

Item No. 3

Application Reference Number P/21/1049/2

Application Type:	Householder	Date Valid:	19 th May 2021
Applicant:	A BUTTLING		
Proposal:	Erection of single storey extension to front and rear, annex to rear of bungalow.		
Location:	21 Hazel Road Loughborough LE11 2JQ		
Parish:	Loughborough	Ward:	Loughborough Shelthorpe
Case Officer:	Paul Oxbrough	Tel No:	07591 947040

This item has been called in to Plans Committee at the request of Councillor Bolton who has concerns that the proposal will have an unacceptable impact to neighbours.

Description of application site.

The existing dwelling is a 2 bed detached brick and tile bungalow situated on the west side of Hazel Road, Loughborough and within the Limits to Development. The area is residential in character, with a generally uniform scale of bungalows on the west side of the street and semi-detached two storey houses to the east side. The dwellings have gardens and driveways to the front and side of the properties.

Description of Development

The application seeks full planning permission for a single storey extension to the front and rear of the bungalow. The application also proposes erection of detached building to the rear for use as ancillary accommodation (residential annex). The annex will be situated in a similar location to the previously approved garage which has not yet been constructed.

The proposed single storey front extension will square off the dwelling by infilling a 4.55m x 5.09m area to the northern side of the bungalow. This would provide a new entrance and additional bedroom. This extension would measure 2.6m to the eaves and 4.5m to the top of a hipped roof which would match the existing bungalow.

The proposed rear extension would add a 6.5m x 4.375m extension to the rear of the property, set in from the existing side walls to be used as a lounge. The proposal would not extend the full width of the bungalow, but leave space either side for modified windows to the existing kitchen and bedroom that face west. This element of the proposal would have a flat roof with oversailing eaves and would measure 2.8m high to match the eaves height of the existing dwelling.

The proposed detached annex would be 'L' shaped and would include two covered areas resulting in a rectangular shaped building overall. The structure would have a total footprint of 38.5 sq.m. It would be 7.7m in length and 5.0m in width, and would measure

2.7m high to the top of a flat roof. Two external covered areas would be supported by upright timber posts.

This application is a revised proposal to a scheme granted planning permission in December 2020 under ref P/20/1922/2 for single storey front & rear extensions and erection of rear garage. It is a material planning consideration that the lounge extension currently proposed is identical to that already granted and that this permitted scheme remains extant until 14th December 2023.

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the Borough.

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– 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 - 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 minimize harm to visual and local amenities.

Other material considerations

The National Planning Policy Framework (2021)

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

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- 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.

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 55 sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraphs 126- 136 – Development is required to achieve high quality design that respects local distinctiveness and poor design should be refused.

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 135 also affirms that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between the permission and completion, as a result of changes being made to the permitted scheme.

National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

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.

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.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which 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.

Design Supplementary Planning Document (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.

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. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Relevant Planning History

Reference	Description	Decision & Date
P/08/1042/2	Erection of garage to the rear and porch to the front of dwelling.	Granted – 24/7/08
P/09/0841/2	Erection of a detached garage and boundary wall to the rear, porch and paved driveway to front of dwelling. (Revised scheme P/08/1042/2 refers)	Granted – 23/06/09
P/20/1916/2	Single storey front & rear extensions and erection of rear garage	Granted – 14/12/2020

Comments Received

Councillor Bolton objects to the proposal for the following planning reasons:-

- The proposed extension to the front may block the light to number 19 Hazel Road.
- The size of the proposed extension may have an overbearing impact and be out of character of the area which features two bedroom bungalows.

A letter of objection has been received from the occupier of No. 19 Hazel Road raising the following concerns:

- The proposed front extension will block light available to the only entrance to the neighbouring property at number 19,
- The scale of the proposed development will be overbearing to the current and future occupants of the neighboring property at number 19.

This neighbour also raises the following matters which are not considered to be determinative to the proposal:

- Disturbance from noise and dust and delivery lorries.
- There have been many planning applications approved none of which have come to fruition, but the site is used as a builders yard.
- A time limit for completion of the development should be applied.

Consideration of the Planning Issues

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

- Principle of development
- Design and the Impact on the Street Scene
- The Impact on Residential Amenity
- Use of the annex
- Highway Safety
- Other Matters

The Principle of the 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. The application site is within Loughborough, one of the main urban areas of the Borough, where the principle of extending dwellings is acceptable. The proposal is therefore considered to accord with Policy CS1 of the Core Strategy.

Design and the Impact on the Street Scene

Core Strategy Policy CS2 and saved local plan policies EV/1 and H/17 promote high quality design standards. Further guidance on design is set out in the Design Supplementary Planning Document.

The original property has a 'P' shaped footprint, and the proposed front extension seeks to infill a space next to the existing bedroom situated to the front of the main portion of the bungalow. The proposed front extension has been set back from the existing front wall of the original bungalow by 600mm. The roof shape is to match the existing pitched roof with a hip to the side. A single window is proposed to the front of the property in a manner that is similar to neighbouring bungalows along Hazel Road. It is considered that the proposal is acceptable in design terms and due to its design, scale and set-back from the public highway, would not be unduly prominent or incongruous in the street scene.

The single storey extension attached to the rear of the property is as previously granted under P/20/1922/2 where its design and appearance were considered acceptable. The proposed annex is similarly scaled to the single garage also previously granted in this position to the rear of the dwelling under that planning permission. Both of these proposed extensions are also not readily visible from within the street scene.

The proposal is therefore considered to accord with the provisions of the Development Plan and accompanying guidance in this regard and as set out in Policies CS2, H/17 and EV/1.

The Impact on Residential Amenity

Core Strategy Policy CS2 and saved local plan policies EV/1 and H/17 promote high quality design and layouts to preserve residential amenity for both occupiers of existing neighbouring properties and the future occupiers of new development.

The properties along this part of Hazel Road are not considered to have any rigid 'building line' or pattern of development, although it is recognised more regular set-back for properties becomes established in the pairs of semi-detached dwellings further south on Hazel Road.

Impact on 19 Hazel Road:-

The proposed extension to the front of the dwelling would be recessed 600mm from the existing front wall of the house and 1.3m from the front of the existing bay window at No.

21 and would not project beyond the front of No. 19 Hazel Road. The proposed front extension would be single storey, 8.7m from the application front boundary and include a hipped roof. It is not considered that the residential amenity of No.19 Hazel Road would be significantly impacted by the proposed front extension by reason of loss of light, loss of privacy or overbearing impact. It is recognised the occupier of No.19 has raised concerns regarding loss of light to their entrance, however it should be recognised that there would be no significant loss of light to principal rooms within No. 19 and accordingly it is considered the proposed front extension complies with the guidance contained within the adopted Supplementary Planning Document on Design in this regard.

With regards to the rear extension and proposed annex, it is noted that there is a garage situated alongside the boundary of the application site, belonging to number 19 Hazel Road. This garage predominantly screens the proposed rear extension and the proposed annex from the rear habitable room windows to this neighbouring property. It is therefore also considered that there will be no unreasonable loss of daylight, sunlight or overbearing impact or additional noise to this neighbouring property sufficient to sustain a refusal of the application in this case.

Impact on 27 Hazel Road:-

The proposed rear extension will not breach a 45 degree line taken from the centre of the nearest neighbouring habitable room for this property. Accordingly it is considered the proposal accords with the advice contained within the adopted Supplementary Planning Document on Design which seeks to safeguard against loss of daylight.

The proposal includes a side patio door facing towards the boundary with number 27. This will look out across the driveway for the application property. The shared boundary with the neighbouring property at number 27 has an existing boundary wall approximately 2.0m in height which will screen any overlooking from the proposed single storey development. Accordingly it is considered the proposed extension would not result in loss of privacy to No.27.

The proposed annex is located further to the rear and is situated within the garden of the host property. This element will be visible from habitable room windows of No.27. The height of the proposed annex is 2.7m to the top of the flat roof. Given its height, location, existing boundary treatment and relationship with the neighbouring property, it is considered that there would be no unacceptable impact in terms of light, outlook or privacy or additional noise for the occupiers of number 27.

Impact on 16 and 18 Atherstone Road to the rear:-

The proposed annex would be 22m from the rear principal windows of these properties. The existing rear boundary comprises a block wall approximately 1.8m high along its length. Ground levels rise by around 400mm to the west of the boundary and there is a fence on the neighbouring side approximately 2.2m in height above the applicant's ground level. This boundary treatment would provide visual screening for the proposed annex from these properties.

Given the scale, boundary treatment, separation distances and single storey nature of the proposal, it is considered that the proposed annex and rear extension would not cause an unacceptable loss of light or outlook to the neighbouring dwellings to the rear.

For the reasons set out above it is considered the proposal would not have an unacceptable impact on the residential amenity of the neighbouring properties and as such the proposal complies with Development Plan policies CS2, EV/1 and H/17 and the advice contained within the adopted Design Supplementary Planning Document.

Use of the annex

The use of the detached building to the rear of the bungalow is proposed as an annex comprising ancillary accommodation to the existing dwelling, and as such, is not under consideration to be used as a separate dwelling. It is however, recommended that in the event planning permission is granted, a condition be imposed to ensure its use remains ancillary to the occupation of No. 21 Hazel Road.

Other Matters

Concerns have been raised regarding the current use of the site and previous planning permissions that have been granted but have not been implemented. Although time limits are placed by condition for work to start within a three year period, it would be unreasonable for the local planning authority to require a developer to implement a permission once it has been granted, such a condition would fail the tests set out within the National Planning Policy Framework.

Whilst Councillor Bolton expresses further concerns that several planning applications have been previously submitted on this property without implementation of those schemes, and also comments on the condition and appearance of the front garden of the property, these matters not relevant to the consideration of the current application

Highway Safety

Saved local plan Policy TR/18 requires new development to provide off-street parking for vehicles and promotes standards that requires a maximum of 3 parking spaces for a 4 or more bedroom dwelling in the interests of highway safety. Paragraph 111 of the NPPF states that new development should only be resisted on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The proposal would result in the increase in the number of bedroom from 2 to 4 including the proposed annex. Sufficient space would exist to the front and side of the dwelling to park three vehicle following completion of the proposed front and rear extensions. Hazel Road is also on a frequent bus service route and this increases transport choice for potential 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 harm as described in Paragraph 111 of the National Planning Policy Framework would not be caused by the development.

Conclusion

In summary, for the reasons set out above, the proposed development is considered to be acceptable in its design and appearance and would have no significant impact on the wider street scene.

The proposal, given its design, scale and location would not be unreasonably detrimental to the amenities of neighbouring residential properties sufficient to warrant refusal of the planning application and in this case there are no highway safety impacts identified.

It is therefore recommended that planning permission should be granted, subject to 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 plans:
Application Form - received by the Local Planning Authority on 10th May 2021.
Applications Plans - Drawing No's Dwg Ref 2226 rev C and DWG Ref 2200.3 rev D received by the Local Planning Authority on 10th May 2021.
1:500 block plan received 24th May 2021.

REASON: To define the terms of the planning permission

3. The detached annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 Hazel Road, Loughborough. It shall not be occupied as a separate dwelling unit other than with the prior express planning permission of the local planning authority.

REASON: To prevent the letting or subdivision of the property which would likely cause an unacceptable impact upon residential amenity and parking.

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.

The following advice notes will be attached to a decision

1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS

DEVELOPMENT - Policies CS2, CS16 of the Charnwood Local Plan (2011-2028) Core Strategy, Policies EV/1, TR/18 and H/17 of the Borough of Charnwood Local Plan and the provisions of the National Planning Policy Framework 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 policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring properties at Nos. 5 and 9 Derwent Drive. A Solicitor or Chartered Surveyor should be able to give advice about whether and how the proposed work falls within the scope of this Act.

