

COMMITTEE REPORT

20222368	38 Middlesex Road	
Proposal:	Alterations and conversion of garage to habitable room; construction of first floor extension at side and access ramp/steps at front of house (Class C3)	
Applicant:	Mr and Mrs Guy and Aneeta Harnett	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	6 February 2023	
PB	TEAM: PD	WARD: Aylestone



Summary

- Reported to Committee as the applicants are employees of Leicester City Council.
- Main issues are: principle of development; character and appearance of the area; amenity of neighbouring occupiers; living conditions of future occupiers; and parking and access.
- Application recommended for approval.

The Site

This application relates to a 1930s two storey end-of-terrace dwelling situated on the south-east side of Middlesex Road. The dwelling has what appears to be an original two storey side projection (set back from the front) and an attached garage at the side. Stone cladding has been applied to the front-facing elevations and the main flank elevation (but not the flank elevation of the two storey side projection and garage). A passageway of 0.75 metre width separates the flank wall of the side projection and garage from the side boundary.

The neighbouring end-of-terrace dwelling to the north-east, 36 Middlesex Road, is also set away from the boundary by 0.95 metre. The flank wall contains an obscure glazed first floor window, presumed to serve a stairs/landing area, and a small window at ground floor level presumed to serve a pantry or understairs cupboard.

The houses on this side of Middlesex Road are set-up from street level necessitating steps up to the front door. In common with other properties in the street, the forecourt of the application property has been hardsurfaced to provide off-street car parking.

Middlesex Road and surrounding streets are predominantly residential in character. The application site is within a 250 metres local authority air pollution control buffer zone (origin site: County Service Station, Aylestone Road) and is within 250 metres of a former landfill site.

Background

Planning permission for the construction of a garage was granted in 1949 (72586). The permission is subject to a condition that the use of the garage shall be incidental to the enjoyment of the dwellinghouse as such (for the preservation of amenities).

The Proposal

Planning permission is sought for the following development:

- Construction of a first floor extension over the garage. The extension would build-up the existing flank wall of the garage and the front wall of the extension would be set-back from the front main wall of the original house by 0.5 metre. A subordinate hipped roof would be extended over to cover the proposed extension and the existing two-storey sideward projecting wing at rear.
- Alterations to the existing garage to facilitate its conversion to a habitable room. The alterations would comprise the blocking-up of two doors in the flank elevations (and the introduction of one window in the flank elevation) and the blocking up of the garage doors on the front elevation (and the introduction of one window in the front elevation). The existing parapet wall at the front of the garage would be taken down and a monopitch roof would be installed above the part of the converted garage that would project forward of the set-back proposed side extension.

- The construction of a platform in front of the house, with steps and a ramp, to provide level access across the threshold into the house. The platform and ramp would give an overall projection of 2.5 metre into the forecourt of the house.

The proposed extension and alterations would provide a playroom and *en-suite* (ground floor) and an enlarged bedroom (first floor) served by a through-the-floor lift.

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.

Ground conditions and pollution

Paragraph 183 states that planning decisions should ensure that (a) a site is suitable for its proposed use taking account of ground conditions and any risks from contamination.

Paragraph 184 clarifies that, where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

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

Pollution Control: No comments.

Representations

None received.

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; and parking and access.

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 extensions and alterations to a single family dwellinghouse. These are of a nature and scale that is common to this type of house and not at

odds with the suburban characteristics of this area. 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. It advises that a minimum gap of 1 metre is desirable between the flank wall of a side extension and the boundary, to allow access for bins & maintenance etc, and that when extending above a garage the first floor should be set-back by 1 metre and incorporate a pitched roof. It also advises that new windows should be arranged to line-up vertically and horizontally with those of the original house, to give a sense of balance and proportion.

There is a gap of approx. 0.75 metre between the garage and the side boundary, and a gap of 0.95 metre exists between the side boundary and the flank wall of the neighbouring end-of-terrace dwelling at 36 Middlesex Road. Together, these gaps would maintain the separation between the two rows of terraces, whilst the gap within the application site would maintain external access to the rear garden (as is desirable). The front wall of the side extension would be set-back only 0.5 metre (as noted above, the SPD calls for 1 metre when extending over a garage); however, in this case, I am satisfied that the combination of the 0.5 metre setback and the maintenance of the existing gap at the side would be sufficient to prevent a terracing effect, and the 0.5 metre setback would also reasonably preserve the profile and proportions of the original end-of-terrace house whilst also producing a suitably subordinate hipped roof.

The new front window to the (converted) garage and the front window to the first floor extension would line-up vertically with each other and horizontally with the existing fenestration on the front of the original dwelling. In this respect I am satisfied that the proposal would maintain a sense of balance and proportion with the original dwelling (and neighbouring dwellings, which are of similar appearance).

The other proposed alterations would have no more than negligible impact upon the overall appearance of the dwelling.

As I have already noted, houses on this side of the street are set-up from the road and consequently all have existing steps up to their front entrance. In this context, acknowledging that the proposed ramp would necessarily project further forward

into the forecourt, I do not find that this element of the proposal would have an unacceptable visual impact.

The SPD advises that extensions should have external finishes to match, as closely as possible, those already found on the host dwelling. In this case, whilst the neighbouring houses in the surrounding area are predominantly finished with brick walls, the application dwelling has at some point in its history had stone cladding applied. Whilst the stone cladding gives an appearance at odds with the prevailing material character of the area, nevertheless that is now the established finish of the application house in the streetscene. The application drawing (proposed elevations) shows stone cladding to match at the front and facing brick to match the original at the side. I consider that this is a reasonable approach in terms of the material finish of the walls and I recommend a condition to this effect. I also recommend a condition to ensure that the roof tiles match those used on the existing house roof.

Having regard to the SPD, I am satisfied that the proposed development would comply with the relevant provisions of Policies CS03 & PS10 and that it 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. Appendix A of the SPD defines a habitable room as a room used for living purposes excluding kitchens with a floor area of less than 13 square metres, bathrooms, toilets, corridors and halls.

The neighbouring property at 36 Middlesex Road has an obscure glazed window in its facing first floor flank elevation and a small flank window at ground floor level. It is reasonable to assume that these do not serve habitable rooms. I consider that the impact of the proposed extension on daylight/sunlight to these windows would not be unacceptable.

The proposed new ground floor flank window (to serve an *en-suite* within the converted garage) would face the boundary fence with, and flank wall of, 36 Middlesex Road. As such I am satisfied that there would be no significant or unacceptable loss of privacy. Similarly, the new front windows would have a normal street-facing relationship with dwellings on the opposite side of Middlesex Road and I am satisfied that any resulting increase in overlooking opportunity would be minimal and insufficient to have an unacceptable impact upon privacy at the facing properties.

I conclude that the proposal would not have any unacceptable impact upon these or any other neighbouring properties in terms of outlook, daylight, sunlight and overlooking

Having regard to the SPD, I am satisfied that the proposed development would comply with the relevant provisions of Policies CS03 & PS10 and that it is acceptable in terms of its impact upon 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 100 square metres 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 proposed alterations to facilitate the conversion of the existing garage would provide an additional room and facilities at ground floor level, whilst the first floor extension would enlarge the existing third bedroom. The new habitable rooms would each have a window at the front providing acceptable daylight, outlook and opportunity for natural ventilation. The new rooms would enhance the accommodation available at the application dwelling for its existing and future occupiers, whilst the proposed ramped access at the front would enable level access across the threshold to the benefit of occupiers and visitors.

As the application proposals involve no development at the rear there would be no reduction in the available garden space (which would therefore continue to exceed 100 square metres).

Having regard to the SPD, I am satisfied that the proposed development would comply with the relevant provisions of Policies CS03 & PS10 and that it 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). Saved Policy AM01 states that planning permission will only be granted where the needs of pedestrians and people with disabilities have been successfully incorporated into the design.

I consider that the existing garage is in practice too narrow to accommodate a modern car and, as such, its conversion to a habitable room would not materially affect the availability of car parking at the site.

The proposed ramp would project into the driveway in front of the existing garage and would leave insufficient space on the forecourt to park a car perpendicular to the street. Whilst not ideal, there appears to be available (unrestricted) on-street car parking and on balance of the benefit of providing ramped access to the house I do not find the proposal unacceptable for this reason. I consider it unlikely that the proposal would lead to on-street car parking conditions that would be prejudicial to highway safety.

I conclude that whilst the proposal would deprive the property of one off-street car parking space, this is outweighed by the benefit of providing level access across the threshold into the house and thereby helping to meet the needs of pedestrians and people with disabilities in accordance with saved Policy AM01. Accordingly, I find that the proposal is not on balance unacceptable in terms of parking and access.

Other Matters

Saved Policy PS11 of the Local Plan (2006) states that proposals that are sensitive to pollution will not be permitted close to existing polluting uses unless by doing so developers can demonstrate that adequate measures have been taken to prevent or minimise the impact of pollution.

Noting that there is no objection from the Council's Pollution Control team, I consider that the proposal is unlikely to raise any unacceptable risk in terms of landfill gas. However, as a precautionary measure and in accordance with paragraph 184 of the NPPF (which clarifies that responsibility for securing a safe development rests with the developer and/or landowner) I recommend a note to the applicant about the potential presence of landfill gas.

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 County Service Station, Aylestone Road.

In the circumstances I am satisfied that the proposal does not conflict with Policy PS11 and does not raise any significant issues in terms of pollution.

Conclusions

The extension of houses is acceptable in principle. 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 at the host property and whilst the provision of a ramp would deprive the property of a forecourt parking space. I consider that this is outweighed by the benefits of the ramp to pedestrians and disabled people accessing the dwelling. In reaching my conclusion, I have had regard to the advice of the SPD where relevant. I find that the proposed development would comply with the relevant provisions of Policy CS03 of the Leicester Core Strategy (2014) and saved Policies AM01 and PS10 of the City of Leicester Local Plan (2006), and that there

would be no unacceptable conflict with Policies CS15 and AM12 (in terms of the loss of car parking) and no conflict with Policy PS11 (in terms of pollution).

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. Unless otherwise agreed in writing by the local planning authority, the alterations to the front of the existing garage and the front wall of the first floor side extension hereby approved shall be finished in stone cladding to match that on the front of the existing house. The alterations to the side of the existing garage and the flank wall of the first floor side extension hereby approved shall be finished in brick to match the original house. (To safeguard the appearance of the house in the streetscene and ensure that the development is finished to a high standard, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).
3. The new roofs over the converted garage and over the side extension hereby approved shall be finished in roof tiles to match the existing house. (To safeguard the appearance of the house in the streetscene and ensure that the development is finished to a high standard, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).
4. Development shall be carried out in accordance with the following approved plans: 002 (Proposed Site Location Plan/Proposed Block Plan); 003 (Proposed Roof Plan); 004 (Proposed Ground Floor Plan); 005 (Proposed First Floor Plan); 006 (Proposed Front and Side Elevations); and 007 (Proposed Rear Elevation). (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The applicant is advised that the property is situated within 250 metres of a former landfill site and that care should be taken when undertaking any ground work as there may be a risk of releasing landfill gas.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining 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.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 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.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 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.