

COMMITTEE REPORT

20220966	3 Scraptoft Lane	
Proposal:	Construction of single storey extension at side and rear of house (Class C3); alterations (AMENDED PLANS RECEIVED 28/12/2022)	
Applicant:	Mr Siraj Patel	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	27 July 2022	
PB	TEAM: PD	WARD: Thurncourt



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Summary

- Brought to committee as 6 objections and a petition containing 10 signatures received.
- Objectors raise issues relating to the status of Scraptoft Mews as private land (and implications for the construction/maintenance of the proposed development), impacts during construction, privacy and amenity, flooding and wildlife.

- The main issues in this case are: principle of development; character and appearance of the area; amenity of neighbouring occupiers; living conditions of future occupiers; parking and access; and flooding.
- Recommendation is for approval.

The Site

This application relates to a 1930s two storey semi-detached house situated on the south side of Scruptoft Lane. The house has a lean-to car port at the side and what appears to be an original single storey outrigger at the rear.

The adjoining semi-detached dwelling to the east, 5 Scruptoft Lane, has been enlarged by a single storey extension and a dormer roof extension at the rear.

Adjoining the site to the west is Scruptoft Mews. This is a development of three storey houses which are turned to face the application site and served by a private road that runs alongside the side boundary of the application site.

The application site benefits from a rear garden of approx. 49 metres' length which adjoins the Bushby Brook (classified as an Environment Agency main river) at the rear. The application site (including the house) falls within fluvial Flood Zone 3a as well as an area of mapped surface water flood risk and a Critical Drainage Area. Part of the rear garden is within 20 metres of the riverbank top of the Bushby Brook and is within a Biodiversity Enhancement Site associated with that watercourse.

The site is also within a 250 metres Local Authority Air Pollution Control buffer of the Shell Trocadero petrol station.

Background

Planning permission was granted in 2009 for the construction of a two storey extension at the side of the application dwellinghouse (20091149) and an extension of time for the implementation of the permission was approved in 2012 (20120890). The two storey side extension was not constructed and the approval expired in 2015.

Planning permission was sought in 2021 for the construction of a single storey extension at the side and rear of the application house, and for an access ramp at the front and alterations (20212776). However, planning permission was refused for the following reasons:

1. The proposed development by reason of its excessive depth, poor design, height and siting, would fail to appear as subservient to the host property. The proposal would visually dominate the property when viewed from the neighbouring properties on Scruptoft Mews and would not contribute positively to the local character of the area, contrary to paragraphs 130 and 134 of the NPPF 2021, Policy PS10 of the Local Plan, Core Strategy policy CS03 and the Residential Amenity SPD.

The Proposal

Planning permission is now sought for the following development:

- The construction of a single storey side extension, following the dismantling of the existing car port. The extension would line-up with the front of the original house and would span the full depth of the original house at ground floor level to line-up with the rear wall of the single storey outrigger. The extension would have a width of 2.5 metres bringing its flank wall adjacent to the side boundary. It would have a pitched roof over, giving a maximum height of 3.9 metres and an eaves height 2.5 metres.
- The construction of a single storey rear extension. The extension would occupy the space between the flank wall of the single storey outrigger and the boundary with 5 Scraptoft Lane. It would have a rearward projection of 3.3 metres and would have a monopitch roof over giving a maximum height of 3.9 metres and an eaves height 2.5 metres.

In conjunction with internal alterations (that do not need planning permission) the proposal would facilitate the provision of a ground floor bedroom with shower room, a new open-plan kitchen and dining area, a storage room and a ground floor w.c.

The proposal, which has been amended during the course of this application to address outstanding officer concerns, differs from that of the previously refused application (20212776) in the following material respects:

- it does not project beyond the existing single storey outrigger (the refused proposal would have projected 8 metres beyond it, giving a total span of development adjacent to the boundary with Scraptoft Mews of over 21 metres);
- its maximum and eaves heights have been reduced (from 4.4 metres and 3.5 metres respectively);
- a level access ramp that had been proposed at the front is now omitted; and
- it introduces single storey development adjacent to the boundary with 5 Scraptoft Lane.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

The presumption in favour of sustainable development

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development which means: (c) approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies (or the most important policies are out of date) granting permission unless NPPF policies that protect areas or assets of particular importance provide a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies as a whole.

Decision taking

Paragraph 38 encourages local planning authorities to approach decisions in a positive and creative way and states that they should work proactively with applicants. It goes on to state that decision makers should seek to approve applications for sustainable development where possible.

Paragraph 56 lays down the tests for planning conditions. They are that planning conditions must be: necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable.

Achieving well-designed places

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

Paragraph 130 states that planning decisions should ensure developments: (a) will function well; (b) are visually attractive; (c) are sympathetic to local character and history; (d) establish or maintain a strong sense of place; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 131 notes that trees make an important contribution to the character and quality of urban environments and can also help mitigate climate change. It states that planning decisions should ensure that existing trees are retained wherever possible.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Meeting the challenge of climate change, flooding and coastal change

Paragraph 167 states that local planning authorities should ensure that flood risk is not increased elsewhere and that, where appropriate, applications should be supported by a site-specific flood risk assessment. It goes on to state that development should only be allowed in areas at risk of flooding where, in the light of this assessment, it can be demonstrated that: (b) the development is appropriately flood resistant and resilient; (c) it incorporates sustainable drainage systems; (d) any residual risk can be safely managed; and (e) safe access and escape routes are included, where appropriate.

Paragraph 168 states that applications for some minor developments should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments. Footnote 55 confirms that this includes householder development.

Conserving and enhancing the natural environment

Paragraph 174 states that planning decision should contribute to and enhance the natural and local environment by (d) minimising impacts on and providing net gains for biodiversity.

Paragraph 180 states that (a) if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Environment Agency Standing Advice

Standing flood risk advice for minor development has been produced by the Environment Agency and is published on the gov.uk website. This calls for information on the floor levels of proposed development and the estimated flood levels, and advises that floor levels should be no lower than existing or 300mm above the estimated flood level. It also advises that flood resistant materials should be used to a height of at least 300mm above the estimated flood level and that (if floor levels cannot be raised) then extra flood resistance and resilience measures should protect the property to at least 300mm above the estimated flood level. Finally, it advises that plans should show how it will be ensured that the development is not flooded by surface or ground water.

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 and Guidance

Residential Amenity Supplementary Planning Document (SPD) (2008)

Consultations

Lead Local Flood Authority: no objection subject to conditions.

Representations

Public consultation was undertaken when the application was first received, and again following the receipt of amended plans.

First Consultation (29/07/2022)

Representations were received from six addresses as well as a petition with ten signatures raising the following issues:

- Scraftoft Mews is private land/application form states site can be seen from a public road
- proposal cannot be constructed without trespass onto private land
- there should be no encroachment for construction (inc. guttering & scaffolding) or maintenance

- risk of damage to property maintained by residents
- precedent for loss of space for wildlife
- increase risk of flooding
- maintenance issues
- conditions must ensure no loss of privacy
- noise from construction must not take place outside of 10.00am – 4.00pm/some residents work night shifts
- inconvenience of construction traffic
- parking spaces should not be blocked/access should not be impeded
- construction dangerous to children playing in street
- loss of sunlight

Second Consultation (03/10/2022)

No representations have been received following the second consultation on the amended plans.

Consideration

The main issues in this case are: the principle of development; the character and appearance of the area; the amenity of neighbouring occupiers; the living conditions of future occupiers; parking and access; and flooding.

Principle of Development

Core Strategy (2014) Policy CS08 states that it is the Council's aim to ensure that the city's suburbs continue to thrive and so provide neighbourhoods that people aspire to live in and which are a genuine alternative to out-migration from the city.

The proposal is for single storey extensions to a single family dwellinghouse and, as amended, is of a scale that is common to this type of house. I am satisfied that the proposal would comply with Policy CS03 and that it is acceptable in principle.

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 and take into account Leicester's history and heritage. 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 Residential Amenity supplementary planning document (2008) ("the SPD") provides design guidance for house extensions in the city and is therefore also relevant to the proposals.

As amended, the side extension would not project further rearward than the existing single storey outrigger and its maximum and eaves heights would be consistent

with those of the existing outrigger. In these respects the proposal represents a material improvement to the proposal submitted in the previous application (20212776). To compensate for the reduction in rearward projection adjacent to the boundary with Scraftoft Mews, a single storey rear projection adjacent to the boundary with 5 Scraftoft Lane is now also proposed. This would be set-back from the rear elevation of the existing outrigger and would be of a rearward projection appropriate to the scale of the original house and commonly found to the rear of semi-detached dwellings. Taken individually and cumulatively, I am satisfied that the proposed single storey side and rear extensions would now not be of excessive depth and height and that they would appear subservient to the original house.

As a single storey only extension I consider that the siting of the side extension, adjacent to the boundary of this corner property, is not unacceptable. Similarly, as a single storey only extension, I consider that the siting of the rear extension, adjacent to the boundary with 5 Scraftoft Lane, is not unacceptable. I further consider that the design of the proposal, incorporating a pitched roof to match the pitch of the existing outrigger roof, is appropriate. A recessed 'on the wall' eaves and gutter detail is proposed along the flank wall adjacent to Scraftoft Mews and I consider that this is an appropriate detail, for a less prominent single storey extension, to avoid any encroachment onto the neighbouring land.

The application form indicates that matching bricks and tiles would be used. As originally submitted, this application also proposed timber cladding along the flank wall of the side extension facing Scraftoft Mews. This has now also been amended so that the flank wall would also be finished in brick. I consider that this is the appropriate material response to the original house, which has brick walls (albeit painted brick to the side and rear) and slate roof tiles, and subject to a condition to ensure that these match the existing I am satisfied that the proposal is acceptable in this respect also.

To conclude, I am satisfied that the amended proposal the subject of this application has satisfactorily overcome the reason for refusal of the previous application (20212776), and that – having regard to the SPD - the development would comply with the relevant provisions of Policies CS03 & PS10 and is acceptable in terms of its impact upon the character and appearance of the area.

Amenity of neighbouring occupiers

As noted above, Core Strategy (2014) 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 (b) visual quality and (d) privacy and overshadowing.

Appendix G of the SPD provides further guidance on the consideration of amenity impacts including outlook, daylight, sunlight and overlooking.

The facing ground floor front elevations of the houses at Scraftoft Mews comprise garages and glazed entrance doors, although I note that the garage at 1 Scraftoft Mews has been converted to a habitable room with window in place of the former garage door at the front. A distance of approx. 11 metres exists between the front

of the garages and the side boundary of the application site, this separation distance increasing to 13 metres in respect of the main front elevation of the Scraptoft Mews houses. I am satisfied, given the relationship between the Scraptoft Mews houses (including the converted garage at 1 Scraptoft Mews), that the proposal would have no unacceptable impact upon the amenity of those neighbouring properties in terms of outlook, daylight and sunlight. As amended, and subject to the use of matching materials as described above, I am satisfied that the general visual impact when viewed from Scraptoft Mews would be acceptable.

The adjoining semi-detached dwelling at 5 Scraptoft Lane has its own single storey rear extension adjacent to the common boundary. This neighbouring extension has a rearward projection of approx. 3 metres. The proposed single storey rear extension would project slightly beyond the existing neighbouring extension but would not, in accordance with the SPD, project further than a 45 degree line taken, on plan, from the centre of the adjacent ground floor rear principal room window at 5 Scraptoft Lane. In this circumstance, having regard to the SPD and noting that the rear elevations of 3 & 5 Scraptoft Lane face south, I am satisfied that the proposal would have no unacceptable impact upon the amenity of 5 Scraptoft Lane in terms of outlook, daylight and sunlight. I am satisfied that the general visual impact of the amended proposal when viewed from 5 Scraptoft Lane, and subject to matching materials as above, would be acceptable.

No windows are proposed in the flank walls of the amended proposal. I note that representations received call for control of the future installation of windows in the flank wall facing Scraptoft Mews; however the future installation of windows in this elevation would not, in my opinion, lead to any unacceptable overlooking relationships with the Scraptoft Mews properties and as such a condition would not meet the tests set out at paragraph 56 of the NPPF. I am satisfied that the proposal would not lead to any overlooking relationships that would unacceptably impact the privacy of any neighbouring occupiers.

I further note that representations received have raised issues relating to construction impacts, notably noise/disturbance during construction, inconvenience from construction vehicle and the potential danger posed to children playing in the street. As the proposal is for domestic development of a relatively modest scale, I consider it unlikely that the impacts and risks described would be likely to be significant and that the imposition of controls (for example, through a requirement for a Construction Management Plan) would be disproportionate in this case and would not meet the tests for conditions set out at paragraph 56 of the NPPF.

To conclude, I am satisfied – having regard to the SPD - that the development would comply with the relevant provisions of Policies CS03 & PS10 and is acceptable in terms of its impact upon the privacy and amenity of neighbouring occupiers.

Living conditions of future occupiers

Core Strategy (2014) 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 penetration of light and sun. It goes on to recommend a minimum garden areas of 100m² for a 3+ bedroom house, and that in any event no more than 50% of the existing rear yard or garden area should be covered by extensions.

The application house occupies a large plot with a particularly extensive rear garden. The retained rear garden area would amount to approx. 453m² and the footprint of the proposed extension would occupy substantially less than 50% of the existing area. I am satisfied, having regard to the SPD, that the development would not unacceptably reduce the available rear garden space at the property.

The proposal would facilitate the provision of a ground floor bedroom and shower room needed by the current occupiers. The bedroom would occupy the proposed single storey rear extension meaning that the existing living room would be deprived of a window on the rear elevation. This room would continue to be served by the bay window at the front. I am satisfied that the front bay window would continue to provide acceptable daylight to, and outlook from, the retained ground floor living room.

In all other respects I consider that the proposal, as amended, would ensure that acceptable living conditions would continue to exist at the host dwelling.

To conclude, I am satisfied – having regard to the SPD - that the development would comply with the relevant provisions of Policies CS03 & PS10 and is acceptable in terms of its impact upon living conditions at the host property.

Parking and Access

Core Strategy (2014) Policy CS15 states that car parking should be appropriate for the type of dwelling and its location. Saved Local Plan (2006) 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 (which includes the application site).

The proposal would involve the loss of the car port. However, the property benefits from an unusually large forecourt and this is already substantially hardsurfaced and served by an existing vehicle access from Scraftoft Lane. The proposal would not diminish the available forecourt parking space and would not, in my opinion, materially increase parking demand associated with the property, which would remain a single family dwellinghouse. I am satisfied that sufficient space would remain at the property to park two cars off-street, in accordance with Appendix 01.

I do not consider that the proposal would be likely to give rise to conditions prejudicial to the free flow of traffic or safety of users of the public highway.

To conclude, I am satisfied – having regard to Appendix 01 - that the development would comply with the relevant provisions of Policies CS15 & AM12 and is acceptable in terms of parking and access.

Flooding

Policy CS02 of the Core Strategy (2014) states that development should be directed to locations with least impact on flooding and that, where development is proposed in flood risk areas, mitigation measures must be put in place to reduce the effects of flood water. Saved Policy BE20 of the Local Plan (2006) also calls for adequate mitigation of flood risk from development.

In accordance with paragraph 168 of the NPPF the proposal need not be subject to sequential or exception testing but should still meet the requirement for flood risk assessment.

A Flood Risk Assessment (FRA) (dated December 2022) has been received. This assesses the risk of flooding from all sources and includes an assessment of modelled fluvial flood levels, with the data provided by the Environment Agency. The modelled 1 in 100 year level (+30% climate change allowance) for the site is stated as 67.5mAOD and the Finished Floor Levels (FFL) as existing are 67.75mAOD. It is stated that, as the FFLs are not at least 300mm above the modelled fluvial flood level, then recommendation is given for the inclusion of flood resilience and resistance measures

It is stated within the FRA that a pro-forma Flood Plan should be completed, which will give guidance on emergency flood response procedures in the event of flooding to the site. Also, a number of flood resilience and resistance measures have been recommended to be included, which are as follows:

- flood resilient doors;
- door defence (barriers);
- anti-flood air bricks and flue covers; and
- no service penetrations or other opening below 1m above FFL.

It has been outlined within the FRA that consideration should be given to either sedum green roof for the areas of flat roof and/or raised rain-garden planters together with a water butt. The sustainable drainage systems to be included in the proposed development will need to be confirmed.

The Lead Local Flood Authority has advised that it has no objection to the proposal subject to conditions to: secure the details, implementation and maintenance of the sustainable drainage systems; ensure that the development is carried out in accordance with the flood resilience and resistance measures detailed in the FRA; secure acceptable emergency flood planning arrangements.

I conclude that the development would comply with the relevant provisions of Policy CS02 and is acceptable in terms of flood risk.

Other Matters

I do not consider that the proposal raises any material ecological considerations in relation to the Biodiversity Enhancement Site associated with the Bushby Brook.

Nor do I consider that the proposal raises any material air quality considerations noting that the site is within a 250 metres Local Authority Air Pollution Control buffer of the Shell Trocadero petrol station.

Turning to matters raised in representations and not otherwise addressed in the main report above:

- *Scraptoft Mews is private land/application form states site can be seen from a public road:* noted re: Scraptoft Mews; the site can be seen from a public road (Scraptoft Lane)
- *proposal cannot be constructed without trespass onto private land:* this is a private matter between the applicant and the owner(s) of the adjoining land concerned
- *there should be no encroachment for construction (inc. guttering & scaffolding) or maintenance:* as above, this is a private matter
- *risk of damage to property maintained by residents:* as above, this is a private matter
- *precedent for loss of space for wildlife:* I do not consider that the proposal would lead to an unacceptable loss of space for wildlife (or precedent for same)
- *maintenance issues:* as above, this is a private matter
- *noise from construction must not take place outside of 10.00am – 4.00pm/some residents work night shifts:* I do not consider that the proposed development is of a nature/scale that would justify control over hours of construction
- *inconvenience of construction traffic:* I do not consider that the proposed development is of a nature/scale that would justify control over construction traffic
- *parking spaces should not be blocked/access should not be impeded:* I do not consider that the proposed development is of a nature/scale that would justify control over construction parking
- *construction dangerous to children playing in street:* I do not consider that the construction of the proposal is likely to present an unacceptable danger to children

Conclusions

The extension of houses is acceptable in principle and the proposal has been the subject of ongoing dialogue with officers following the previously refused application and during the course of the subject application. I am satisfied that the proposal would have an acceptable impact upon the character and appearance of the area and would not give rise to unacceptable impacts upon the amenity enjoyed by the occupiers of neighbouring properties. The proposal would maintain acceptable living conditions, parking provision and access at the application property. The flood risk issues raised by the proposal have been properly assessed and the impacts can be adequately mitigated by planning conditions. In reaching my conclusion I have considered the third party representations received. I find that the proposed development would comply with the relevant provisions of Policies CS02, CS03, CS08 and CS15 of the Leicester Core Strategy (2014) and saved

Policies AM11 and PS10 of the City of Leicester Local Plan (2006) and that it is acceptable.

I recommend that this application for planning permission be APPROVED subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those of the existing house. (In the interests of the visual quality and character of the area, in accordance with Policy CS03 of the Leicester Core Strategy and saved Policy PS10 of the City of Leicester Local Plan (2006)).
3. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS), including details of the implementation, long term maintenance and management of the system, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the system has been implemented in accordance with the approved details. It shall thereafter be managed and maintained in accordance with the approved details. (To reduce surface water run-off and to secure other related benefits in accordance with Policy CS02 of the Leicester Core Strategy (2014)).
4. The development shall be carried out in accordance with the following measures detailed in the Flood Risk Assessment dated December 2022 (rec'd 16/12/2022): 5.2 floor levels; 6.2 flood mitigation; and 7.1 safe access and egress; and shall thereafter be retained and continued. (To ensure that the flood risk implications of the development are adequately mitigated, in the interests of the safety of future occupiers and in accordance with Policy CS02 of the Leicester Core Strategy (2014).)
5. The development shall not be occupied until an Emergency Flood Plan has been implemented in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. The Emergency Flood Plan so approved shall thereafter be retained and its implementation continued. (In the interests of the safety of future occupiers and in accordance with Policy CS02 of the Leicester Core Strategy (2014.) and saved Policy BE20 of the City of Leicester Local Plan (2006).)
6. Development shall be carried out in accordance with the following approved plans: Site Location Plan and Block Plan/Site Plan - both rec'd 06/05/2022; and Sheet number 1 (Existing and Proposed Floor Plans V2) and Sheet number 3 (Proposed Elevations V2) - both rec'd 28/09/2022.(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The applicant is advised that the following details should be included in the emergency flood plan for the purposes of discharging the requirements of Condition 5:

- a) Define the areas of safe refuge for residents and/or users of the development to use if safe access and egress is not possible.
- b) Define how Flood Resilience Measures incorporated into the development are to be managed and maintained throughout their lifespan, as well as how they are to be operated in the event of a flood and the person/organisation responsible for their operation.
- c) Provide recommendation that all residents and/or users of the development to sign up for the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service where available for the site

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

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| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 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'. |
| 2014_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 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. |