

Item No. 4

Application Reference Number P/19/2066/2

Application Type:	Householder	Date Valid:	07/10/2019
Applicant:	Miss Fritz		
Proposal:	Erection of single storey extension to side and rear of dwelling		
Location:	117 William Street Loughborough Leicestershire LE11 3BY		
Parish:	Loughborough	Ward:	Loughborough Southfields
Case Officer:	Deborah Liggins	Tel No:	01509 634733

This item is referred to Plans Committee at the request of Councillor Parton who is concerned about the possible use of the property as a house in multiple occupation. The use of the property has been investigated by the Planning Enforcement team which has concluded that the property is not being used as a house in multiple occupation.

Description of the Site

The property is a red brick and tile semi-detached dwelling located on the north-western side of the street and is located within the Ashby Road Conservation Area. The dwelling is a bay fronted gabled property with a brick garage located to the rear of the dwelling and attached to the property with a series of lean-to additions. The property is attached to No. 119 William Street which is a larger rendered and tiled dwelling which occupies a corner position at the junction of William Street with Chester Close. The application property has driveway parking for one vehicle and a hard-surfaced frontage which is capable of accommodating an additional vehicle parallel with the footway.

The attic to the dwelling appears to have been converted to additional living accommodation with roof lights inserted into the front and rear elevations which are not shown on the submitted plans and which are not part of the proposal. These works are regarded as being 'permitted development' in accordance with Part 1, Schedule 2 and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). These alterations are not shown on the submitted plans as the proposal relates to ground floor extensions only.

Boundary	Adjacent land use
South west	119 William Street – residential dwelling
North-east	115 William Street – residential dwelling
North-east	1 Chester Close – residential dwelling
South-east	Dwellings opposite on William Street and No 2

Description of the Application

The proposal is to erect a single storey extension to the rear of the dwelling which would see the existing garage and lean-to additions removed. Revised plans received on 24th December 2019 which showed the proposal to have 2 elements:-

- A flat roofed single storey extension across the rear of the existing dwelling which would project 3m from the existing 2 storey wall of the property (removing a rear bay window). This extension would provide a new kitchen and would have a width of 4.21m and a flat roofed height of 3.3m and would adjoin the boundary with No. 119 William Street
- A flat roofed single storey extension for a new garden living room, replacing the existing garage and would adjoin the kitchen extension with a length of 6.2m and set in from the boundary with No 115 William Street by 0.45m. This element would also have a flat roof construction and would also be 3.3m high.

An updated version of that plan was received on 5th February 2019 which corrected a scaling error on the December plan.

Development Plan Policies

Charnwood Local Plan 2011-2028 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; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS14 – Heritage – this requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their setting; supporting development which prioritises the refurbishment and re-use of disused or under-used buildings of merit; supporting development that is informed by and reflects relevant Landscape and Conservation Area Character Appraisals and Village Design Statements; and development that incorporates Charnwood's distinctive local building materials and architectural details.

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

The saved policies relevant to this proposal include:

Policy EV/1- Design- Seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

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 2 parking spaces for a 3 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)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 explains that achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The overarching aims are:

- An economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social objective – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

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 are 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.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

National Planning Practice Guidance

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The document also sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

Leicestershire Highway Authority - Design Guide

This guidance deals with highways and transportation infrastructure for new developments including the amount of access required for a development of this size.

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.

Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

Ashby Road Conservation Area Character Appraisal - This sets out the special qualities of the Ashby Road Conservation Area and provides a sound basis for proposals for its preservation or enhancement and for development control decisions. The aim of the document is to provide a guide to the varied elements that contribute to the distinct character and appearance of the conservation area. The terraced streets off Ashby Road are a key

reminder of the vast expansion of the town at the end of the 1800's. Within these streets, housing, employment, recreation, religion and education still contribute to the street scene. The predominant building materials are red brick under slate roofs, sash timber windows with white painted joinery. The front gardens of the villas and the terraced houses which have them are marked by low brick walls or hedges. Many of the streets contain houses with beautiful decorative terracotta panels and brickwork, original stained glass panelled doors and some have tiled front porches that form a double entrance to the house. Original decorative foot scrapers and cellar coal grills are still common. There are a significant number of houses which are still intact. A detrimental feature of the Conservation Area is that much of the housing is rented from absentee landlords and neither they nor their tenants have much regard to the maintenance of buildings. Front There is also a loss of amenity where corner shops have been converted into residential use and a proliferation of "To Let" and "For Sale" signs. The latest litter is the presence of wheelie bins on the pavement.

Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

This requires local planning authorities to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable importance and weight should be attached to any harm to these heritage assets or their setting. The courts have held that this creates a negative presumption (capable of being rebutted) against the grant of planning permission where harm will be caused) and that the balancing exercise must begin with this negative weight/presumption even where the presumption in favour of sustainable development is engaged under the Framework. Section 72 of the Act, requires that in considering whether to grant planning permission for development which affects a conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character and appearance of the area.

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.

Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which seek high quality design in all new development.

Relevant Planning History

Ref.	Description	Decision	Date
P/14/1310/2	Erection of a single storey extension to side and rear of dwelling	Granted Conditionally	28/08/2014 – expired

Responses of Statutory Consultees

Councillor Parton is concerned that the property is being used as an unauthorised house in multiple occupation and that the proposal would be to provide additional rentable accommodation.

Other Comments Received

The occupiers of No. 115 William Street objected to the originally submitted plans and expressed concerns about the height of the extension which was to then be built on the boundary with their property. No additional representations were made on the revised plan which repositions that element to be 0.45m inside the boundary and reduces the height. Concern was however also expressed about the possible use of the property as a house in multiple occupation.

Consideration of the Planning Issues

The key issues in considering this application are considered to be:

- The use of the property
- The design and impact of the proposal on residential amenities
- The impact of the proposal on heritage assets.
- Highways and Car Parking

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Charnwood comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015) and those saved policies within the Local Plan which have not been superseded by the Core Strategy. The vision within the Core Strategy (2015) confirms that by the end of the plan period Charnwood aims to be one of the most desirable places to live, work and visit in the East Midlands. To achieve this development will have been managed to improve the economy, quality of life, the environment and biodiversity. The presumption in favour of sustainable development is reinforced in paragraph 11 of the National Planning Policy Framework.

The Local Plan Core Strategy policies, although adopted before the new National Planning Policy Framework was published, are less than five years old and are considered generally consistent with the new Framework. On this basis, proposals for housing development should only be approved where they accord with policy CS1 and CS11 of the Core Strategy, unless material considerations indicate otherwise. Policies contained within the Borough of Charnwood Local Plan are older than 5 years and remain material considerations in the determination process, but should be afforded less weight.

The Use of the Property

The investigation into the allegations about the use of the property has concluded that the property is currently being occupied as a Class C3 dwelling. If this changes in the future, the change would require full planning permission for the change of use and this would need to be considered at that time. However, for the purposes of this application, the proposal is for a residential extension to a C3 residential property where 'permitted development' rights exist and the proposal should be determined on its physical and design merits. The accommodation proposed is perfectly capable of being used in connection with a C3 dwelling which is the authorized use of the property.

The design and impact of the proposal on residential amenities

The property has been the subject of a previous planning permission for extensions in 2014 of a similar nature to those now proposed but without the kitchen extension across the rear. The proposal then was for a wider 4.5m extension and a longer one with an overall length of 11.3m and with a pitched roof and an eaves height to the boundary of No. 115 at 2.35m high.

The existing garage, erected on the boundary has a flat roofed height of 2.9m.

Property	Distance & Relationship	Guide (if applicable)	Notes
115 William Street	Large detached house located to the north-east	None	Has large patio doors within the rear elevation and within 2m of the property boundary is bounded to the site with the existing garage and a 1.8m high close boarded fence along the driveway to No. 117.
119 William Street	Located to the south-west	None	Has a rear elevation with a window in its rear elevation located within a metre of the boundary. 1.8m high close boarded fence with shrubbery at both sides along fence line.

The current proposal sets the extension off the boundary with No. 115 and has a flat roofed height of 3.3m and a reduced length to that previously approved under P/14/1310/2. The proposal accords with the 45 degree 'angle of light rule' as set out in the adopted Supplementary Planning Document on Design 2020. The flat roofed design and height of the proposed extensions and the orientation of the properties and the relationship with existing windows in the rear elevations of neighbouring dwellings are such that significant losses of daylight or sunlight are unlikely to be experienced.

The proposed side elevations of the proposals include no overlooking windows with a view of the garden only being derived from proposed north-west facing windows. The proposal is therefore unlikely to lead to losses of privacy to neighbouring occupiers.

It is also appropriate to consider here that permitted development rights would allow for a 3m deep extension on the boundary with an eave's height of up to 3m and an overall height of 4m. The impact to the occupier of No 115 would, in that eventuality, be similar or worse than the impact of the proposed kitchen extension (were it proposed in isolation). This proposal is however for a slightly higher extension and also a deeper extension which includes the garden room element and planning permission is therefore required.

In summary, it is concluded that the proposal would have an acceptable amenity impact to adjacent dwellings and would be in accordance with Policies CS2, EV/1and H/17 and the recently adopted Supplementary Planning Document on Design (Jan 2020).

The impact of the proposal on heritage assets.

Policy CS14 of the Core Strategy reflects advice in the National Planning Policy Framework and sets out that the Borough Council will expect proposed development to protect heritage assets and their settings. The proposal is located entirely to the rear of the dwelling and would be set back from the highway boundary by 11.5m with the existing driveway gates indicated to be retained. It is considered that the proposal would not harm the significance of the Ashby Road Conservation Area and would accord with Policy CS14. It is also considered that the character or appearance of the Conservation Area would be preserved or enhanced as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act. 1990.

Highways and Car Parking

Current parking standards are set out above within the description of Policy TR/18. However, the proposed development does not increase the number of bedrooms at the dwelling and, as such, no additional requirement to accommodate off-street car parking would be generated.

Conclusion

In the context of the adopted Core Strategy and the saved local plan policies the proposal would provide a reasonable ground floor extension to an existing dwelling and which would have an acceptable impact on the amenities of neighbours, heritage assets and highway safety.

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:
004-03A-A3 Rev A - Site location plan and block plan
004-02H-A3 Rev H - Proposed elevations and floor plan - revised plan received on 5th February 2020.
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
- Policies CS2 and CS14 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 saved policies.

- 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 In addition, as the proposed development is located within a conservation area, the Council has considered whether it would enhance or preserve its character and appearance. Planning permission has been granted on the basis of the Council's opinion that the development would, at least, preserve that character.
- 4 The Local Planning Authority acted proactively 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.

