank expanse of brickwork to the boundary with a principal window in its north-eastern facing rear elevation. The extension has guttering on its flanking elevation which is within the boundary of No. 23.

No. 27 has been extended as granted under P/05/0467/2 and its side elevation contains a number of secondary ground floor windows and a two storey rear facing extension.

The application site has recently been granted a Certificate of Lawful Use (under P/18/0926/2). An earlier application for ground floor extensions was withdrawn by the applicant until the issue of the lawful use of the property had been settled.

According to the submitted drawings, the property is a 3 bed HiMO, with a ground floor bedroom to the front of the dwelling, a lounge and kitchen/dining room (now demolished) on the ground floor. The first floor accommodates 2 bedrooms and a bathroom.

Description of the Proposals

The proposal is to erect single storey extensions to the rear of the dwelling to provide an additional bedroom, new kitchen and lounge at ground floor and allow an internal reconfiguration of the first floor accommodation to include en-suite facilities. Some internal work, including the removal of chimney breasts has been carried out and the required submission under the Building Regulations has been made. The resultant property would therefore have a total of 4 bedrooms.

The proposal would comprise 2 elements:-

- an 8.8m long extension as measured from the rear wall of the original property and which would be flush with the side wall of the main house. The extension would be 2.5m wide and would widen out to 4.23m for 3.86m of its length. This pitched roof extension would measure 2.25m to eaves and 3.68m to the ridge and would provide the kitchen and lounge. This extension would be positioned 1.38m from the boundary with No. 23 and would project 1.8m beyond a single storey rear extension at that property. A side facing high level window in the proposed lounge would face the blank elevation of the extension at No. 23 with the main aspect being through bi-fold doors erected in the north east elevation looking out to the patio/garden of No. 25.
- A smaller, flat roofed extension would be constructed to the east of this and would be 5.15m long and would be 2.85m high and would provide an additional ground floor bedroom. This extension would be constructed on the boundary with No. 23 and would be 3m wide.

At the time of the site visit, a new fence had been erected across the garden with a new boundary line created level with the rear of the neighbour's garage. The owner of the property had agreed that the owner of No. 27 would assume responsibility for the garden which would become unavailable to the occupiers of No. 25. The applicant has since confirmed in writing that this fence is to be removed.

The application property has a lawful use as a house in multiple occupation for up to 6 occupants. The property currently has three bedrooms and the extension would provide a fourth. The use of the property as a HiMO is not therefore a material consideration in the determination of this application which relates only to the proposed extension.

The control over who the property is let to (whether to students or professional people) is outside the remit of planning control and is a matter for the owner/letting agency.

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

Article 4 Direction

Loughborough is subject to an Article 4 direction put in place in February 2012 and which removes the rights to change the use of Class C3 dwellings to Class C4 Houses in Multiple Occupation in Loughborough. These are dwellings where between 3 and 6 unrelated persons, sharing basic amenities could occupy a property without the need for planning permission - whereas, the Article 4 Direction limits this to occupation by a family or up to 2 unrelated persons living as a single household. Planning permission is now required for occupation of dwellings by more than 2 unrelated persons.

The National Planning Policy Framework

The Framework does not make specific reference to extensions to HiMOs but includes guidance which is relevant to this application as follows:

Paragraph 7 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 17 indicates that one of the 12 principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Planning Practice Guidance

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. 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; and help create quality developments in which to live, work and play.

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.

Relevant Planning History

P/18/0525/2 – Removal of existing single storey extension and garage, and proposed erection of single storey extension with part flat and dual pitched roof – withdrawn

P/18/0926/2 – Certificate of Lawful Development for an existing use as a House in Multiple Occupation (Use Class C4) – granted.

Responses of Statutory Consultees

Councillor Smidowicz is concerned that the proposals will permit an increase in the number of residents at the property and regards the proposed extensions as an inappropriate adaptation of a semi-detached house. The location of internal bathrooms against the party wall is also of concern, together with inadequate car parking facilities.

Councillor Smidowicz comments that over 50% of the houses in the street are HiMOs and that the increasing numbers of staff and students who park in the street have caused problems. Noise and anti-social behaviour is also a concern. Councillor Smidowicz is aware that the extensive garden has been fenced off leaving just a very small patio area for use by occupiers of No. 25. Comment is made about internal alterations at the property and whether provision would be made for soundproofing. It is considered that the proposal would exacerbate the already unbalanced community.

Other Comments Received

Comments have been received from the occupiers of the following addresses:

Ashleigh Drive – 1, 8, 9, 12, 13, 14, 21, 23, 24, 28, 29, 42

Forest Road - 189

Mountfields Drive – 15, 24, 26, 28

+ 1 other

Concerns include

- 8 more cars being added to the street as a result of the development (Floor plans show 4 double bedrooms)
- Permanent noise and disturbance
- Overbearing impact on the local area
- Lack of car parking and high demand in the street
- The proposal would enable the number of occupiers to double
- The use as a House in Multiple Occupation is unacceptable given the high proportion in the area
- The design of the proposed extension is excessive and means that the building will not be easily converted back to a Class C3 dwelling
- Loss of privacy to neighbours
- Boundary positions and encroachment
- Chimney breasts have been removed so the plans are inaccurate
- Advocating and suggesting a better methodology for calculating HiMO saturation in an area
- Increased sewage load to the neighbouring properties.

In addition the Nanpantan Ward Residents' Group objects to the proposal stating it makes no provision for off-road car parking and referring to Policy TR/18 and that there is no guarantee that each of the potential 6 occupiers of the property could bring a car. The site could accommodate 2 spaces but will fall short of the 3 required by current standards.

Also, the Rt Hon Nicky Morgan MP forwards comments she has received from the Nanpantan Ward Residents Group. This is a duplicate of the letter the Council received directly from the group.

Consideration of the Planning Issues

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

1. Principle of Development
2. Noise and Disturbance
3. The design and impact of the proposal on the amenities of neighbouring occupiers
4. Car Parking
5. Other Matters

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. Policies in the local plan relate to achieving high quality design for all proposals, including residential extensions and the development is therefore acceptable in principle and subject to further assessment of detailed planning considerations as set out below.

Noise and Disturbance

The property has a lawful use as a HiMO and it is acknowledged that noise can often be a concern for objectors because of the number of people who are living independently within the property which can be considered to adversely affect the amenity of neighbouring properties.

Whilst it is acknowledged that there will be instances where a clash of lifestyles or behaviour may cause disturbance to adjoining occupiers, it is considered unreasonable to assume this will happen to an extent greater than might be the case with other types of occupation. Conflict that occurs in individual cases is not a matter that can easily be expressed as a planning objection. Such occurrence can be dealt with by other forms of regulation. A HiMO may of course be occupied by professionals just as easily as students or other persons sharing the property.

This application is not to change the use of the property but is for a development which could potentially result in additional noise arising from the possible additional occupiers of the extra bedroom. The proposal would see the number of bedrooms at the property increase by one and although bedrooms within the property are shown as doubles, it does not necessarily follow that 8 people will occupy the property – in fact the lawful use limits the number to 6 but it is just as likely that 4 people could live there together. This is considered to be akin to or only marginally greater than a family house. Consequently, it is concluded that concerns that the noise would be significantly greater than a C3 dwelling as a direct result of the proposal to extend the dwelling at ground floor, cannot be sustained. The development would not therefore result in significant increases in noise or disturbance and that if neighbours habitually experience this, other legislation and measures exist which may better control this.

With regard to noise transference between properties, without a sound test, there is no absolute guarantee that there would not be some sound transmission to the adjoining property. However, it is considered that requiring such a test would be unreasonable and unnecessary, given that the property is to remain as a House in Multiple Occupation for up to 6 residents. It is also not considered reasonable to condition the provision of sound

proofing to conform with building regulations (document E) as set out in the HSDP14 as such works would not be reasonably be related in scale and kind to the development being applied for which is for rear extensions to the dwelling and is not for a change of use of the property.

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

The proposed extension partly occupies footprint of a former extension which has been removed. The adjoining property has been extended and, for a large part, the proposal would not project beyond that extension which has a blank flanking wall. Where the proposal does project by 1.8m it is offset from the neighbour's extension by 1.38m and does not breach the '45 degree angle of light' rule. Its combined flat roof and pitched roof design assist in reducing the scale of the proposal and visually break up the extension into 2 elements. The impact to No. 27 is considered to be acceptable as the proposal presents a blank facing elevation to that property and the design is such that privacy to both neighbouring properties is protected. The proposal is set to the rear of the dwelling and the extensions will not therefore be incongruous in the street scene and the use of materials to match the existing dwelling is proposed.

A low garden wall to the front of the dwelling has already been removed and the formation of a car parking area to the property frontage would not be out of character with the street, where several properties have undertaken similar works under 'permitted development'. There is no objection in principle to the proposed widening of the vehicle crossing, as this could be undertaken without the need for planning permission, with such works being carried out in consultation with the local highway authority.

It is not considered that the design of the proposed extensions would not be attractive to future families which might consider occupying the dwelling. It is considered that the proposed ground floor rooms could be simply adapted for alternative residential purposes should the property revert to being occupied in accordance with Class C3 of the Town and Country Planning (Use Classes) Order 1987(as amended).

In summary, it is considered that the proposal would not, because of its design and the orientation of the properties, result in a significant loss of privacy, light or overbearing impacts to neighbouring properties. Although respondents comment that the potential to increase the number of residents at the property would result in a loss of privacy, and increased noise and disturbance.

Given the above context, it is considered that the development proposes an appropriate standard of design and will have no significant impact on neighbouring residential amenity. It therefore accords with Policies CS2, EV/1 and H/17.

Car Parking

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

It is accepted that the provision of 1-2 car parking spaces to the front of the property falls short of the usual standard which recommends the provision of 3 spaces but it is clear from the supporting text to planning Policy TR/18 that these standards represent the appropriate maximum provision, indicating there will be circumstances where fewer spaces may be acceptable.

The aim of the policy is to secure a level of car parking which discourages reliance on the private car but provides sufficient off-street parking to allow developments to proceed without creating traffic problems. Reduced provision may therefore be appropriate where the site is in a central position which is capable of being served, or already served by effective public transport.

It is considered that the application site is within easy walking or cycling distance of the town centre shops and services and bus stops and that a lower provision of car parking would be appropriate in these circumstances.

The street is not subject to Traffic Regulation Order parking restrictions and is not within a resident parking scheme operated by the County Council. Notwithstanding, the amount of car parking within the street is limited by the width and number of existing vehicle crossings serving dwellings on both sides.

To refuse a planning application on highway safety grounds it must be demonstrated that there is severe residual cumulative impacts resulting from the proposal. The lack of off-street parking is not considered to exacerbate street parking to the extent that highway safety or the free flow of traffic would be result in such impacts. The proposal would result in only one additional bedroom within the existing lawful use of the property.

It is pertinent to note that Planning Inspectors have accepted HiMOs in Loughborough where there is substandard or no car parking, because of the proximity to local services, schools and employment. For example, in allowing the appeal at 76 Hermitage Road, the Inspector noted the property was to be occupied by up to 6 persons and considered a single parking space to be adequate (Ref P/17/0072/2). It is also relevant that in allowing the HiMO appeal at 94 Hermitage Road where one space was provided and room for a second space was available, the Inspector considered that the second space was unnecessary and would be damaging to the character and appearance of the street (Ref P/16/0845/2). It is also relevant to consider that No. 137 Park Road, Loughborough was recently granted planning permission for a change of use to a house in multiple occupation (under P/17/0141/2) with no car parking being available. Extensions to another House in Multiple occupation were considered and granted by the Plans Committee at its June 2018 meeting relating to No. 127 Park Road, Loughborough (under P/18/0664/2) with no off-street car parking being available.

In the event planning permission is granted for this development, it is recommended that a planning condition be imposed to secure the hardsurfacing of the property frontage to provide 1-2 spaces as indicated on the revised drawing WA220 01 Rev C received on 5th July 2018.

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework and saved Policy TR/18 of the adopted Local Plan and

that severe impacts as described in Paragraph 32 of the NPPF would not be caused by the development.

Other Matters

Several residents have indicated that the plans are not accurate in terms of internal works which have already been undertaken to remove 2 chimney breasts. This work does not require planning permission and has been carried out under observation of private building control inspectors. The undertaking of other internal work such as the removal or addition of partition walls and the installation of en-suite facilities also does not require planning permission and these works within the existing dwelling cannot be considered as part of the decision making process on the current proposals.

In addition, the annexing of the garden by the erection of the fence does and its residential or horticultural use by others does not require planning permission. However, the applicant has submitted revised plans received confirming that the fence is to be removed with the full garden area being made available for the benefit of the occupiers of No. 25. There are concerns that if this does not happen, the resultant property would see a significant reduction in the amount of private amenity space available to its occupiers. It is therefore recommended that a planning condition secures the removal of this fence in its entirety and for the removal of permitted development rights, requiring a planning application if this is to be considered in the future.

Finally, some respondents to the proposal mention the ability of private drains to accommodate additional sewage load and matters of trespass in terms of property boundaries. These are private matters and not issues upon which a planning decision can be made. Should water supply be diminished or interrupted as a result of the works, this is a private matter between the parties concerned, who may wish to seek independent legal advice.

Again, matters of boundary positions and whether the extension would encroach upon ownership rights are private matters and the granting of planning permission does not override the legal position in terms of property rights.

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 main issue to be considered in this case is the design and impact of the proposed rear extensions on the amenities of neighbouring occupiers and the relationship is an acceptable one as outlined above.

It is considered that the shortfall in proposed off-street parking would not result in severe residual cumulative impacts, given that some parking can be provided within the site, the absence of parking restrictions within the highway and the sustainable location of the site for alternative modes of transport.

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

RECOMMENDATION:

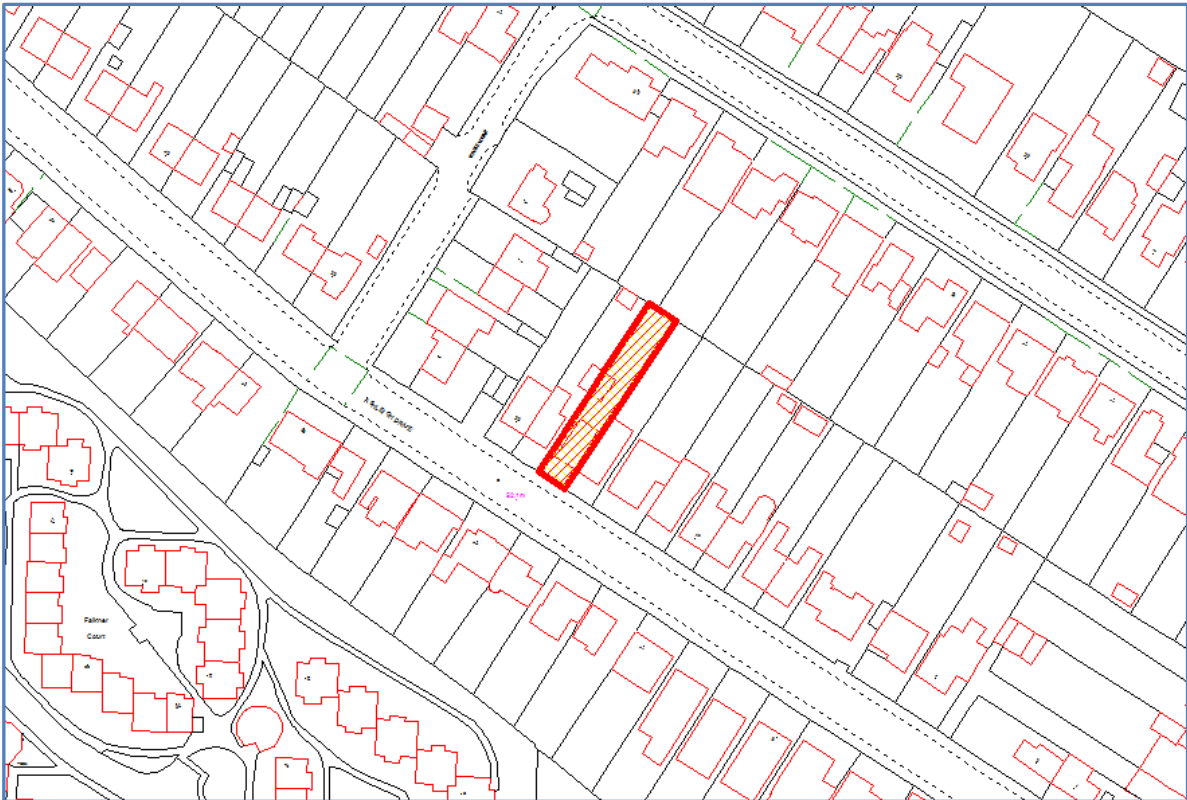
Grant Conditionally

- 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 shall be carried out only in accordance with the details and specifications included in the submitted application, as shown on the drawings below:
Approved Drawings:-
WA220 01 Rev C - Proposed 1:200 scale site plan and 1:1250 scale site location plan - revised plan received on 5th July 2018.
WA220 10 Rev A - Proposed floor plans
WA220 12 Rev A - Proposed elevations
REASON: For clarity and to define the terms of the permission.
- 3 The facing materials to be used in the construction of the new works hereby permitted shall match as closely as possible those of the existing building.
REASON: To ensure the satisfactory appearance of the completed development.
- 4 There shall be no site works or construction of the development outside the hours of 0800-1700 hours Monday to Friday, 0800-1300 hours on Saturdays. There shall be no working on Sundays or recognised Bank Holidays.
REASON: In order to prevent a nuisance or annoyance to adjacent residential occupiers.
- 5 The extensions hereby permitted shall not be brought into use until the frontage of the property has been hard-surfaced and made available for car parking in accordance with Drawing No. WA220 01 Rev C received on 5th July 2018. Thereafter, this parking facility shall not be obstructed in any way that would prevent such use.
REASON: To provide off-street parking, in the interests of road safety.
- 6 Within one month of the date of this permission, the annexing garden fence (and associated concrete posts and gravel boards) which has been erected 4.7m from the proposed extension to form a new north-eastern garden boundary, shall be removed in its entirety. Furthermore, and 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 fence or boundary treatment should be erected which would annexe part or all of the garden from the house at any time in the future.
REASON: In order to return and retain the garden land as an ancillary use

connected with the occupation of No. 25 Ashleigh Drive and to maximise its private amenity space for the benefit of its occupiers.

The following advice notes will be attached to a decision:

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies EV/1, TR/18 and H/17 of the Borough of Charnwood Local Plan 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 policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 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.
- 4 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.
- 5 All works within the limits of the highway with regard to access and the widening of the vehicle crossing shall be carried out to the satisfaction of the County Council's Highway Manager on 0116 305 0001.



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