

## COMMITTEE REPORT

<b>20221285</b>	<b>9 Uppingham Close</b>	
Proposal:	Construction of first floor extension; alterations to house (Class C3) (amended plans received 27/09/2022)	
Applicant:	Gurnake Singh	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	24 November 2022	
RB	TEAM: PD	WARD: Evington



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### Summary

- 19 objections from 5 different households have been received on grounds of parking, residential amenity, design, and impact on the character and appearance of the area.
- 18 letters of support from 9 different households have been received.

- The main issues are the residential amenity for the future occupiers and neighbouring properties, design, impact on the character and appearance of the area, and parking.
- The recommendation is for conditional approval.

## The Site

This application relates to a 1970s detached bungalow situated on the north side of Uppingham Close. It is one of a matching pair of bungalows (9 & 10 Uppingham Close) in buff-coloured brick and separated by a matching pair of detached double garages.

The application bungalow has been previously enlarged by the addition of a single storey extension and conservatory at the rear.

Development in Uppingham Close is characterised by 1970s houses of buff/light coloured brick and set within plots of differing size, with open-plan, landscaped forecourts.

On-street parking in Uppingham Close is not subject to controls.

## Background

Application 20212486 for alterations and construction of first floor extension to house (Class C3) was withdrawn on 03/03/2022.

This proposal was amended during the course of this application to omit a two storey extension to the west side of the bungalow. At this stage, the amended plans also showed an increase in the ridge height of the proposed first floor extension from 6 metres to 7 metres, and an increase in the eaves height from 4.2 metres to 4.3 metres.

The proposal was further amended to address an issue with regards to the alignment of the front partial dormers and windows, and as part of this amendment the applicant had chosen to revise the internal layout of the first floor.

## The Proposal

The application proposes:

- A raised ridge height to provide an additional floor. The total height would be 6.5m with an eaves height of 4.1m, with a catslide roof over the proposed element over the existing front projection reducing the eaves height to this part of the proposed building to 3.4m. The eaves height to the rear on the 8 Uppingham Close side would be 5.1m to the eaves, due to this part of the extension being set back from the rear elevation by 2m;
- The existing recessed entrance at ground floor level to the front of the property would be infilled, providing a stairway to the first floor and a hallway. Brick to match the existing would be used to the infill at ground floor level;

- The first floor would be finished with render. The first floor windows would be accommodated within gables and partial dormers projecting out from the main front and rear of the roof;
- The additional floor would accommodate five bedrooms, one with an ensuite wet room, and a bathroom;
- The ground floor layout would be altered to provide a lounge in place of the existing three bedrooms on the ground floor, a sitting room in place of a larger lounge, a kitchen/dining room in place of an existing kitchen, bathroom and part of the existing lounge, and a WC and utility room to the rear;
- At the rear, the existing conservatory and single storey extension would be retained, and the original part of the bungalow that projects rearward would also be retained as a single storey element (but with alterations to replace its existing monopitch roof design with a more conventional lean-to roof). There would be external alterations to enclose the existing recessed porch at the front and, as part of this, to provide a new entrance door and window.

Amended plans have been received to set back the first floor extension back from the rear elevation by 2m at the western side of the property, instead of the originally proposed 1m, to reduce the ridge height of the proposed extension by 0.5m and increase the height of the eaves by 0.2m. These amendments are reflected in the description of the proposal above.

Neighbours and objectors were reconsulted on the application and were invited to provide comments for the amended plans.

## Policy Considerations

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

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development.

Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision makers should approve applications for sustainable development where possible.

Paragraph 56 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable.

Paragraph 111 states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative impacts on the road network.

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the

surrounding built environment; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 134 states that development that is not well designed should be refused, taking into account any local design guidance and supplementary planning documents.

### Leicester Core Strategy (2014) and City of Leicester Local Plan (2006)

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

### Supplementary Planning Documents

Residential Amenity SPD (2008) – Appendix G

## Consultations

None

## Representations

Representations objecting to the proposal have been received from residents at five different addresses within the city. Objections were received after a reconsultation period from four of the households that objected to the application initially. These representations raise the following issues, which are summarised below:

### *Character and Appearance issues*

- cul-de-sac not designed to support further development
- overbearing
- design out of character/scale disproportionate
- proposed materials not in keeping with the area
- does not respect massing and materials of neighbouring houses
- loss of spaciousness

### *Amenity issues*

- loss of outlook from first floor side facing habitable window
- loss of light, space and outlook from neighbouring dwellings and garden space
- differences in land levels exacerbate the amenity impacts
- loss of views
- disruption and inconvenience during construction (noise, dust, parking, traffic, etc)
- impact on safety, health/mental health and welfare
- overlooking of garden – young children overlooked by several bedrooms
- loss of privacy
- noise from more intensive occupation of application property
- the proposal would block views of trees, adversely impacting amenity
- no other refuge except home during ongoing global pandemic

- Breach of human rights

*Parking and Access issues*

- narrow carriageway/inadequate space for parking/turning/access including delivery and emergency vehicles (risk to life)
- garage not used for parking
- inadequate parking for size of property proposed

*Other issues*

- would create precedent
- there are covenants on the property to prevent development
- less ambitious applications at other properties rejected twice
- loss of bungalow – discriminates against older people
- developers supporting development and pressuring residents to sell
- objections met with lengthy supportive submissions including potentially libellous comments
- other developments referred to in supportive comments not relevant
- residents must be allowed to comment on any modifications
- Safeguarding issues

Photographs have been submitted in support of some of the objecting representations. These photos show the application site from the first floor bedroom window of the neighbouring property at 8 Uppingham Close and the rear of the application property from the garden area to the side of the neighbouring property at 8 Uppingham Close.

Representations supporting the proposal have been received from nine city addresses. These representations make the following points, which are summarised below:

- The proposal would appear attractive
- The existing bungalow looks out of character with existing properties within the area
- House prices would increase
- Amendments to the application have been made to address the concerns of planning officers
- The amenity and outlook of the neighbouring properties are not harmed but improved.
- The proposal would provide needed accommodation
- That the planning committee should visit the site

Conflicting concerns over the nature and veracity of the representations received and discussions/inappropriate behaviour between various different parties in this case have been received. The Planning service is not in a position to verify the validity of the various claims or counter claims of this nature and Committee members are advised to concentrate on the material planning considerations as set out in this report in their decision taking.

## Consideration

The main issues in this case are: the principle of development; the character and appearance of the area; the amenity of neighbouring properties; the amenity of occupiers of the application dwelling; and parking and access.

### Principle of Development

The site is within an area classified as Primarily Residential within the Leicester Local Plan (2006). The principle of residential extensions is acceptable given the use of the site and location of the property in a residential part of the City.

Therefore, I consider that the proposal is acceptable in principle subject to the following considerations.

### Character and Appearance

Core Strategy (2014) Policy CS03 calls for developments to contribute positively to the character and appearance of the built environment and requires developments to be appropriate to the local setting and context. The Policy goes on to refer to, amongst other things, scale, height, layout, urban form, architecture, massing and materials. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (b) the visual quality of the area and (f) the ability of the area to assimilate development.

Appendix G of the City Council's Residential Amenity supplementary planning document (2008) provides local design guidance for householder development.

The addition of a first floor would result in a change to the appearance of the existing bungalow. However, as properties along Uppingham Close are predominantly of bespoke design, the resulting house would not result in a harmful impact on the rhythm or uniformity of built form. The houses at the turning head of the Close are characterised by lower than conventional eaves heights, particularly to their front elevations, and the design of the proposal successfully reflects this.

I consider that the variety of individual designs within the immediate area would mean that the resultant property would not appear out of keeping with the prevailing character of the area.

The pitch of the roof has been amended so that it is steeper than originally proposed. Although the pitch of the roof would not be as steep as the properties within the Close, I consider that the proposed roof form would fit better within the context of the surrounding area. The design uses lower eaves than would be conventional for a two storey house, with the effect that the ridge height, at 7m, and overall proportions of the enlarged dwelling would be comparatively modest.

SPD Residential Amenity sets out that the type, proportions, subdivisions and materials of the new windows and doorways should match those of the original house. The two end half dormers and windows would line-up with the existing ground floor fenestration on the front elevation and the central half dormer and window would sit above the dwelling's main entrance, which complies with the

guidance set out within SPD Residential Amenity. Overall, I am satisfied that the proposed form and arrangement of fenestration is appropriate.

The predominant finish material of development in the Close is light coloured buff brick; however, there are hanging tiles and plain concrete roof tiles within the area. The roof is proposed to be finished with concrete interlocking tiles, which I consider is acceptable in principle, subject to a condition requiring material samples. The walls, including the cheeks of the partial dormers, would be finished in render, which is a material that was introduced into the area through a recent planning approval at 3 Uppingham Close under planning permission 20212650. It would be difficult to extend the existing bungalow walls upwards with new bricks that match closely enough in appearance those existing. Render is used on 3 Uppingham Close and some houses in the adjacent part of Uppingham Road leading to Uppingham Close, and if finished in a suitable colour the overall appearance of the extension would not appear out of character with the appearance of the area. Given that the render would be a new addition to the property and details including the proposed colour have not been provided within the application, I consider it necessary to attach a condition to ensure that a suitable render sample and colour is submitted to the Local Planning Authority, prior to the application of external materials on site.

I consider that the infill at the front to enclose the entrance porch and install a new door and window would be in keeping with the front of the property in regard to the matching materials and the size and design of openings.

In conclusion, I consider that the proposal is consistent with the aims of SPD Residential Amenity and complies with Core Strategy policy CS03 and saved Local Plan policy PS10 in terms of its impact upon the character and appearance of the area.

#### Residential Amenity (Neighbouring Occupiers)

Core Strategy Policy CS03 requires developments to be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (a) noise and air pollution, (c) additional parking and manoeuvring, (d) privacy and overshadowing and (e) safety & security.

The neighbouring dwelling to the west, 8 Uppingham Close, is a detached two storey house of bespoke design. The property is sited on ground about 0.35m higher than the application site. The eastern side wall of the dwelling is separated from the common boundary with the application site by approximately 6.5m. The space is occupied by a driveway, leading to an attached single storey double garage at the side of the property. The side elevation facing the application site contains a high level window at ground floor level, an inset double height window which incorporates the main entrance and appears to double as a lounge, and a conventional window at first floor level above the garage roof. It is understood that the high level window serves a bathroom, that the double height window serves the hall and landing, and that the first floor window serves a bedroom. To the rear of the dwelling and garage is a single storey flat roofed extension, which contains an unobscured side facing window. It is understood that this window serves a kitchen. Officers have visited the

property to confirm the use of the habitable rooms on the side elevation facing the application site.

The dwelling at 8 Uppingham Close has private amenity space to its west side and rear, wrapping around behind the garden of the application dwelling.

SPD Residential Amenity sets out that a new extension must not result in any substantial loss of privacy to adjoining dwellings and gardens and recommends a separation distance of 11m between any principal room windows in an extension and the boundary with undeveloped land, including gardens. Further guidance advises that changes in ground level may require an increase in these minimum distances to maintain adequate privacy.

The proposed first floor rear windows would be in line with the existing rear elevation of the property. The separation distance of the proposed first floor rear facing windows would be set 12m from the common boundary at the rear of the site with the garden of 8 Uppingham Close.

Part of the amenity space within the curtilage of the dwelling at 8 Uppingham Close wraps around the rear of the garden of the application dwelling. Representations refer to this garden occupying a lower site level. There are some land level differences at the rear of the site; however, the land levels do not vary significantly and appear to be no more than 0.5m.

The 12m separation distance complies with the guidance set out within SPD Residential Amenity, providing additional leeway to the recommended 11m to account for the decrease in land levels. I consider that the land level differences are not significant enough to warrant exception to the guidance beyond the 12m provided and, as such, there would not be an unacceptable detriment in relation to overlooking and loss of privacy of the garden of 8 Uppingham Close.

SPD Residential Amenity sets out that, although there is no right to a view across someone else's land, extensions should not impact the outlook from the main windows of principal rooms and the gardens of neighbouring properties and recommends that there is a minimum separation distance of 15m between a wall with no window and a wall with a window to a principal room in an adjacent property.

There is a side facing habitable bedroom window at first floor level to the side of the neighbouring property at 8 Uppingham Close, which overlooks the application site. The neighbouring property is set at a slightly higher site level at approximately 0.35m in relation to the application property.

When scaled from the O.S. base and as measured on site, the distance between the neighbouring window and the side wall of the bungalow at 9 Uppingham Close is 10m, which appears to be accurately shown on the existing and proposed plans.

The existing part of the application property closest to 8 Uppingham Close has a side wall of approximately 4m in height. The existing side wall would be partially demolished to accommodate the set back at first floor level and would be replaced by a mono-pitched roof, sloping down to the rear. The new roof at single storey level



would measure 3.5m in total height and 2.4m in height to the eaves. Although the height of the existing structure would be reduced, I consider that the removal of part of the existing single storey element would only result in a marginal improvement in outlook from the neighbouring window, due to its existing height.

The proposed first floor extension would be set back 2m from the rear elevation of the property at the western side and set in 5m from the western side elevation. The element of the extension close to 8 Uppingham Close would have an eaves height of about 5.1m and ridge height of 6.4m. A 15m separation distance would be achieved directly in front of the neighbouring first floor side facing window, and approximately 1.7m to the right of the window.

The proposed extension would be visible when viewed to the right of the neighbouring first floor window, however it would be beyond the 15m separation distance in front and to the left of the neighbouring window, and I consider that sufficient outlook would be retained as a result.

I consider, given that sufficient separation distance would be retained to the front of the window, there would not be a significant detrimental impact in terms of loss of outlook at the eastern side of the property, compliant with the guidance outlined within SPD Residential Amenity.

SPD Residential Amenity sets out that extensions should not intersect a 45 degree line taken from the centre of the nearest habitable room window when at the rear of properties. However there is no specific SPD guidance for the impact of extensions to the front of habitable room windows at the side of properties, which would inevitably have a different relationship to any proposed extensions, as they would be sited to the front of the side facing windows. I consider that, as the proposed extension would not be directly in front of the window and would be set 1.7m to the right of the habitable room window, the 10m distance between the properties is sufficient to not result in a significant detrimental impact in terms of loss of light at the side of the property.

The proposal would cast a shadow in the direction of 8 Uppingham Close during the morning; however, I consider that the majority of the shadow would fall within the curtilage of the application property and it is likely that any additional shadowing of 8 would primarily only affect the driveway. At other times of the day the shadow cast would be likely to fall wholly within the curtilage of the application dwelling.

I consider that the proposal would not have an unacceptable impact upon daylight and sunlight to the side facing bedroom window at 8 Uppingham Close.

The side facing en-suite ground floor window at 8 Uppingham Close is not a principal room window. Although the side facing hall/landing window at first floor level appears to be used as office space, it is not considered by officers to be a habitable room. Moreover, the room is glazed on both sides providing adequate light and outlook to the western side of the property away from the application site. The kitchen window at the rear is located on the side wall of the single storey projection to the rear of the garage and would not be materially affected by the proposal in terms of light and

outlook. Therefore, I consider that the impact of the proposal would not have a significant detrimental impact on these rooms.

Representations have been received outlining concerns regarding the impact of the extension on a side facing lounge window on the ground floor of 8 Uppingham Close. This room provides an entrance to the property and is used as a porch with the lounge further within the property. This room is dual aspect with light and outlook provided from the window to the western side of the room. Moreover, I consider that the separation distance of 10m to the side elevation of the application property and the modest increase in height to 6.5m would not result in a significant detrimental impact in terms of loss of light and outlook to the room in relation to the existing situation.

10 Uppingham Close is separated from the application property by a single storey semi-detached garage. I consider that the proposal would not have any unacceptable impact in relation to the neighbouring dwelling in terms of daylight, sunlight and outlook, as the footprint would not be enlarged and there are no side facing habitable room windows at the side of 10 Uppingham Close. The existing garage would provide some screening to the proposal and due to the properties siting, separation distance and orientation, I consider that the proposal would not result in an overbearing impact on the occupiers of the neighbouring property.

The surrounding area is dominated by detached properties within Uppingham Close and Uppingham Road with some infill properties. I consider that, due to the separation distance of the application property to other dwellings within the Close and surrounding area, their orientation and location, the proposal would not have a detrimental adverse impact on their amenity.

The proposed extension would result in the size of the property being increased from a three bedroom bungalow to a five bedroom house. This would undoubtedly increase occupation at the property. However, this is an established residential area where larger dwellings provide a significant proportion of properties, including 7 and 8 Uppingham Close in close proximity to the site. As such, I consider that the proposed enlargement from a three to a five bedroom dwelling would not result in unacceptable living conditions for neighbouring occupiers in terms of noise and disturbance.

I consider that the proposal would not give rise to any material safety and security implications as it is a residential proposal providing only an upward extension and alterations.

The construction of the extension would give rise to potential noise and dust pollution and inconvenience from vehicles associated with the construction. Given the relatively modest scale of the proposal, it is reasonable to expect these to be short term impacts and would not have a significant detrimental impact of the neighbouring amenity. As the proposal is for a relatively small householder development, I consider that it would be unreasonable to request the submission of a construction management report for the development.

For the reasons given above and the compliance of the proposal with the Council's guidance and policies, I consider that the proposed development would not result in any breaches of the neighbouring occupiers' human rights to have a private life.

In conclusion, I consider that on balance, although the proposal would result in some impacts in relation to the side facing windows at 8 Uppingham Close, the impact would not be significantly detrimental, complying with the guidance outlined within SPD Residential Amenity. Therefore, I consider that the proposal complies with Core Strategy Policy CS03 and saved Local Plan policy PS10 in relation to its impact on the amenity of neighbouring occupiers.

#### Living conditions (application property)

Core Strategy Policy CS03 seeks the creation of buildings and spaces that are fit for purpose. Appendix G of the SPD states that extensions should leave sufficient space for general use and for sufficient natural light.

The proposal would improve the internal space available at the application property and the new bedrooms would all have adequate light and outlook. As a result of the design of the proposal, the first floor rooms would be partially under the roofslope. A cross section has been provided, which shows that the rooms would achieve headroom of at least 1.8m, achieving sufficient headroom of 2.1m across 75% of the habitable space. Moreover, the occupiers of these rooms would have access to the rest of the dwellinghouse. Therefore, I consider that the proposal, as an extension of the existing dwelling, is acceptable in this regard.

I conclude that the proposal would comply with Core Strategy policy CS03, saved Local Plan policy PS10 and the guidance within SPD Residential Amenity, and that it is acceptable in terms of the living conditions of existing and future occupiers of the application property.

#### Parking and Access

Core Strategy Policy CS15 states that car parking should be appropriate for the type of dwelling and its location. Saved Local Plan Policy AM12 refers to the parking standards at Appendix 01 of the Plan, and those standards call for two parking spaces for 3+ bedroom dwellings in zones 3 & 4 of the city, including the application site.

As there is the same requirement of two car parking spaces for dwellings of both three and five bedrooms and the application form confirms that the proposal would not affect the existing parking arrangements, with sufficient car parking available at the side of the property, I consider that the existing situation would provide sufficient parking spaces to meet demand for a five bedroom house in a suburban location.

Representations have been received that outline parking and access concerns, due to difficulties experienced during works at other neighbouring properties. However, I consider that the development would not have an unacceptable impact on highway safety or severe cumulative impacts on the road network either during the construction or once occupied.

I conclude that the proposal would comply with Core Strategy policy CS15 and saved Local Plan policy AM12, would meet the relevant parking standards at Appendix 01 of the Local Plan, and that it is acceptable in terms of parking and access.

### Other Matters

Issues raised in objection representations and not otherwise dealt with in the main report above:

- health/mental health and wellbeing/welfare: I consider that the proposal would not result in material concerns with regards to general public health, wellbeing and welfare (impact on individuals is not a planning issue)
- no other refuge except home during ongoing global pandemic: I consider that the planning impacts upon neighbouring properties are acceptable
- less ambitious applications at other properties rejected would create precedent: each application must be considered on its own merits
- loss of bungalow – discriminates against older people: The proposed development is for the extension of a bungalow. There is no evidence that there is an under provision or requirement of bungalows for older people in the area.
- developers supporting development: relevant planning representations must be considered, whoever makes them
- pressuring residents to sell: not a planning issue
- potential libel between parties: not a planning issue
- other developments referred to in supportive comments not relevant: each application must be considered on its own merits
- residents must be allowed to comment on any modifications: a second consultation has been carried out upon the submission of amended plans
- not in line with neighbouring houses (building line): the proposal is for an upward extension and does not alter the building line of the existing bungalow
- restrictive covenants in place to protect amenity: not a planning issue, is a legal/civil matter between affected parties
- The proposal of an upwards extension would not result in safeguarding issues
- Any incidents/disagreements between parties: not a planning issue
- Views of trees, landscaping and open skies would be obstructed by the proposed development: there is no right to a view under planning law

### Conclusion

Although the application proposals were unacceptable as originally submitted, the applicant has responded positively to requests for changes to the scheme during the course of the application process. I consider that the amended proposal complies with Core Strategy (2014) policies CS03 and CS15, and saved Policies AM12 and

PS10 of the Local Plan (2006), and that the proposal accords with the design guidance set out within SPD Residential Amenity (2008).

Subject to conditions, the proposal would not result in significant detrimental impacts upon the character and appearance of the area nor upon the amenity of neighbouring occupiers. I consider that the proposal would result in improved living conditions of the occupiers of the application property and would not give rise to any highways safety issues.

Therefore, I recommend that the application be APPROVED subject to the following conditions:

## CONDITIONS

1. START WITHIN THREE YEARS
2. Prior to the application of external materials, details of the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority and retained as such. (In the interests of visual amenity, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).
3. Development shall be carried out in accordance with the following approved plans:  
Mixed Plans, 883 - 1 to 7 rev I, received 27/09/2022  
(For the avoidance of doubt).

## NOTES FOR APPLICANT

1. The proposal has been amended during the course of the application process. The approved development would need to be constructed in accordance with the amended plans received on 27/09/2022 to satisfy condition 3.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

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

- |           |   |
|-----------|---|
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.    |

- 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'.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

