

Item No. 4

**Application Reference Number P/20/1181/2**

**Application Type:** Householder                      **Date Valid:** 20/08/2020  
**Applicant:** Mr J Pu  
**Proposal:** Two storey extension to side and single storey extension to rear of semi-detached dwelling used as a house in multiple occupation.  
**Location:** 30 Coniston Crescent  
Loughborough  
Leicestershire  
LE11 3RH  
**Parish:** Loughborough                      **Ward:** Loughborough  
Nanpantan  
**Case Officer:** Deborah Liggins                      **Tel No:** 07864 603401

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This item is referred to Plans Committee at the request of Councillor Smidowicz who is concerned about highway safety, traffic and parking issues and the impact of the proposal on community balance due to other known houses in multiple occupation and the increase in occupiers as a result of the proposed development.

**Description of the Site**

The application site is a semi-detached house, which is set within an established residential area and which borders onto the University campus to the north. The dwelling has been rented to students for many years and is a lawfully established house in multiple occupation. The property has five bedrooms with three of these located on the ground floor.

<b>Boundary</b>	<b>Adjacent land use</b>
South	Across the road is No. 17 Coniston Crescent – a semi-detached dwelling with an entirely hard surfaced frontage
North	Loughborough University campus
East	No. 32 Coniston Crescent – a detached dwelling with a garage and driveway for 3 cars to its western side
west	No 28 Coniston Crescent – semi-detached dwelling with a driveway to its western side

**Description of the Application**

The proposal is to erect a two storey extension to the side of the dwelling and a flat roofed, single storey extension to the rear. The two storey extension to the side would be erected up to the boundary of the site and would be 2.35m wide and set back from the existing front elevation of the house by 0.75m and flush with the existing two storey rear elevation. This extension would provide a ground floor en-suite bedroom with a further en-suite bedroom above. The rear extension would project 3.44m along the boundary and would be built out to be flush with the existing rear ground floor bedroom and would

provide an extended kitchen and dining room. Internally, two existing ground floor bedrooms would be combined to create a single larger room. The resultant number of bedrooms at the property would therefore be 6.

The proposal also involves the removal of the low front boundary wall to create three off-street car parking spaces.

The submitted scheme is identical to that granted planning permission by the Plans Committee under application reference P/15/0342/2 and which has now lapsed.

## **Development Plan Policies**

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The development plan for Charnwood currently comprises the Charnwood Local Plan (2011-2028) Core Strategy and the saved policies of the Borough of Charnwood Local Plan. The policies below would be relevant to the determination this planning application.

### 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.

### 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, 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 the following criteria:

- It remains compatible in scale, mass, design and use of materials with the original dwelling;
- It would not appear as an intrusive or incongruous feature in the street scene to the detriment of visual amenities.
- It would not prove detrimental to the amenities of occupiers of nearby properties by reason of overshadowing, dominance, or substantial loss of privacy or light;
- It would not involve the removal of areas of existing landscaping important to the character of the location.

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 dwelling with 3 or less bedrooms and 3 spaces for a dwelling with 4 or more bedrooms 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**

#### National Planning Policy Framework (2019)

This confirms that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The Framework contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- An economic role – 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 role – 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 role – contributing to protecting and enhancing our natural, built and historic environment

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 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

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.

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.

#### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

#### 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.

#### The Equality Act 2010

This Act requires local planning authorities, when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities in society. It consolidates 7 Acts including the Disability Discrimination Act. Whilst the accessible design of buildings is regulated by Part M of the Building Regulations, the Equality Act does require 'reasonable adjustments' to be made when providing access to goods, facilities, services and premises and this also applies to the design of proposed development. In terms of planning decisions, there is a need to have 'due regard' to the impact of planning application decisions and policies on anyone with a Protected Characteristic who may be affected by the decision.

### 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.

### 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 would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality.

### **Relevant Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision &amp; Date</b>
<b>P/05/3546/2</b>	Two storey extension to side and replacement single storey extension to rear of dwelling	Granted conditionally 22/02/2006
<b>P/15/0342/2</b>	Erection of two storey extension to side and single storey extension to rear of house in multiple occupation	Granted conditionally 28/07/2015

### **Comments Received**

Councillor Smidowicz comments that the frontage of NO. 30 is steep and accommodates a bicycle rack and bins with the former garage now converted to a room, leaving parking for one car. The site is near to the University library access route which has led to problems with visitor parking, despite signage. Coniston Crescent was designed to accommodate 55 households, not the excessive number of households currently living on the street and half of properties are considered to be rented houses which result in excessive comings and goings, among other problems. Previous appeal inspectors relating to the development of HiMO properties elsewhere in the town have commented on excessive comings and goings. It is acknowledged that the house is already an HiMO and that there have been previous proposals to extend the house. There is also a concern that the size of rooms would not meet new legislative requirements.

The Council's Housing Standards Officer has no objections to the proposal.

The Nanpantan Ward Resident Group object to the application and has the following concerns:-

- The increase in the number of households will lead to an increase in the number of parked cars and vehicle movements in what is a narrow street with many driveway accesses. This unacceptable traffic and parking situation in the street causes a great deal of mental anguish for permanent residents.

- The application is not accompanied by a highway safety and access analysis by the highway authority. Reference to standing advice will not be acceptable.
- No sizes are given for the bedrooms
- Although 3 car parking spaces are indicated, the additional dropped kerbs required are not.
- There is no bin or cycle storage.
- A split bedroom has not been reinstated as a single room
- Planning committee members should visit the site and if this is not possible, a decision on the application should be deferred until it is.
- Strict conditions should be imposed as before

## **Consideration of the Planning Issues**

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

- Design and Impact on Street Scene
- Design and impact on residential amenities
- Car parking
- Other issues.

Members are reminded that the proposal before them is for extensions to the house and not for a change of use to a house in multiple occupation. In the event planning permission is refused for the current proposal, the primary use of the property as a house in multiple occupation would be able to continue.

### Design and Impact on Street Scene

The application proposal is the same as that previously granted under P/15/0342/2 where the impact on the street scene was found to be acceptable. The adoption of the recent SPD on Design has not altered the way house extensions are assessed or introduced additional design-related considerations. The rear extension would not contribute to the Coniston Crescent street scene and the proposed two storey side extension is set back and set down in accordance with adopted design guidance. Combined with the use of matching materials, this would ensure the extension would not be visually prominent or incongruous in the street scene. The provision of frontage car parking is common in the street and the proposed 3 car parking spaces are considered to be in context and not harmful in visual terms. In these ways, it is considered that the proposal would accord with Policies CS2, EV/1 of the Development Plan and the adopted Supplementary Planning Document 'Design' 2020.

### Design and impact on residential amenities

The single storey extension to the rear would project 1.42m further out than the existing rear extension it replaces, and would, on its own, only be 0.42m longer than an extension which could be carried out under 'permitted development'. This small increase in length and the flat roofed design mean that the proposal would not result in a material loss of light to any principal windows in the rear elevation of the adjoining property when assessed against the 45 degree 'angle of light' tests set out in the Council's Design

guidance. Accordingly it is not considered the rear extension would result in an overbearing impact or significant loss of light to the adjacent property.

The impact to neighbours of a two storey side extension has twice previously been found to be acceptable at this property and there is no significant change in policy or guidance or on the ground that would indicate a contrary impact now. The proposed two storey side extension would flank the driveway to No. 32 which, because of its detached nature, distance and lack of affected principal windows, would not be adversely impacted by the proposal. No. 32 also has a floor level approximately 0.4m higher than the application site, and because of the design of the proposed extension, with its stepped down roof and stepped in front wall, it would not cause an overbearing impact to the occupiers of No. 32.

The proposal is therefore considered to be acceptable in terms of preserving the light, privacy and amenities of neighbouring occupiers in accordance with Policies CS2, EV/1 and EV/17 and the adopted Supplementary Planning Document on Design.

### Car parking & Highway Safety

The development is of a scale and nature whereby the standing advice of the local highway authority would apply and contrary to the opinion of the Nanpantan Resident Group, it is considered that a comprehensive highway safety and traffic analysis is not required to assess the highway impact of this minor householder development. Such an assessment is not a validation requirement for planning applications for house extensions and would place onerous burdens on householders seeking permission for small scale additions to property.

The proposal, as previously proposed in 2015, provides 3 frontage car parking spaces to meet the needs of the resultant dwelling, and this would accord with the current standards of the local highway authority relating to dwellings with 4 or more bedrooms. A planning condition could ensure that these spaces are provided and made available for use prior to the extensions being brought into use and this should ensure that the highway impacts of the development are adequately mitigated and would not be severe. The imposition of an additional condition requiring cycle storage provision within the rear garden would also enhance transport choice for occupiers.

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 highway impacts as described in Paragraph 109 of the NPPF would not be caused by the development.

The National Planning Policy requires that safe and suitable access to the site can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Given the characteristics of the local road network and the application site, together with the convenient location of the property to facilities and services, it is considered that the proposed on-site parking provision would not be contrary to the National Planning Policy or saved Policy TR/18 of the adopted Local Plan.

### Other issues.

The use of the property - the dwelling is already a house in multiple occupation and has been used as such for many years. The dwelling currently has 5 bedrooms and the proposal would see this increase to 6. The use and the arguments regarding current imbalances in the community/noise and disturbance cannot be considered alongside this proposal for extensions. It is considered that the increase in the occupation of the property by 1 person and not exceeding 6, would not materially change the use of the dwelling. However, if it were proposed to have 7 or more unrelated persons in occupation this may represent a material change in the use of the property to a large house in multiple occupation, but this is not the proposal here.

## **Conclusion**

The proposal is considered to accord with relevant national and development plan policies. It is not considered that the proposal would result in material harm to residential amenity or highway safety and there are no other matters raised which provide justifiable grounds for refusing this application. It is recommended, therefore, that planning permission be granted, subject to the following conditions.

## **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: 30CC/2015 Rev A - Proposed floor plans, elevations, site location plan and block plan

REASON: To define the terms of the planning permission.

- 3 The extensions hereby approved shall not be brought into use until such time as the three car parking spaces shown on drawing No. 30CC/2015 Rev A and an equivalent width of dropped kerbing have been provided, hard-surfaced and made available for use. Thereafter, the parking facilities shall not be obstructed in any way that would prevent such use.

REASON: To ensure adequate car parking is available to meet the needs of the development; in the interests of highway safety.

- 4 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.

- 5 No development shall commence until details have been submitted to and approved by the local planning authority showing provision within the application site for under cover and secure parking of cycles. The provision for cycles shall be provided before the occupation of the extensions and thereafter shall not be used for any other purpose.

REASON: To encourage the use of bicycles as an alternative to the car.

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, H/17 and TR/18 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 the Council's adopted Supplementary Planning Guidance on Design 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 (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the County Council's Highway Manager on 0116 305 0001.

