

### Item No. 3

#### Application Reference Number P/21/2220/2

<b>Application Type:</b>	Householder	<b>Date Valid:</b>	12/10/2021
<b>Applicant:</b>	Mr and Mrs N Patel		
<b>Proposal:</b>	Single Storey Side and Rear Extension to dwelling.		
<b>Location:</b>	49 Althorpe Drive Loughborough LE11 4QT		
<b>Parish:</b>	N/A	<b>Ward:</b>	Loughborough Garendon
<b>Case Officer:</b>	Joe Davies	<b>Tel No:</b>	07734 334548

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### Background

This application has been brought to plans committee as it has been called in by Cllr Boldrin for the following reasons:

- Loss of light to the house and gardens of neighbouring properties.
- The visual impact and character and appearance.

### Description of the Application Site

The application site comprises a semi-detached dormer bungalow in a residential area. The property has a garden to the front and a driveway to the front and side. There is also a garden to the rear and a detached single garage to the side and rear. To the south of the site is the public highway, to the east is the attached property at 47 Althorpe Drive and to the west is the property at 51 Althorpe Drive. To the north of the site are the dwellings at 18 and 20 Osterly Close.

### Description of the Proposal

The application seeks planning permission for the demolition of the existing garage at the property and the erection of a single storey extension to the rear, which would also extend beyond the side elevation. The extension as proposed would have two pitched roofs and would be constructed using matching materials. The extension would be 6.8 metres in length at its longest point. This would reduce to 5 metres, next to the boundary with 47 Althorpe Drive. The extension would have a maximum width of 7.37 metres and would have a height of 2.2 metres to the eaves and one of the roof pitches would have a ridge height of 3.43 metres, whereas the roof pitch closest to 47 Althorpe Drive would have a ridge height of 3.14 metres.

## **Development Plan Policies**

### Charnwood Local Plan Core Strategy (adopted 9 November 2015)

*Policy CS1 – Development Strategy* – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4<sup>th</sup> in a hierarchy of 5) where small scale development within limits to development is supported.

*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 CS16 Sustainable Construction and Energy* - supports sustainable design and construction techniques.

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

*Policy TR/18 Parking in New Development* - This seeks to set the maximum standards by which development should provide for off street car parking.

*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.

## **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 12: Requiring well-designed places.* The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively

*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 It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption and renewable and low carbon energy development should be maximised

### 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.

### National Design Guide

This document sets out the Government's design guidance to support the NPPF.

### Design Supplementary Planning Document (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.

### Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with parking, highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant

### 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 Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12th July 2021 to 23rd August 2021 and submitted to the Secretary of State on

the 3rd December 2021. The Plan will now proceed to examination during 2022. This document carries limited weight at this time.

### 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)

Consultee	Response
Ward Councillor Boldrin	<p>The Councillor confirmed that he had received correspondence from the resident at 47 Althorpe Road, and that he agrees and supports their concerns regarding the potential detrimental impact on their residential amenity. Accordingly, Cllr. Boldrin has called the application in on the following grounds;</p> <ul style="list-style-type: none"> <li>• Loss of light to the house and gardens of neighbouring property.</li> <li>• The visual impact and character and appearance.</li> </ul> <p>Concerns also relate to loss of value to neighboring property, however this is not a material planning consideration.</p>

### Other Comments Received

One letter of objection has been received from the neighbour at 47 Althorpe Drive. Their concerns are summarised below. Please note that residents' comments can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

- Loss of light to the neighbour's house and garden due to the length and height of the extension and the diminishing of the light and airy character of the area.
- Visual impact when viewed from the property at number 47, particularly the addition of 45 square metres of additional grey roof spaces when viewed from upstairs windows and the extension appearing larger than the footprint of the existing house. It would be out of scale and proportion with the original property and others in the area.
- Proximity to the boundary restricting privacy and the use of 47's garden.
- Impact on the wellbeing of residents of 47.
- The proposed development would reduce the value of number 47.

Comments relating to reductions in property value are not material planning considerations.

## **Planning History**

None relevant

## **Consideration of the Planning Issues**

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. 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, in this regard.

The main issues are considered to be:

- The principle of the proposed development;
- Design
- Residential Amenity
- Other matters

## **Principle of the proposed development**

The vision for the Borough as set out in the Charnwood Local Plan 2011-2028 Core Strategy (2015) confirms that by the end of the plan period Charnwood will be one of the most desirable places to live, work and visit in the East Midlands. To achieve this development will have been managed to improve the economy, quality of life and the environment.

The principle of extensions to existing dwellings are not restricted by local or national planning policy, providing they accord with the other relevant policies of the development plan. Accordingly the principle of development is considered acceptable, subject to the proposal being acceptable in terms of its design, impact on amenity and other matters.

## **Design**

Development Plan policies CS2, H/17 and EV/1 seek to require high quality design where people would wish to live through design that responds positively to its context. Policies CS2 and EV/1 also require that new development respects and enhances the

character of the area in terms of scale, density, massing, height, landscape, layout, materials and access arrangements.

Section 12 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 134 of the NPPF 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.

In terms of the design of the proposed extension, it would be single storey with a pitched roof and would use matching materials. In addition to this other than the small part that extends beyond the side elevation, it would be almost entirely screened from the street scene and public view.

Although it would be visible from the property at 47 Althorpe Drive, the length of the proposed extension is significantly reduced close to the boundary with this property and there is also a boundary fence that runs between the two properties. Whilst it is recognised the extension would be taller than this fence, it is considered the fence would reduce the impact.

In terms of scale and proportion of the proposed extension, whilst it is acknowledged that the proposed extension would have a large footprint in relation to the existing dwelling, its low height is considered to reduce its impact and it is considered the proposal would be of a suitable scale in relation to the existing dwelling.

Accordingly, it is considered the application would deliver a scheme of which the design accords with Policy CS2, EV/1, and H/17 of the Development Plan and the advice contained within the adopted Design Supplementary Planning Document.

### **Residential Amenity**

Development Plan policies CS2, H/17 and EV/1 also seek to protect the amenity of local residents in close proximity to proposed development and Paragraph 130(f) of the NPPF also states that development should provide a high standard of amenity.

In terms of the impact on the neighbouring property at 51 Althorpe Drive, this property is set back from the boundary with the applicant's and the extension would have no significant impact on this property over and above the existing garage. There would also be no side windows proposed facing this property that would lead to overlooking. As a result, the impact on this property is considered to be acceptable.

In terms of the impact on the neighbouring property at 47 Althorpe Drive, the proposed extension would just comply with the 45 degree rule, as set out within the adopted Design Supplementary Planning Document for assessing loss of daylight, in relation to No.47 when measured vertically against the nearest window. It should also be recognised that there is already a degree of overshadowing and loss of light to the rear windows of 47 Althorpe Drive caused by an existing timber structure to the rear of this property. Furthermore, given the extensions single storey scale, it is not considered to result in significant loss of light to the rear garden area of No.47. The

extension would be to the north of No.47 which would further reduce the impact in relation to loss of sunlight. With regards to loss of privacy the proposal includes no side windows facing this property that would lead to overlooking. As a result, the impact on No.47's residential amenity by reason of loss of privacy, over bearing impact and/or loss of light is considered to be acceptable. In terms of outlook, it is typical to view extensions and other structures from the rear windows of dwellings in suburban residential areas such as this. As a result the impact on outlook is also considered to be acceptable and would not be sufficient justification for a refusal of permission.

With regards to No. 18 and No. 20 Osterly Close given the proposed extension would be single storey and would be located approximately 11 metres from the boundary with these properties it is considered the application would not result in significant detrimental impact on the residential amenity of the occupiers of these properties.

In terms of the impact on the amenity of the occupiers of the host property, it is considered by officers that there would be sufficient outdoor amenity space remaining at the property following the proposed extension.

Given the assessment above, it is considered the impact of the proposed development on neighbour amenity would be acceptable and in accordance with Policy CS2, EV/1 and H/17 if the Development Plan and the Design Supplementary Planning Document.

### Other Matters

In terms of highway safety and parking, it is considered that the proposals would not increase parking requirement on site, in accordance with policy TR/18 or the Leicestershire Highways Design Guide. Nor would it increase the use of the access as it is proposed to remain as a single family unit. The area to the side of the house is also considered to be too narrow to count as useable parking space, as is the existing garage, so there would also be no loss of formal parking provision as a result of the proposed development. The impact on highway safety and parking provision is therefore considered to be acceptable and the application accords with policy TR/18 of the development plan and the advice contained within the NPPF

In respect of flooding, the site is located within flood zone 1 and therefore not at high risk of flooding. The applicant has a responsibility under the building regulations to ensure any additional surface water is disposed of on-site via suitable methods without resulting in any increase run off to neighbouring properties.

There are no protected trees in close proximity to the proposed development that would be impacted upon and although the neighbour at 47 Althorpe Drive has raised concerns regarding the impact on the value of their property, this is not a material consideration that can be taken into account in the determination of a planning application. It is however, recommended that a Party Wall Act informative is included as part of any planning permission.

### **Conclusion and Planning Balance**

Given the design, scale, location and orientation of the proposed single storey extension, the proposal would not result in a significant adverse impact on neighbour

amenity which would justify the refusal of planning permission. In addition, it is not considered the proposal would result in a significant adverse impact on visual amenity or highway safety. The impact of the proposed development is therefore considered to be acceptable and in accordance with Development Plan Policies CS1, CS2, EV/1, H/17 and TR/18, the adopted Design Supplementary Planning Document and advice contained within the National Planning Policy Framework

Accordingly, the application is recommended for approval subject to conditions.

**RECOMMENDATION**

This planning permission is granted subject to the following Conditions and Reasons why they are imposed.

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>- PN12 – Location Plan;</li> <li>- PN12 - Sheet No 1, Issue No 1; and</li> <li>- PN12 – Block Plan.</li> </ul> <p>REASON: To define the terms of the planning permission.</p>
3.	<p>Only those materials specified in the application shall be used in carrying out the development hereby permitted.</p> <p>REASON: To ensure the satisfactory appearance of the completed development.</p>

Informative Note(s):

1. The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy (adopted 9th November 2015) and Policies EV/1 and H/17 of the Borough of Charnwood Local Plan (adopted 12th January 2004) 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 would outweigh the provisions of the Development Plan in reaching a decision on this application.

3. Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Design Supplementary Planning Document.
4. The provisions of the Party Wall Act 1996 may apply in relation to the boundaries with neighbouring properties. 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.
5. 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.

