

## Item No. 2

### Application Reference Number P/20/0434/2

<b>Application Type:</b>	Householder	<b>Date Valid:</b>	13/03/2020
<b>Applicant:</b>	Mr T Burton		
<b>Proposal:</b>	2 storey side extension and single storey rear extension to dwelling.		
<b>Location:</b>	35 Naseby Drive Loughborough Leicestershire LE11 4NU		
<b>Parish:</b>	Loughborough		
<b>Ward:</b>	Loughborough Garendon		
<b>Case Officer:</b>	Steven Holmes	<b>Tel No:</b>	01509 634770

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This item is being brought to Plans Committee as the application has been subject to a 'call in' from Cllr Boldrin on the grounds of the overdevelopment of the site, the developments encroachment of public land and its likely use as a business premises.

### Description of the Application

The application site is a two storey detached property on the northern side of Naseby Drive in Loughborough. The dwelling is set back from the road and accessed via a private drive which serves two other dwellings. It is sited so that its side elevation faces the road. It is located with No.37 to the south west, No.33 to the South East and No.31 to the North east of the site, all of which are separately owned. There is a linear open space to the northern boundary that is bisected by a footpath.

The two storey side extension will project beyond the northern side elevation by 7.4 metres. The eaves and ridge height will match the existing house with a side facing gabled pitched roof.

The single storey rear extension will be built directly to the rear of the two storey works, projecting approximately 3.2 metres from the rear of the original house. It will have an eaves height of 2.3 metres and a maximum height of 3.6 metres to the top of the proposed mono-pitch roof.

The works will facilitate the creation of an en-suite and two bedrooms at first floor level and facilitate a reconfiguration at ground floor to provide a larger kitchen space.

### Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

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

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

The policies relevant to this proposal include:

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

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

Policy TR/18 - Parking Provision in New Development notes that planning permission will not be granted for development, unless off-street parking for vehicles, including cycles, and servicing arrangements are included, to secure highway safety and minimise harm to visual and local amenities.

**Other material considerations**

National Planning Policy Framework (NPPF)

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

Design Supplementary Planning Document (2020) – Provides guidance on how a high standard of design can be met and supplements adopted Core Strategy and saved policies covering high quality design, open space requirements and measures to adapt to climate change

National Design Guide

**Relevant Planning History**

None applicable

**Comments Received;**

Cllr Boldrin has called the application into be considered by Plans Committee on the grounds of the overdevelopment of the site, the developments encroachment of public land and its likely use as a business premises.

Occupants of No's 37 & 39 Naseby Drive – Have concerns with respect to parking upon the private drive, encroachment upon publically owned land, Impact upon trees, the overbearing nature of development, permanent odour, noise and disturbance, impact upon the street scene, impact upon the highway, Impact upon privacy and potential use as a business premises.

Full copies of the comments received are available on the planning file visible through Planning Explorer

### **Consideration of the Planning Issues**

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

- i) The impact on the character and appearance of the street scene;
- ii) The impact on the amenity of occupants of neighbouring properties;
- iii) The impact on the highway

#### Impact on the character and appearance of the street scene

Development Plan policies CS2, EV/1 and H/17 require development of this type to be in character with the area and the Design Supplementary Planning Document offers ways this can be achieved for house extensions.

The proposed two storey side extension would be visible from the public realm but given its location at the side of the dwelling would be significantly obscured from wider views by the existing house and garage. Additionally given that the extension is set back from the public highway by over 22 metres I the proposal would be largely concealed from views from Naseby Drive and would only be readily apparent from views along the private drive.

The proposed materials would match those of the existing dwelling and the proposed roof design is considered to respect the form and character of the existing roof. Although it is recognised the extension would not take a subservient form to the existing dwelling, given its relatively secluded location this is not considered to detract from the street scene or appear over dominant. Additionally the size and configuration of the plot means that no terracing effect would be created.

The single storey rear extension will not be visible from the highway therefore will not detract from the street scene. Nevertheless, it is considered to be acceptable in design scale and form.

Subsequently the proposal is considered to accord with policies CS/2, EV/1, H/17 and the supporting Supplementary Design Guidance in terms of its design and impact on the character of the area.

### Impact on the amenity of neighbouring residential properties

#### Impact on No's 37 & 39

These properties are to the south /south west of the application site.

The works would be a minimum of 14 metres from these dwellings which is considered sufficient to prevent a sense of over dominance. The distance and northerly direction of the works would also prevent any significant loss of light. There proposal would not breach the advice contained within the Council's adopted Design Guidance in this respect also.

Two first floor windows are proposed within the elevation facing No.37, one to serve an en-suite which is likely, given the use of the room, to be obscurely glazed, while the other would serve a bedroom at a distance no closer than the existing bedroom windows within the host property. Given the proximity of the dwellings it is considered there would be no material loss of privacy to these properties as a result of the two storey extension.

The single storey element of the proposal would have no impact on light, outlook or privacy to these properties.

Comments have been received with respect to permanent odour, noise and disturbance as a result of commercial vehicles using the shared drive. However, this relates to a separate issue and not to the erection of domestic extensions which is the scope of this current application. There is no application to change the use of the property to allow a commercial use to take place from the address and the application could not be refused on these grounds.

#### Impact on No.31

No.31 is located to the north-east of the application site with the dwelling oriented at 90 degrees to the property at No.35.

With regards to the design, the Supplementary Planning Document advises a distance of 21 metres for back to back dwellings to avoid overlooking and privacy concerns. The distance for each rear garden space would therefore be 10.5metres where shared equally. Whilst not a directly comparable relationship, No.35 Naseby Drive directly overlooks the rear amenity space of this dwelling with the proposal adding a further two windows at first floor level which would be in line with the existing first floor windows of the property. The distance between the proposed two storey works and the rear amenity space of No.31 would be approximately 13.25 metres.

This distance is in excess of the guidance mentioned above therefore it is not considered that the works would cause significant additional detriment to the amenity of residents to No.31 with respect to privacy, particularly given the

existing window arrangement. As such the works can be considered acceptable in this regard.

Furthermore the separation distance is also considered to prevent the proposal from causing significant impact in terms of over-dominance or loss of light.

#### Impact on No.33

This dwelling is immediately adjacent to the application site to the south.

The two storey works are on the opposing side of application site well away from this dwelling. The single storey rear extension would be more visible, however it would be some 11 metres distant. The dwelling at No.33 is also significantly stepped back within its plot meaning that the works will be entirely parallel with its side elevation. As such, it is not considered that the works will cause a detrimental impact upon this neighbouring property with respect to over dominance or loss of light.

A set of bi-fold doors will be installed within the side of the rear extension facing toward No.33 however they will be at ground floor level, and face upon the side elevation to this adjacent dwelling. Therefore privacy is considered to be maintained

#### Other properties

There are no other properties which are considered to be affected by the development.

Taking in to consideration the above reasoning, it is considered the proposed works would comply with policies CS2, EV/1 and H/17 and the advice contained within the Supplementary Planning Document –‘Design’ with regard to amenity

#### Impact on the highway

The proposed development demonstrates an increase in the number of bedrooms at the property from the 3 to 5 with no changes proposed to the existing on site car parking provision.

3 parking spaces are recommended for a dwelling of this size which is an increase of one additional space beyond what is currently house requires, according to the recommendations within policy TR/18 and the Local Highway Authority’s standing advice. The garages fall below the required size standards to be considered as an adequate parking space, however, the plans indicate the frontage could accommodate the required three spaces and a condition could be imposed to ensure that this level of parking is provided and retained.

With the inclusion of a condition requiring the 3 parking spaces to be provided it is considered that policy TR/18 and para 109 of the NPPF are complied with.

Concerns have been raised with respect to the parking of work vehicles within Naseby drive relating to the business of the owner of No.35. However this is beyond the scope of this application which seeks to extend a residential property

and does not include any proposal to change the use of the building or its curtilage.

Concerns have also been raised with respect to the impact upon a private drive however this is a private legal matter for the parties involved and cannot be taken in to consideration within this planning application

### Other Matters

Business use: Concerns have been raised with respect to a possible business use to be implemented at the property as a result of these works.

The application must be assessed based upon the details submitted. The application seeks to extend and alter an existing dwellinghouse and does not seek to change the use of the property. Further consent would be required in order to implement such a change. The additional rooms are all for domestic purposes including kitchens and bedrooms.

Where it is suspected that an existing business use has materially changed the use of the property is should be reported to the Local Planning Authority's Enforcement team to investigate further.

Encroachment of land: Concerns have been raised with respect to the possible development encroaching upon Charnwood Borough Council owned land. The land to the rear is owned by the Council but the proposal as illustrated on the plans does not encroach onto this land.

Ownership of land is not a pre-cursor to planning approval being given and if there were encroachment this would be a separate matter between Charnwood Borough Council and the owner of No.35 Naseby Road.

The land at the rear is, however, public open space and if this were to be used for residential purposes it would be a planning matter as this would constitute a change in the use of the land. Officers are satisfied that the plans as submitted do not show this and that the red line does not extend into the public open space.

A note to the applicant reminding them of the need to ensure there is no damage to adjacent land could be attached to the consent.

### Conclusion

In summary, the proposed development is considered to be acceptable in its design and appearance and impact upon the street scene. The proposal is not considered detrimental to the amenities of neighbouring properties or to cause a severe impact upon the highway. It accords with relevant development plan policies and supporting documents and there are no material considerations that would override this.

It is therefore recommended that planning permission should be granted, subject to the following conditions.

## RECOMMENDATION:-

Grant Conditionally

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>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.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"><li>- Application Form - received by the Local Planning Authority on 13 March 2020</li><li>- Site Location and Block Plan – Drawing No. James LE11 051 – received by the Local Planning Authority on 10 March 2020</li><li>- Proposed Floor Plans – Drawing No. James LE11 032 – received by the Local Planning Authority on 10 March 2020</li><li>- Existing and Proposed Front and Side Elevations – Drawing No. James LE11 041 – received by the Local Planning Authority on 03 March 2020.</li><li>- Existing and Proposed Rear and Side Elevations – Drawing No. James LE11 042 – received by the Local Planning Authority on 03 March 2020.</li></ul> <p>REASON: For the avoidance of doubt and to define the terms of the permission</p>
3.	<p>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.</p> <p>REASON: To ensure the satisfactory appearance of the completed development.</p>
4.	<p>No development shall take place until a plan showing three parking spaces to serve the extended dwelling has been submitted to the Local Planning Authority and approved in writing. The approved parking spaces shall be provided prior to the occupation of the extension hereby approved and thereafter so retained in perpetuity.</p> <p>REASON: To ensure that adequate off-street parking is provided and maintained, in the interests of road safety.</p>

The following advice notes will be attached to a decision

1.	DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies CS2 of the Charnwood Core Strategy (adopted 9th November 2015) and EV/1, H/17 and TR/18 of the Borough of Charnwood Local
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	Plan (adopted 12th January 2004) 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 Design - Supplementary Planning Document and, therefore, no harm would arise such as to warrant the refusal of planning permission.
3.	Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015
4.	This permission does not give any legal right for any work affecting neighbouring property, including buildings, walls, fences and vegetation within that property. The responsibility for meeting any claims for damage to such features lies with the applicant.
5.	For the avoidance of doubt, this planning permission authorises the erection of an extension to the building at No.35 Naseby Drive in its current capacity as a dwellinghouse within Use Class C3. It does not permit a material change of use to the property.
6.	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.
7.	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.

