

## COMMITTEE REPORT

<b>20220977</b>	<b>8 Thoresby Street</b>	
Proposal:	Retrospective application for construction of single storey extension at front, side and rear of house; alterations (Class C3) (Amended plans received 5/8/2022)	
Applicant:	Mrs R Mann	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	12 August 2022	
ACB	TEAM: PE	WARD: North Evington



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### Summary

- Application is reported to the committee at the request of Councillor Joshi.
- No objections have been received
- Issues are the impact of the extension on the residential amenity of neighbouring properties
- Application is recommended for refusal

## The Site

The application site is a semi-detached house located within a residential part of the City. Part of the rear garden is within an area at risk of flooding from a 1 in 1000 year event.

## Background

In January 2021 planning permission 20202359 was granted for the construction of a single storey canopy at the front, a single storey extension at the side and rear and the construction of a decking area at the rear.

Also in January 2021 under notification 20202466 it was determined that prior approval was not required for the construction of a single storey extension to the rear of the house. Notes to applicants were included on both applications to advise that they could not be constructed in one building operation.

In April 2022 a report was received by the Enforcement Team that a large extension was being constructed to the side and rear of the house.

## The Proposal

The application has been submitted as a result of the investigation and is for retrospective permission for the construction of a single storey extension to the front, side and rear of the house.

The front extension is in the form of a canopy and is 3.5m high and spans the width of the original front of the house.

The side extension is 1.9m wide, 14 metres deep and 3.2 metres high with a dual pitched roof.

The rear extension projects 6 metres from the rear of the house. It is 5.4 metres wide and 3.5 metres high with a dual pitched roof.

The extensions would be finished in render and the existing house would also be rendered. The extensions have been constructed in one building operation.

Amended plans were submitted showing a corner of the extension closest to 10 Thoresby Street being removed, however the applicants have requested that the application be determined based on the originally submitted plans.

## Policy Considerations

### National Planning Policy Framework 2021 (NPPF)

Paragraph 2: applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11: A presumption in favour of sustainable development.

Paragraph 126: the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should

achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being.

This paragraph, specifically 130(f), also requires development to afford a high standard of amenity for existing and future occupiers and is consistent with policy PS10 of the City of Leicester Local Plan

Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Development plan policies relevant to this application are listed at the end of this report.

Residential Amenity SPD

## Representations

The application was advertised by letters to neighbours. No comments have been received from members of the public.

Councillor Joshi has requested that the application be determined by your committee to allow wider discussion on the issues related to the case.

## Consideration

### Principle of development

The application is for extensions to a house in a residential area. Therefore it is acceptable in principle subject to considerations regarding design, residential amenity and in this case the impact on flooding.

### Design

Policy CS03 of the Leicester Core Strategy states that the Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment.

The proposed canopy to the front of the property would be a small scale addition to the front of the property and would not be supported by brackets rather than columns. The neighbouring property at 10 Thoresby Street also has a canopy and there are other examples of canopies on Thoresby Street.

The proposed side extension is set back from the front of the property and replaces a poorly designed covered area.

The proposed rear extension has a different roof arrangement from the original house, however it is located to the rear of the property and cannot be seen from the public view. Given the depth of the extension it would be difficult to provide a single pitched roof and I therefore consider that a refusal on design grounds could not be justified.

#### Residential amenity (*neighbouring properties*)

The neighbouring property at 6a Thoresby Street remains as constructed. The side extension would be located on the boundary with this property. Whilst the proposed extension would intersect a 45° line taken from the centre point of the nearest window to a habitable room in this property the extension replaces a garage that also intersected the 45° line. I therefore consider that the impact on the residential amenity of the occupiers of this property would not be significantly harmful to justify refusal.

The neighbouring property at 10 Thoresby Street has been extended to the rear with a two and single storey extension. The single storey extension projects 3 metres from the rear of the house at the point closest to the proposed rear extension and there is a set of double doors to the rear of this extension- these are the only windows available to this room. The proposed extension would intersect a 45° line taken from the centre point of these doors and the proposed rear extension would result in a loss of light and outlook from the neighbouring property at 10 Thoresby Street to the detriment of the residential amenity of the occupiers of this property. I therefore consider that the proposal would be contrary to paragraph 130(f) of the NPPF and saved policy PS10 of the City of Leicester Local Plan in this regard.

The neighbouring property to the rear at 17 The Littleway is approximately 27 metres from the rear of the proposed rear extension and this would be greater than the separation distance required by the guidance in the Residential Amenity SPD. I therefore consider that the impact on the residential amenity of the occupiers of this property would not be significant enough to justify refusal.

#### Highways and Parking

The proposal results in the loss of one off street parking space in the form of the covered area to the side. However, this space would not have been considered to be wide enough to accommodate a vehicle of modern standards. There remains sufficient space for off street parking on the front of the property and I therefore consider that a refusal on the impact on the highway could not be justified.

#### Drainage

Part of the rear garden of the property where the rear extension is proposed is within an area at risk of flooding from a 1 in 1000 year event. If the proposal were recommended for approval I would propose a condition requiring floor levels to be no lower than the existing and for flood proofing and resilience measures to be included.

### Other matters

Whilst planning permission has been granted for the front and side extension and a determination that prior approval was not required for the rear extension has also been made, these are separate decisions operating under separate areas of planning and the two developments cannot be constructed at the same time. The reason behind this is that the prior approval extension would not comply with the submitted details and the side extension would breach the condition relating to the approved plans under the previously approved. The resulting development may be similar had it been built in separate stages however planning permission and prior approval are given for the construction of the buildings and not the resulting building.

The Prior Approval Notification procedures did not allow the impact on the 45 degree line affecting the adjacent property to be considered- however this is now a material consideration with regard to the retrospective application to retain the structure as built subject of this report.

### **Conclusion**

In conclusion I consider that the application would have a significant detrimental impact on the residential amenity of the occupiers of 10 Thoresby Street due to loss of light and outlook.

I recommend REFUSAL for the following reasons:

#### REASONS FOR REFUSAL

1. The proposal by virtue of its depth and siting would result in an adverse impact on the amenity of occupants of 10 Thoresby Street in terms of loss of outlook and light to their rear ground floor principal window and would be contrary to the National Planning Policy Framework (2021) paragraph 130 (f) which requires development to afford a high standard of amenity for existing and future occupiers. The proposal would also be contrary to saved policy PS10 of the City of Leicester Local Plan and guidance in Residential Amenity SPD (2008).

#### NOTES FOR APPLICANT

1. REFUSAL - NEGOTIATION

### **Policies relating to this recommendation**

- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.