

## Item No. 5

**Application Reference Number** P/21/0543/2

**Application Type:** Full **Date Valid:** 17/03/21  
**Applicant:** Mr A Bailey  
**Proposal:** Internal alteration to create 1 additional bedroom, proposed garden room/study to rear of House in Multiple Occupation (sui generis).  
**Location:** 133 Knightthorpe Road  
Loughborough  
Leicestershire  
LE11 5JR  
**Parish:** Loughborough **Ward:** Loughborough Storer  
**Case Officer:** Manju Mistry **Tel No:** 01509 634772

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This item is referred to Plans Committee at the request of Councillor Forrest who expresses concerns that an additional bedroom would cause over-development of the property, increased noise and disturbance for neighbours, and increased on-street parking in the locality.

### Description of the Site

No.133 is a detached hipped roof bungalow with accommodation in the roof space. The application site is located on the northern side of Knightthorpe Road, close to the junction with Milton Street. The property has hard standing area to the front including a 1m high iron railing fence to the highway boundary. There is one car parking space to the front and 2 spaces to the side of the dwelling. The property has a lawful use as a large House in Multiple Occupancy (HiMO) following a grant of planning permission by the Plans Committee in 2019 under reference P/18/2482/2. At the time, the submitted plans indicated the property would have six bedrooms.

Surrounding land uses are as follows:

<b>Boundary</b>	<b>Adjacent land use</b>
East	131 Knightthorpe Road – residential dwelling
West	5 Milton Street – residential dwelling
West	7 Milton Street – residential dwelling
North	7a Milton Street – residential dwelling
West	Sub station

### Description of the Application

The application consists of two elements;

A single storey extension to the rear of the property is proposed for use as a garden/study room. The extension would be situated approximately 2 metres away from the boundary with No.5 Milton Street. The extension would be 4 metres wide and 4 metres long with a ridge height of 2.8 metres. A flat roof is proposed with two roof lanterns to provide light, with the extension materials to match the existing dwelling.

The second element of the application makes provision for internal alterations to the property to facilitate an additional bedroom to be occupied by an 8th person.

Members may recall that when considering the previous application for a change of use to a large HiMO (P18/2842/2), the committee felt it was necessary to impose a planning condition to the permission restricting the number of occupants in the property to 7. The legislation allows for up to 12 occupants in a large HiMO, but members considered that having 12 unrelated people in the dwelling could give rise to amenity issues. The condition was imposed to allow the potential impact of having more than 7 unrelated people living in the property to be assessed to ensure amenity is preserved.

The proposed internal works to the ground floor consist of converting the existing study to bedroom 7, and converting the lounge to bedroom 8, bringing the total to 8 bedrooms. If it were not for the condition imposed on planning application P/18/2842/2 these change could be made without the need for planning permission.

The following documents accompany the application:

- Existing and proposed floor and elevation plans – Scale 1:100
- Proposed block plan – Scale 1:500
- Site location plan – Scale 1:1250

### **Development Plan Policies**

The following Development Plan policies and guidance are relevant in the assessment of an application for the development:

Charnwood Local Plan Core Strategy 2011 – 2028 (adopted 9 November 2015)

The following policies are relevant to this application:

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

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.

Policy CS3 – Strategic Housing Needs seeks to manage the delivery of new homes, making provision for an appropriate mix of types, tenure and sizes of homes, having regard to identified housing needs and the character of the area.

Policy CS16 – Sustainable Construction and Energy encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

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 TR/18 – indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

#### **Other Material considerations**

##### The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of particular relevance to this proposal includes:

Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs. The Framework requires that planning decisions should, inter alia, create places that are safe, inclusive and accessible which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

#### Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

#### Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality, beautiful, sustainable and inclusive design should be planned for positively (paragraph 126).

#### Section 14: Meeting the challenge of climate change, flooding and coastal change

New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Paragraph 56 of the National Planning Policy Framework states 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

#### Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance 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 travel plans, supporting the policy framework as set out in the NPPF.

### National Design Guide

This document created by government which seeks to inspire higher standards of design quality in all new 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 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.

### Technical Housing Space Standards (2015)

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, it is however a material consideration.

### Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

### The Draft Charnwood Local Plan 2021-37

The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six-week pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021. This document carries only very limited weight at this time, however, the site has been proposed as a residential allocation of 223 homes under policy DS3 (HA60).

### **Relevant Planning History**

<b>Ref.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/07/0655/2	Erection of rear extension to bungalow and alterations to roof, including side dormer to form first floor accommodation	Grant – Delegated Decision	01/05/07
P/07/1988/2	Erection of a conservatory to the rear of the dwelling	Granted – Delegated Decision	28/08/07

P/18/2482/2	Change of use from House in Multiple Occupation (Use Class C4) to a large House in Multiple Occupation (sui generis).	Grant – Plans Committee Decision	05/04/19
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### **Consultation Responses**

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

<b>Consultee</b>	<b>Response</b>
CBC Environmental Health	No objections to the proposal.
CBC Private Sector Housing	No objections to the proposal
Cllr Forrest	Does not support the application stating that the extra bedroom would be an over-development to the property, leading to increased noise and disturbance for neighbours. The addition of further rooms would lead to an increase in road parking on a very busy road.
Neighbour comments received from: 131 Knightthorpe Road, 7A Milton Street, 7 Milton Street.	<ul style="list-style-type: none"> <li>• Police have been called, due to loud parties being held throughout the night, additional residents would exacerbate the anti-social behaviour</li> <li>• There is an existing problem with on road parking, including cars from this property and cars from the church opposite, additional residents would exacerbate the issue.</li> <li>• Concerns over the change in use of the property from multiple occupation to large occupancy,</li> <li>• Increased disturbance to nearby residents</li> <li>• Highway safety concerns - visibility splays from property, when cars parked.</li> <li>• The bungalow is set at a higher level, accordingly concerned about loss of privacy to nearby properties.</li> </ul> <p>Other non-material planning considerations have also been raised including the fact the property has been let out and has a high turnover of tenants, the occupation levels during the Pandemic, questions of the need for such a large property and criminal damage caused by previous tenants</p>

## **Consideration of the Planning Issues**

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

- The Principle of Development
- Design and the Impact on Visual Amenity
- The Impact on Residential Amenity Highway Safety.

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 most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

### The Principle of the Development

The application site is located within the Development Limits of Loughborough, as established under “saved” Policy ST/2 of the Charnwood Local Plan 2004. Policy ST/2 states built development will be confined to allocated sites and other land within the Limits to Development identified on the Proposals Map, subject to the specific exceptions set out in this Plan.

With regards to the principle of the proposed extension, the Development Plan sets out provision for extensions and alterations to dwellings that are in accordance with the relevant amenity policies. This element of the proposal is therefore considered acceptable in principle.

With regards to the creation of an additional bedroom at the property, the dwelling benefits from a lawful use as a large HiMO (sui generis) following the grant of planning permission reference P/18/2482/2. The provision of an additional person occupying the property would not change the lawful use of the property. It is therefore considered this element of the proposal is acceptable in principle.

For the reason set out above it is considered the principle of the proposals is acceptable and accords with relevant policies of the Development plan. Matters regarding the effect of the proposed development in terms of the Community Balance, Design and the Character of the Area are considered in detail below.

### Design and the Impact on Visual Amenity

Policies CS2, EV/1 and H/17 seek to require high quality design where people would wish to live through design that responds positively to its context.

The proposed single storey extension to provide a garden/study room would be situated entirely to the rear of the dwelling and would have very limited impact on the visual amenity of the street scene. The scale and mass of the extension is considered to be acceptable and would assimilate well with the scale of the existing dwelling. Whilst a flat roof would not normally be a desirable element for house extensions, given it would be situated to the rear of the dwelling and would not be visible from any public vantage points it is considered to be an acceptable design approach in this case. The provision of the roof lanterns will also provide some visual interest to the appearance of the roof. The walls would be constructed from materials to match the existing property. Accordingly it is considered the design, scale and appearance of the extension is acceptable.

The provision of the additional bedroom within the dwelling would not necessitate any external alterations to the property. Accordingly, there are no design issues for consideration with regards to this element of the proposal.

Overall, given this context it is considered that the development complies with the relevant Development Plan policies and associated guidance in design terms.

### Design and the Impact on Residential Amenity

Policy CS2 of the Core strategy and EV/1 and H/17 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design Supplementary Planning Document (2020) also provides spacing standards and guidance to ensure adequate levels of amenity are maintained.

The proposed rear garden/study room extension would be situated closest to the residential property at No. 5 Milton Street to the west. No.131 Knightthorpe Road would be situated further away to the eastern boundary of the site. No.7a Milton Street is situated along the northern boundary, but it is a considerable distance away. The adopted Design Supplementary Planning Document sets out a number of criteria to assess development proposals against to ensure neighbouring amenity is not significantly harmed in terms of the loss of sunlight/daylight, outlook and privacy. The position, scale and mass of the extension would not breach any of the criteria set out within the Design Supplementary Planning Document with regards to the potential impact on the neighbouring properties. Due to a change in land levels to the rear of the property, the floor level of the extension would be set circa 60cm higher than the existing ground level. Whilst there are side facing windows proposed in the western elevation which is closest to No.5 Milton Street, the bottom of the windows would be 1.8m from the floor level and would therefore maintain the privacy of the neighbouring dwelling.

The works to facilitate the additional bedroom at the property would not result in any external changes to the property that would need to be assessed using the same criteria set out in the Design Supplementary Planning Document. It should be recognised that the

provision of the additional bedroom does not change the existing lawful use of the property as a large HiMO. The current proposal includes the provision of an eight bedroom at the property only a result of the condition imposed on the previous planning permission reference P/18/2482/2. Without the condition, the provision of additional residents in a large HiMO would not require formal consent from the local planning authority. Accordingly a judgement in this case must be made as to whether the provision of an additional eighth resident at the property (net increase of 1), would give rise to such unacceptable levels of noise and disturbance that a refusal of planning permission could be justified. Given the current use lawful use of the property, it is not considered that the provision one additional resident would cause such significant harm to neighbouring amenity that this could be the case.

With regards to the amenities of the future occupiers of the development, the rooms to be created comply with the spacing standards set out in the DCLG Technical Housing Standards. The rooms would also benefit from natural light sources. It is therefore considered the proposal would preserve the amenities of the future occupiers of the development.

Overall, it is considered that the proposal would maintain the residential amenities of nearby occupiers, along with that of the future occupiers of the development. The proposals thereby accords with the provisions of the Development Plan and associated guidance in this regard.

### Highway safety

The Council has adopted standards which, under Policy TR/18 would require the provision of 3 off-street car parking spaces to serve dwellings with 4 or more bedrooms. As with the previous scheme, the submitted plans show the provision of 3 car parking spaces to the front and side of the property. Although it is acknowledged that it may not always be convenient for occupiers to tandem park, the proposal meets with the parking standards set out in TR/18 as supported by the Leicestershire Highways Design Guide. It is also important to consider that the site is situated within walking or cycling distance of the town centre, university and close to local shops and bus services and therefore, there is no essential need for occupiers of the dwelling to use a car to access services and facilities.

To refuse a planning application on highway safety grounds it must be demonstrated that there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe in accordance with para 111 of the National Planning Policy Framework. For the reasons set out above, it is not considered that such harm would arise and a highway reason for refusal cannot be substantiated.

### **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them.

For the reasons given above, it is considered that the proposed single storey extension to the rear would not have an unacceptable impact on visual and residential amenity or highway safety. The provision of an additional resident at the property, given its current lawful use as a large HiMO would also not result in a severe loss of neighbouring amenity. The proposals make provision for off-street parking in accordance with adopted standards and therefore it cannot be demonstrated that the development would be harmful to highway safety.

The proposal is thereby considered to comply with the provisions of the Development Plan policies and relevant guidance listed above. Accordingly it is not considered there are any justifiable reasons to refuse planning permission and it is recommended that planning permission should be approved.

### **RECOMMENDATION:**

Grant Conditionally

This permission is granted subject to the following Conditions and Reasons:-

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:

Existing and proposed floor and elevation plans - Scale 1:100

Proposed block plan - Scale 1:500

Site location plan - Scale 1:1250

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.

4. The use of the property shall be limited to occupation by no more than 8 persons.

REASON: In order to ensure the use remains compatible with the surrounding residential area, to protect amenity and to ensure the use does not have a detrimental impact in accordance with policy CS2, CS4 and EV/1 of the Development Plan.

5. The three off-street car parking spaces shown on the submitted plan shall be retained and maintained in perpetuity for the parking of vehicles within the curtilage of the site.

The car parking spaces shall not be used for any other purpose other than with the prior express planning permission of the local planning authority.

Reason: To ensure adequate off-street car parking in the interests of highway safety.

The requirements of these conditions must be complied with.

Note:-

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information. <http://www.charnwood.gov.uk/pages/planapps>

The following notes should be taken into account when carrying out the development

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies CS2, , and CS16 of the Charnwood Local Plan 2011 to 2028 Core Strategy (adopted 9th November 2015) and Policies ST/2, TR/18, EV/1 and H/17 of the Borough of Charnwood Local Plan (adopted 12th January 2004). It also accords to national planning guidance contained in the National Planning Policy Framework and the National Design Guide have been considered in reaching a decision on this application. The proposed development complies with the requirements of these Development Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
2. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
3. The Applicant is requested to note that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Charnwood Borough Council (Tel. 01509 634924 or 01509 634757). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
4. 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.

