

Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 5 OCTOBER 2022

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Broadwell, Chamund, Joshi, Dr Moore, Thalukdar, Valand and
Westley

Members of the Committee are summoned to attend the above meeting to
consider the items of business listed overleaf.

For Monitoring Officer

Officer contact:

Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 /

e-mail: aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk

Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. MINUTES OF THE PREVIOUS MEETING**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 14 September 2022 are a correct record.

- 3. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer,

will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

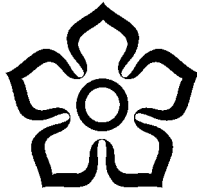
(i) **20220027 4 INGARSBY CLOSE** [Appendix A1](#)

(ii) **20220860 40 SYBIL ROAD** [Appendix A2](#)

(iii) **20220896 20 BRANCASTER CLOSE** [Appendix A3](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

**Wards:
See individual reports.**

Planning & Development Control Committee

Date: 5 October 2022

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

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- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

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- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Other reasonable arrangements for inspecting application documents can be made on request by e-mailing planning@leicester.gov.uk . Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

Grant Butterworth grant.butterworth@leicester.gov.uk (0116) 454 5044 (internal 37 5044).

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APPLICATION ORDER**

Page Main	Page Supp	Application Number	Address	Ward

COMMITTEE REPORT

20220027	4 Ingarsby Drive	
Proposal:	Construction of single storey extension, canopy, and increase in gable pitch at front; two storey extensions at side and rear; single storey extension and dormer rear (Class C3) alterations to house (Amendments received 24 August and 15 September 2022)	
Applicant:	Mr Mohammed Dahelvi	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	27 April 2022	
CY1	TEAM: PD	WARD: Evington



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Summary

- Brought to committee due to level of objections.
- 8 objections received from 7 City addresses with main concerns regarding design, trees, parking, amenity, and development in principle.
- Main issues are design and residential amenity.
- The application is recommended for approval.

The Site

The application relates to a two-storey detached property situated within a residential area. There are no identified planning constraints on the site. The streetscene is made up of several house types with varying designs.

Background

[20221097](#) There has been a Notification to seek whether prior approval was needed for a rear extension to the property. Prior approval was needed, and the application was granted in 2022 subject to conditions. This has not been implemented.

The Proposal

The application is for the following works to the existing property on site:

1) Increase in height of the existing gable end at the front of the property. The height from the ground to the ridge will increase from 7.2 to 7.6m, whilst the height from ground level to eaves will remain unchanged.

2) Construction of a wraparound extension to the side and rear of the house. At ground floor this would be used as a scullery, kitchen, and dining space and have the following measurements. The side extension would protrude 2.8m from the main house and have a total depth of 12.8m, expanding past the rear of the original house by 5m, then have a total width of 9.5m. At first floor the extension would house a laundry room, ensuite, one bedroom, and a prayer/ study room. The extension would follow the same footprint but have a depth of 2.5m from the original rear wall rather than 5m.

In terms of height, the ground floor element at the rear would have a flat roof and be 3m in height. The first-floor elements would have height to eaves of 5.2m and a maximum height of 3.4m. The roof will be a mansard roof.

3) Infilling of recessed arched porch area and construction of a canopy along the part of the original front elevation and proposed side extension.

4) Dormer extension at the rear. This would allow the roof space to be used as a master bedroom with an ensuite. The dormer would have a width of 3m with a maximum projection of 1.6m from the roof slope. It would have a maximum height of 1.4m.

5) Alterations to the house. The side windows would be enlarged, and a window would be installed at first floor level, and rooflights installed at the front and side of the original house. The chimneys would also be removed.

The above proposal incorporates amendments received on the 24th August 2022 making the following changes to the application:

1. Removal of dormers, bay windows and incorporation of canopy, and rooflight at the front.

2. Addition of first floor window, and rooflight at side facing 6 Ingarsby Drive, and rooflight facing 2 Ingarsby Drive
3. Reduction of ground floor and first floor extensions from 8m and 3m to 5m and 2.5m respectively, along with the reduction of dormer and alteration to rear fenestration and ground floor extension design

Further amendments were received on the 15th September 2022 adding critical dimensions to the plans, labelling all rooms, and altering a discrepancy on the rear elevation.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Paragraph 2. The framework requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Section 12 of the NPPF focuses on requiring good design.

Paragraph 126 describes good design as a key aspect of sustainable development.

Paragraph 130 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the

potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

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, taking in local design guidance and supplementary planning documents. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Appendix 01 Parking Standards – City of Leicester Local Plan (2006)

Residential Car Parking Research for Leicester (2011)

Leicester Street Design Guide (2020)

Consultations

No internal consultations were undertaken for this application.

Representations

8 objections were received to the original proposal before amendment from 7 addresses within the authority boundary with the following concerns:

Amenity:

- Increase overlooking to neighbouring properties and gardens
- Loss of light and overshadowing to neighbouring properties and gardens
- Overbearing impact to neighbouring properties
- Noise generated from construction
- Damage to hedging on boundary
- Loft ceiling height too low

Design:

- Design does not respect character and existing features of the original house or streetscene
- Extensions have a lack of subservience, matching materials, matching roof type and gradient, and they come forward of the building line
- Loss of boundary treatment

Trees

- Loss of trees and lack of information about the loss of vegetation and development at the front of the property
- Trees have already been felled on the site
- Discrepancies in the application form with regards to trees

Highways

- Lack of parking
- Discrepancies in the application form with regards to parking

Validation

- Lack of information about waste storage
- Living conditions

Other

- Original agent was not a registered architect
- Loss of 3-bedroom family house
- Unlawful development at 2 Ingarsby Drive
- Misleading proposal
- Devaluation of property
- Compromise development on future sites

It should be noted these were submitted before any amendments to the proposal were received

Consideration

Principle of development

Extensions to residential properties are acceptable in principle subject to the considerations below. The development would increase the number of bedrooms, improving a residential unit would still be retained and as such would not result in a detrimental loss of housing.

Design

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high-quality architecture. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

Ingarsby Drive consists of various property types and designs although many houses share common features such as the materials, gable frontages, and pitched roofs. The original scheme opted for extensions that failed to assimilate with the property. It had awkward and dominating features such as the bay windows at the front, the dormers, and the large rear extensions.

Amendments have sought to rectify many of these concerns. The bay windows and front dormers have been removed, and the rear extensions and dormer have been reduced in size. The proposed canopy at the front and rear dormer would be small in scale and would follow the same style as the existing house. Whilst the rear extension would have a flat roof, rather than a pitched roof, this is a common design for ground floor rear extensions, and would not be incoherent.

The residential amenity guide recommends a setback for side extensions at the front and side, with a corresponding drop in the roof line. This is to prevent a terracing effect and also ensure that the extensions do not dominate the property. Setbacks have been retained at either side however the front setback and corresponding drop in the ridgeline has not proposed. In this case however, given the visible gap at either side, and the varying streetscene, I do not consider that the lack of setbacks will cause the extensions to dominate the house to a substantial degree.

Concerns have also been raised regarding the loss in boundary treatment. I have no plans before me that suggest the boundary treatment would be lost though I note that there are permitted development rights that would allow this to occur. I do not consider it would be reasonable to remove this permitted development right by way of a condition.

With a condition to ensure that the materials match existing I consider that the scheme would respect the original house and the streetscene and conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of the character and appearance of the area.

Living conditions (*The proposal*)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, light and outlook, and the ability of the area to assimilate development.

All principal rooms would have adequate outlook and natural light, and a large proportion of the garden space would still be retained with minimum garden space requirements in the residential amenity guide being fulfilled.

There are concerns regarding the loft to ceiling heights of the master bedroom. I consider whilst there is a variety of heights and the internal height is acceptable.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of the privacy and amenity of the occupiers in the host property.

Residential amenity (*neighbouring properties*)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity

factors to be taken into account when determining planning applications, including the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

There are concerns from objectors that the development would result in an increase of overlooking, loss of light, and overshadowing to neighbouring properties.

The property at 6 Ingarsby Drive is to the north of the property and shares a side boundary with the application site. The side and rear extensions would be sited 0.7m away from the boundary and would protrude 5m past the rear at ground level, and 2.5m at first floor level. The nearest principal room windows are sited far enough away from the application site that 45-degree line taken from the centre of the windows would not intersect the ground floor extension, and nearest edge of the ground floor window would not intersect the first-floor extension. Therefore, I do not consider the change to outlook and natural lighting to be significantly detrimental to the enjoyment of these rooms. As the development is sited to the south of number 6, limited overshadowing would not result in harm to warrant a reason for refusal. A first-floor window would be placed closer to the boundary however this would be almost 3m away from the boundary and so considered acceptable. There are also windows proposed on the side elevation but providing these are conditioned to be obscure glazed I consider these will not result in overlooking that is detrimental to the site.

The property at 2 Ingarsby Drive is situated to the south of the application site at an angle, so its rear windows face onto the side boundary albeit at an angle. The current separation distance between the rear outrigger of number 2 and the side of the application site ranges from 7-7.5m at the edge with the centre of the window looking out on the garden of the application site. Whilst the extension proposal at number 4 would have some impact on the level of outlook to the windows on the outrigger of number 2, it would at a distance of just over 9m at an angle. On balance I consider that the overall effect of the proposed first floor extension and its roof type, combined with the size of the window on the first-floor outrigger of 2 Ingarsby Drive, is such that the impact on light to, and outlook from, this window would be acceptable in my consideration. As no principal room windows are proposed in the elevation facing 2 Ingarsby Drive, I am satisfied that the overlooking relationship would be acceptable in this instance, though I consider it appropriate to attach a condition ensuring that the window on this side is obscure glazed. Given the site is to the north of 2 Ingarsby Drive I consider that any overshadowing would not be detrimental to the application site.

The properties at 7 and 9 Thurnview Road are sited at the rear of the property. The distance from the rear of these properties to the rear of the proposed first floor rear of the application site property would be just under 40m, so I consider that any overlooking, or overbearing impact to these properties would be negligible.

With the proposed conditions, I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Waste storage and collection

Concerns have been made regarding lack of information about waste storage. As a separation distance of over 1m between 2 and 4 Ingarsby would be retained I consider that bins could easily be stored at the rear and that the proposal will result in little change to waste storage.

Highways and Parking

Core Strategy Policy CS14 states development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel. Saved Policy AM12 states level of parking for residential development shall be determined in accordance with Appendix 01 referenced above.

Concerns have been made about the removal of the garage space and lack of parking on site. Objectors have also noted that the application form did not include the garage space. Existing plans show the existing garage measuring w2.6m x h4.7m. This is under the minimum internal garage space requirements, and it would be a struggle to park the average car in this space. As such I do not consider this would contribute as an existing parking space. The plans show two spaces on site which complies with the requirements laid out in appendix 01.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM12 of the Local Plan (2006), and is acceptable in terms of highway impact and parking.

Trees

Saved Policy UD06 states that 'planning permission will not be granted for any development that impinges directly or indirectly, upon landscape features that have amenity value including areas of woodland, trees, planting or site topography whether they are within or outside the site unless: a) the removal of the landscape feature would be in the interests of good landscape maintenance; or b) the desirability of the proposed development outweighs the amenity value of the landscape feature'.

There are concerns regarding the alleged removal loss of trees to the site. This did not need planning permission as the trees are not subject to a preservation order nor in a conservation area. There are also concerns that the development would impact the hedge on this boundary line between 6 Ingarsby Drive, and the application site, contrary to the application form which states no trees or hedging would be affected by the proposal. The hedging does not have a high amenity value, and this would not need planning permission to be removed.

I conclude that the proposal would comply saved policy UD06 of the Local Plan (2006).

Other matters

The following matters have been raised in objections but not yet dealt with in this report.

There are concerns about noise pollution generated from the building of the extension. Whilst the noise increase would not be ideal for surrounding residents, this would be a temporary situation and a standard part of the development process. Given the scale of the scheme, it would not have been reasonable to attach a condition restricting the hours of construction.

The agent has since changed since objections were raised about the agent not being a registered architect. Whilst it is advised that agents have experience in plan drawing, it is not a requirement of the process.

Concerns about the lawfulness of the development at 2 Ingarsby Drive have been passed for investigation by the Compliance and Monitoring Team.

Devaluation of properties is not a material consideration.

The plans have been amended and I consider that they and the description of the scheme accurately reflects the proposed development.

I do not consider that the proposal would unreasonably compromise development on future sites.

Conclusion

I recommend that this application is APPROVED subject to 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 external elevations shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)

3.Before the occupation of the proposed extension new windows facing 2 and 6 Ingarsby Drive shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 2 and 6 Ingarsby Drive and in accordance with policy PS10 of the City of Leicester Local Plan).

4.Development shall be carried out in accordance with the following approved plans:

4ID-T-SLP, Site Location Plan, Revision T, Received 15 September 2022

4ID-T-1, Existing Floor Plans, Revision T, Received 15 September 2022

4ID-T-2, Existing Elevations, Revision T, Received 15 September 2022

4ID-T-3, Proposed Floor Plans, Revision T, Received 15 September 2022

4ID-T-4, Proposed Elevations, Revision T, Received 15 September 2022
4ID-T-5, Existing Site / Roof plans, Revision T, Received 15 September 2022
4ID-T-6, Proposed Site / Roof plans, Revision T, Received 15 September
2022
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. 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_CS14 | The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development. |

COMMITTEE REPORT

20220860	40 Sybil Road	
Proposal:	Construction of first floor extension at side; two storey extensions at side and rear; single storey extension at rear; garage conversion to provide annexe; alterations to roof including balcony rooflights at rear; alterations to house (Class C3) (amended plans received 16/09/2022)	
Applicant:	Miss Narcis Bari	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	6 October 2022	
RB	TEAM: PD	WARD: Braunstone Park & Rowley Fields

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Summary

- The application is at committee due to more than five objections
- 9 objections from 8 different households have been received on grounds of parking, residential amenity, ecology, design, and impact on the character and appearance of the area.

- 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 two-storey detached dwelling within a primarily residential area.

The site is within a 250m buffer of known air pollutant Tesco Filling Station Rowley Fields.

Background

Application 20212304 for the construction of two storey extensions at front, rear and side (part to form annexe); single storey extension and privacy screen at rear; extension and alterations to roof of house (Class C3); alterations including balcony rooflights at rear; demolition of garage (AMENDED PLANS RECEIVED 27/01/2022) was refused on 31/01/2022 for the following reasons:

- The proposed side extension, by reason of its size and siting, would leave no space between the building and the side boundary, to the detriment of the visual quality and character of the area and contrary to Policy CS03 of the Leicester Core Strategy (2014), saved Policy PS10 of the Local Plan (2006) and the relevant local design guidance at Appendix G of the Residential Amenity Supplementary Planning Document (2008). It would also be at odds with paragraphs 130 & 134 of the National Planning Policy Framework (2021) which relate to good design.
- The proposed alterations to the front elevation and roofing material would disrupt the coherent visual relationship that the application dwelling has with the neighbouring dwellings 38 & 42 Sybil Road, which is a positive attribute of the streetscene, to the detriment of the visual quality and character of the area and contrary to Policy CS03 of the Leicester Core Strategy (2014), saved Policy PS10 of the Local Plan (2006) and the relevant local design guidance at Appendix G of the Residential Amenity Supplementary Planning Document (2008). It would also be at odds with paragraphs 130 & 134 of the National Planning Policy Framework (2021) which relate to good design.
- The proposed single storey rear extension, by reason of its rearward projection and siting, would have an unacceptable impact on daylight to and outlook from the adjacent ground floor rear principal room window at 38 Sybil Road, and would unreasonably overshadow the adjacent garden area of 38 Sybil Road, to the detriment of the amenity of the occupiers of that neighbouring property and contrary to Policy CS03 of the Leicester Core Strategy (2014), saved Policy PS10 of the Local Plan (2006) and the relevant local design guidance at Appendix G of the Residential Amenity Supplementary Planning Document (2008). It would also be at odds with

paragraphs 130 & 134 of the National Planning Policy Framework (2021) which relate to good design.

A large single storey outbuilding has been demolished and vegetation has been removed prior to the submission of the proposal, both within the rear garden of the site.

The Proposal

The current application, as amended, proposes the following:

- A first floor and two storey side to rear extension, occupying the full gap between the original house and the boundary with 38 Sybil Road. The extension would be set-back from the front by 1m and would project beyond the first floor rear wall of the original house by 4.7m, with 12.1m total depth. The width would be 3.7m, height to the eaves would be 5.4m and total height would be 7.9m. The side part of the extension would have a crown-hipped roof, set down from the ridge of the roof of the original house, and the rear part would have a hipped roof, set down from the main body of the roof, at 7.4m in total height.
- A flat roofed single storey projection behind the two-storey side to rear extension. The extension would measure 3m in depth beyond the two-storey element, 4m in width and 2.7m in height. The extension would have a green roof and also a roof lantern.
- A single and two storey rear extension that would span the full width of the original house and would project 3m beyond the original ground floor rear wall and 1.7m beyond the original first floor rear wall, with the main house roof extended over (continuing the original ridge level). There would be a Juliette balcony to the rear at first floor level. The single storey extension would have a green roof and two roof lanterns.
- Alterations to re-roof the house in anthracite slate tiles and install balcony rooflights at the rear and a standard-type rooflight at the side.
- Alterations to replace existing windows and doors with anthracite Upvc to match those of the proposed extensions;
- The existing subordinate gabled roof between the main house roof and the chimney stack would be removed.
- The walls of the proposed extensions would be mainly finished in brick to match the existing. The ground floor rear elevation would be finished in render and cladding.
- At ground floor level, a living area, kitchen and WC are proposed to the rear. At first floor level a master bedroom, with dressing area and ensuite bathroom is proposed at the rear and a family bathroom is proposed to the side. At second floor level, the existing loft space is proposed to be converted and extended to provide a third bedroom, a playroom and store.
- The existing garage would be converted into a habitable annexe, to provide a studio accommodation to include a kitchen area, living area, bed, and ensuite shower room.

The proposal incorporates the amendments below intended to reduce the impact of the scheme:

- Remove the alterations to the front elevation to replace the original two storey round bay window with a square bay window;
- Retain the existing garage and construct the first floor element of the side extension over the existing garage, rather than the garage being demolished and the construction of a two storey side extension in its place;
- The proposed cladding to the rear extensions at first floor level has been replaced with facing brickwork to match;
- The side extension at first floor level has been set away from the common boundary by 0.1m to ensure that box guttering is not required at the side of the property and the proposal does not encroach on neighbouring land.
- The proposed annexe would be set within the converted garage, rather than the ground floor of the proposed extension.

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; (d) establish or maintain a strong sense of place; 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

Nine objections have been received from eight addresses raising the following issues:

Character and Appearance Issues

- proposal not similar in appearance to the existing house
- alterations at front out of keeping, including the first floor bathroom window
- disproportionate/excessive enlargements (exceeds 50% and larger than permitted)
- the flat crown roof design does not match existing hipped roof design
- rooflights unprecedented in street

Amenity Issues

- loss of light
- overlooking/loss of privacy
- possibility of further garden development (noise impacts)
- light pollution from rooflights (amenity)

Other Issues

- less information/fewer measurements have been provided in comparison to the previous application
- trees and shrubs already removed
- light pollution from rooflights (wildlife)
- area is rich in bat populations
- no reference to parking provision
- construction & delivery traffic will need to be managed
- work should be confined to working day/week
- proposal contravenes Council's guidance

Consideration

The main issues in this case are: the character and appearance of the area; the amenity of the occupiers of neighbouring properties; the living conditions of the host property; and parking and access.

Character and Appearance & Design

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 SPD Residential Amenity (2008) provides design guidance for house extensions in the city and is therefore also relevant to the proposals.

The SPD Residential Amenity states that the infilling of gaps between residential buildings can harm the character of the street. It sets out that a minimum gap of 1m between the side wall of a side extension and the boundary is desirable to allow access for refuse bins etc. and for maintenance. It also sets out that if a garage is level with the front of the house, as is common, then the first floor extension should be set back by at least 1m, possibly incorporating a pitched roof over the set back.

Gaps between buildings is an attribute of development in this section of Sybil Road that contributes positively to the visual quality of the streetscene and the character of the area. There are side projecting elements at first floor level to the boundary of both 38 and 42 Sybil Road. However, I consider that these are not comparable to the current proposal, as both are set well back behind the original garages, resulting in the dwellings clearly being read from the streetscene as detached with relatively large separation distances.

I consider that the 1m setback at first floor level from the front elevation, the removal of the originally proposed projecting bay window to the front of the first-floor extension and the passageway to the adjacent side of 38 Sybil Road, would be sufficient safeguards against a terracing effect. This would ensure that the proposal would appear subservient to the existing property and would not appear too large for the plot.

Moreover, the existing single storey garage structure at the side of the property would now be retained and I consider the proposal now complies with the guidance for first floor extensions over existing garages.

I consider it necessary to attach a condition to ensure that the replacement garage doors are provided and retained thereafter to ensure that the character and appearance of the group of three detached properties is retained.

SPD Residential Amenity states that care must be taken when building up to neighbouring property boundaries. Amended plans have been submitted to ensure that the first-floor element is sufficiently set away from the boundary to ensure that the guttering does not project over the neighbouring occupier's land and that box guttering, which is more prevalent for commercial buildings, is not used. It is clearly confirmed that this would be the case within the design and access statement, as amended, and the changes have been confirmed by the applicant. I consider it necessary to attach a condition to ensure that there is a set back of 0.1m to ensure that a half round gutter is incorporated within the application site, as the difference is not clearly visible on the amended plans and elevations.

SPD Residential Amenity states that the overall shape, size and position of an extension must not dominate the existing house. A crown roof with hip/flat roof elements is proposed over the first-floor side extension. Although it does not match the hipped roof of the existing property, I consider that the flat element of the roof would not easily be seen from the streetscene, due the approximately 0.8m separation distance between the common boundary and the side wall of the neighbouring property at 38 Sybil Road. Moreover, I consider that the two storey side extension with 1m first floor set-back and subordinate roof would reasonably preserve the profile and proportions of the original house when viewed within the streetscene and would not dominate the original house.

The dwellings at 38, 40 and 42 Sybil Road appear to have been built as a group and although each one is unique, as a result of variances in the execution of their design details, their architectural coherence is an important attribute. I consider that their group value makes an outstanding, positive contribution to the visual quality of the streetscene and the character of the area. Steps have been made to retain the architectural features at the front of the property through amendments submitted to the proposal. This includes the retention of the attached single storey garage at the side and the semi-circular bay window to the front of the main dwelling. The retention of these features in comparison to the neighbouring properties can be seen within the proposed street scene drawings. Although the proposal would result in a development that is much larger than the properties within the immediate vicinity, I consider that the three properties would still be read as a group within the street scene and the amended proposal seeks to retain the architectural features that are characteristic of these properties.

The application proposes facing brick to match existing to the front and side elevations and, as amended during the course of the application process, the rear elevation at first floor level. Cladding and render is now only proposed to the rear extensions at ground floor level, which I consider would be read as subservient modern additions to the property that would not be prominent when viewed from the rear gardens of the properties to the sides or from the rear windows of properties to the rear.

Following the previous refusal and pre-application discussion, many of the alterations to the front elevation that were previously found to be unacceptable have been omitted from the proposal and, although the proposed use of anthracite slates as the roofing material would not be similar in colour to the existing terracotta roof tiles, I consider that (provided that the whole roof – existing and proposed – is finished in the same material) this would produce a more traditional finish sympathetic on overall appearance to the original building and the area.

Although rooflights are not a common feature of the area and they would be large, I consider that, as they are located to the rear of the property, they would not have a significant adverse impact on the character and appearance of the area and would not appear overly obtrusive in comparison to other means of facilitating loft conversions, such as dormer extensions. On balance, I consider that the provision of light and outlook to the future occupiers of this space would outweigh their design.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006), and is acceptable in terms of design and the character and appearance of the area.

Residential Amenity (Neighbouring Properties)

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 SPD Residential Amenity Guidance provides further guidance on the consideration of amenity impacts including outlook, daylight, sunlight and overlooking.

SPD Residential Amenity states that a single storey rear extension deeper than 3 metres on or close to the boundary should not go beyond a line taken at 45 degrees from the centre of any ground floor window of any principal room in an adjoining property.

The element of the proposed single storey extension nearest to the boundary with 42 Sybil Road would have a rearward projection of 3m and would be sited away from the common boundary by approximately 1m. As such, I consider that the single storey rear extension would not have a significant detrimental impact on the amenity of the neighbouring property at 42 Sybil Road.

There is an existing 4m deep single storey extension at the rear of the neighbouring property at 38 Sybil Road, which has a separation distance of approximately 1m from the common boundary. The depth of the single storey extension that would sit behind the two-storey side to rear extension has been reduced in comparison to the previously refused application. The proposed single storey extension would not intersect a 45 degree line taken from the centre of the adjacent ground floor rear principal room window at 38 Sybil Road and would not result in a significant detrimental loss of daylight to or outlook from the nearest habitable room window of the neighbouring property and would not result in a significant detrimental amount of overshadowing of the rear garden area.

SPD Residential Amenity states that a two-storey rear extension on or close to the boundary should not go beyond a line taken at 45 degrees from the nearest point of any ground floor window of any principal room in an adjoining property.

The element of the two-storey rear storey extension nearest to the boundary with 42 Sybil Road would project 1.7m from the original first floor rear wall of the application dwelling. The ground floor kitchen window at 42 Sybil Road is sited approximately 1m from the corner of that neighbouring house and the proposed two storey extension would be sited 1m from the common boundary. I consider that the two-storey rear extension would not intersect a 45 degree line taken from the edge of the adjacent kitchen window and would not have a significant detrimental impact on the light to and outlook from the kitchen.

The element of the proposed two storey rear extension adjacent to the boundary with 38 Sybil Road would have a similar projection to the existing single storey extension at the neighbouring property and would not intersect a 45 degree line taken from the edge of the adjacent principal room window at ground floor level.

The proposed two storey extension projecting to the rear along the common boundary with the neighbouring property at 38 Sybil Road would not intersect a 45 degree line taken from the centre of the nearest first floor window at the rear of the neighbouring property. As such, I consider that the extension would not have a significant detrimental impact on the amenity of the nearest habitable room window on the first floor of 38 Sybil Road.

The proposed extensions would appear as substantial additions to the subject dwelling when viewed from surrounding gardens. However, a number of reductions and improvements in the design of the rear extensions have been made when compared to the previous refusal, including the reduction in depth of the single storey extension, the addition of a hipped roof over the proposed two storey extension and more suitable materials. As such, I consider that the appearance of the property from the rear is acceptable and would not appear unacceptably dominant and obtrusive at the rear or result in an overbearing impact on neighbouring occupiers.

SPD Residential Amenity states that a proposed extension should not result in any substantial loss of privacy to adjoining dwellings and gardens a separation distance of 21m is recommended between directly facing principal room windows and 11m between any principal room window and a boundary with undeveloped land including gardens.

Dwellings in this area, including the application property, benefit from spacious plots including the depths of rear gardens. The separation distances to the rear of the proposed extension exceed the recommendations set out within SPD Residential Amenity. I consider it necessary to attach a condition to ensure that the Juliet balcony is not used to access the flat roof of the single storey extension in front. As such, I consider that the proposal would not result in a significant detrimental level of overlooking or loss of privacy within rear gardens or at the rear of neighbouring properties.

The windows at the front of the house would have a normal street-facing relationship with the dwellings on the opposite side of Sybil Road.

The proposal would include a first-floor side facing window (serving a dressing area) directly facing the boundary with 42 Sybil Road at a distance of less than 11m. I consider it necessary to attach a condition to ensure that the window is obscure glazed to Pilkington level 4 or 5 with only a top opening light to ensure that the window would not have an unacceptable overlooking impact.

Representations have made reference to the proposed window to the bathroom at the front of the property. There is a note on the elevation drawing that confirms that the window would be obscure glazed. I consider that an obscure glazed window at the front would not have a harmful impact on the visual appearance of the area.

I consider the proposed development would not result in an adverse impact on the amenity of the occupiers of neighbouring properties in accordance with saved Policy PS10 of the Local Plan and Core Strategy Policy CS03.

Living Conditions (existing and future occupiers)

Core Strategy Policy CS03 seeks the creation of buildings and spaces that are fit for purpose. Appendix G of SPD Residential Amenity states that extensions should leave sufficient space for general use and penetration of light and sun. The guidance set out that a 3+ bedroom house should have a minimum of 100sqm of private amenity space.

The proposal would increase the internal space available within the dwelling and provide for enhanced living conditions for the existing and future occupiers of the property. An outbuilding has already been demolished within the rear garden, so the occupiers would have in excess of the recommended 100sqm of private amenity space.

There is a TV room on the ground floor that would not have direct outlook or light. However, sliding doors are proposed to the living area behind and I consider, due to the design of the proposal, that there would be sufficient outlook through the living area to the large windows at the rear and there is a sufficient number of windows to ensure that there is adequate light afforded to the room.

The proposed annexe would be in place of the existing garage, but garage doors with windows would be retained. Although this would be unconventional, I consider that sufficient light and outlook would be retained for the future occupant of the room.

I consider it necessary to attach a condition for the replacement garage door and the larger windows to be installed, as the existing garage door windows would not provide suitable light and outlook for the occupier of the annexe.

I therefore consider the proposal would accord with saved Policy PS10 of the Local Plan and is acceptable in regard to the living conditions of future occupiers.

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 (which includes the application site).

Space would be retained for one vehicle parking space at the front of the property.

Having regard to Appendix 01 of the Local Plan and the prevailing levels of on street parking in the area, I consider that the proposal and technical shortfall in provision would not have an unacceptable impact upon on-street car parking capacity and that

the residual cumulative transport impacts of development would be unlikely to be severe and that, in these regards, subject to conditions the proposal would comply with Policy CS15 of the Core Strategy and saved Policy AM12 of the Local Plan.

Other Matters

I consider that the principal matters relevant to the consideration of this application and raised by third parties in representations have been addressed in the main preceding sections. Turning to the other matters raised by third parties and not addressed above:

- disproportionate/excessive enlargements (exceeds 50% and larger than permitted): *I do not consider that the proposal would lead to an overdevelopment of the site. The proposed development would not exceed 50% of the curtilage of the dwelling.*
- possibility of further garden development (noise impacts): *any additional development, if not 'permitted development', would be the subject of a separate planning application and consideration on its own merits.*
- light pollution from rooflights (amenity & wildlife): *I consider that light pollution from the proposed rooflights is not likely to be of greater than domestic scale as to be harmful to amenity and wildlife.*
- less information/fewer measurements: *Critical height dimensions are shown on the elevation drawings and critical length & width dimensions are shown on the floorplan drawings. Distance to the rear boundary and 45 degree lines are shown on the proposed site plan and proposed floor plans.*
- trees and shrubs already removed: *The removal of trees and shrubs is regrettable however there are no special controls to protect any existing vegetation in this area.*
- area is rich in bat populations: *The building is not within 400 metres of optimal bat foraging habitat and there are no records of bat roosts/activity within the nearby vicinity.*
- construction & delivery traffic will need to be managed/work should be confined to working day/week: *As a proposal for domestic extensions and alterations I consider that it would not be reasonable or proportionate to seek to control construction traffic or hours as a condition of planning permission.*
- proposal contravenes Council's guidance: *I am satisfied that the proposal complies with relevant local design guidance.*

Conclusion

In conclusion, I consider that the proposal is acceptable in regard to its design, impact on the character and appearance of the area, the amenity of neighbouring occupiers, the living conditions of future occupiers and parking and is in accordance with local and national policies.

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

CONDITIONS

1. START WITHIN THREE YEARS
2. The development shall be constructed using the following approved materials:
 - * brickwork to the rear elevation at first floor level and front and side elevations to match existing brickwork in colour, bond and mortar;
 - * cedar cladding and render to the rear elevation at ground floor level only;
 - * anthracite roof tiles to match across the existing and proposed roof; and
 - * all windows, doors, downpipes and gutters across the front, side and rear elevations shall be uPVC anthracite or similar to match, except for the composite door to the front elevation and rooflights and roof lanterns to the rear elevation.(In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The approved first floor side elevation wall shall be set 0.1m from the common boundary with 38 Sybil Road to ensure a half round gutter is incorporated within the application site boundary. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. Before the occupation of the proposed extensions, the side facing window within the dressing area of the first floor bedroom facing 42 Sybil Road shall be obscurely glazed to Pilkington level 4 or 5 (or equivalent) (with the exception of a top opening light and retained as such. (In the interests of the amenity of neighbouring occupiers at 42 Sybil Road and in accordance with saved policy PS10 of the City of Leicester Local Plan).
5. The flat roof of the proposed single storey rear extension shall not be used as a balcony or an outdoor amenity space. (In the interests of the amenity and privacy of 38 and 42 Sybil Road in accordance with saved policy PS10 of the City of Leicester Local Plan).
6. The approved replacement garage doors and windows shall be installed and retained thereafter. (In the interests of the amenity of the future occupier of the annexe and visual amenity, and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. Development shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan, 221115/PL-SP-002 rev X, received 16/09/2022
 - Proposed Ground and First Floor Plans, 221115/PL-P-003 rev X, received 16/09/2022
 - Proposed Second Floor and Roof Plans, 221115/PL-P-004 rev X, received 16/09/2022
 - Proposed Elevations, 221115/PL-E-002 rev X, received 16/09/2022
 - Proposed Elevations, 221115/PL-E-003 rev X, received 16/09/2022
 - Proposed Street Scene, 221115/PL-E-004 rev XX, received 16/09/2022(For the avoidance of doubt).

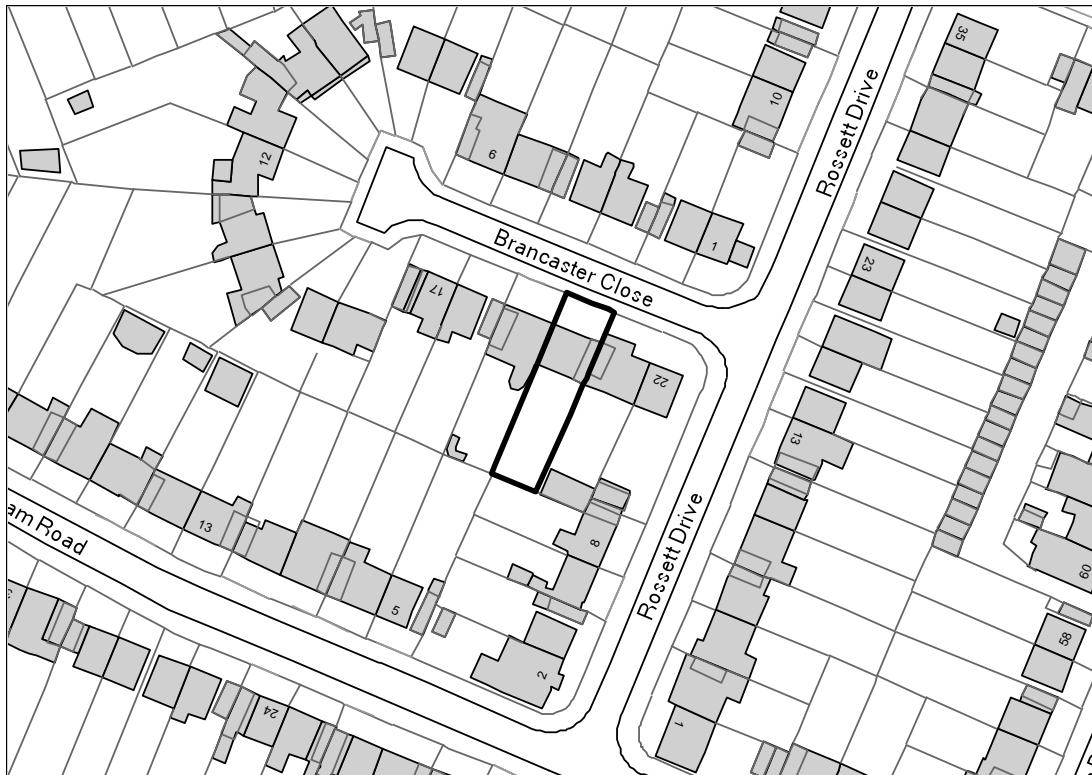
NOTES FOR APPLICANT

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 20/09/2022 to satisfy condition 6.
2. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted for works on, under or above land outside the ownership of the applicant. The applicant may need to enter into a Party Wall Agreement with adjacent land owners.
3. 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. |

Recommendation: Conditional approval	
20220896	20 Brancaster Close
Proposal:	Retrospective application for change of use from house (3 bed) to two self-contained flats (2 X 1 bed) (Class C3)
Applicant:	Mr & Mrs Gawera
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20220896
Expiry Date:	7 October 2022
ACB	WARD: Abbey



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Summary

The application is at committee as more than five objections have been received

- 6 objections from 6 city addresses have been received on grounds of parking, impact on residential amenity and the impact of flats on the street.
- The main issues are the standard of accommodation, residential amenity of neighbours, parking and waste storage.
- The application is recommended for approval

The Site

The property is a two storey semi-detached house located within a residential part of the city. The property is also located within a critical drainage area.

Background

In January 2017 under application 20162423 it was determined that prior approval was not required for the construction of a single storey extension at the rear of the house. The extension would project 6 metres from the rear of the house. The extension was not constructed.

The Proposal

The proposal as amended is for retrospective permission for the change of use of the property from a house to two one bedroom flats, one on the ground floor and the other on the first floor. Both flats would have a separate kitchen, bathroom, bedroom and living room. Flat 1 would have a floor space of 38 square metres and flat 2 would have a floor space of 40.5 square metres. The existing garage would be used as a bin and bike store.

2 off street parking spaces are proposed to the front of the house.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Chapter 9. Promoting sustainable transport

Paragraph 110 (safe and suitable access)

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

Chapter 12. Achieving well-designed places

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

Chapter 14. Meeting the challenge of climate change, flooding and coastal change
Paragraph 167 (mitigating flood risk)

Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessment.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Appendix 01 – City of Leicester Local Plan

Other legal or policy context

Corporate Guidance – Achieving Well Designed Homes (October 2019)

Consultations

Local Highway Authority (LHA) No objections subject to conditions relating to cycle parking.

Private Sector Housing – No objections

Representations

Neighbours were notified by letter. 6 objections have been received on the following grounds:

- Overshadowing and loss of privacy
- Impact on parking due to increase in numbers of vehicles parking in the street.
- Emergency vehicles have issues accessing the close as do bin lorries
- Change of character of the close due to the loss of family houses and creation of more flats
- The change of use has already occurred
- Loss of water pressure (not a planning issue)
- Lack of sufficient bin capacity
- Lack of maintenance of the property and garden

Consideration

The issues under consideration are, principle of development, residential amenity of future occupiers, impact on the highway, Impact on residential amenity of neighbouring properties, impact on flood risk.

Principle of development

Policy CS06 of the Leicester Core Strategy states that careful consideration will be given to conversions and to further subdivision of existing flats to ensure there is no adverse impact on the character of the area or the maintenance of mixed communities. In particular, the conversion of existing large houses will be resisted where it would still be appropriate for family use and meet an identified demand for this type of accommodation and policy CS08 specifies Belgrave and Spinney Hill areas as where this focus should be applied. Similarly, Saved Local Plan Policy H10 requires retention of larger residential properties in Belgrave and Spinney Hill but not elsewhere in the City.

Furthermore, it is not also located in an area where permitted development rights for conversions to houses in multiple occupation are restricted by article four direction.

The Housing and Economic Development Needs Assessment (2017), suggests that in terms of demand across the city, there is a greater demand for 2 bedroomed dwellings than 4 or more bedroomed dwellings. However, demand across all dwelling sizes is significant, and this assessment is intended to support plan making policy in terms of housing mix as opposed to direct decision taking on individual planning applications. The latest Housing Demand assessment will be published in support of the emerging Local Plan.

Policy H05 safeguards against loss of housing, and the application will not result in the loss of residential property to non-residential uses and the provision of an additional dwelling.

The property is a house located in a residential area. As it is a three bedroom house it is not considered to be a large house and there is a demand for a mix of housing types in the area.

Therefore, I consider that the proposal is in keeping with the broad objectives of saved City of Leicester Local Plan policies H05 and H07 and of Core Strategy policies CS06 and CS08 in providing a supply of dwellings of varying types- and at present as the City Council cannot demonstrate a 5 Year Land supply of housing, the provisions of the NPPF in favour of residential development which would increase the housing supply apply in line with the 'tilted balance'. The principle of the development is acceptable subject considerations of the impact on residential amenity, living environment, highways, drainage and third party representations.

Residential Amenity of future occupiers

Saved policy H07 of the City of Leicester Local Plan states that Planning permission will be granted for new flats and the conversion of existing buildings to self-contained flats, provided the proposal is satisfactory in respect of a number of matters including the creation of a satisfactory living environment.

Flat 1 would be located on the ground floor and would be 38 square metres. This meets the standards set out in the Nationally Described Space Standards (NDSS) which although not formally adopted by the Council can be used to assess the quality of living accommodation. There would be a living room to the front a separate bedroom and kitchen to the rear and a separate bathroom. The flat would also have direct access to the rear garden.

Flat 2 would be located on the first floor and is 40 square metres. The kitchen and living room would be to the front and a bedroom and bathroom to the rear. Access to the garden space would be to the side of the flat.

Both flats meet the standards set out in the NDSS and have good levels of light and outlook and space for furniture and storage.

The property would retain the existing garden which is approximately 190 square metres and therefore considerably in excess of the required amenity space for self-contained flats which would be 4 square metres.

Objections have stated that the property does not have sufficient bins for the flats. The waste capacity for a standard wheeled bin is 240 litres. The flats would generate approximately 180 litres of general waste per week and therefore I consider that a standard wheeled bin would be acceptable. There is sufficient space within the garage for bin storage and amended plans have been submitted showing that bins would be stored in the garage.

I therefore consider that the residential amenity of future occupiers would be acceptable, and that the proposal is not contrary to paragraph 130 of the NPPF or saved policies H07 and PS10 of the City of Leicester Local Plan.

Impact on the highway

Paragraph 110 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The existing house had one off street parking space and the proposal seeks to widen the dropped kerb by 300mm to allow for two off street parking spaces to be provided. This would be in accordance with the parking standards set out in Appendix 01 of the City of Leicester Local Plan. The plans also show that there would be two cycle parking spaces in the existing garage. In addition, the property is located close to a bus route on Heacham Drive.

Objectors state that there has been an increase in car parking in the area since the change of use has occurred, however as the proposal meets the parking standards required, I do not consider that a refusal on the ground of impact on the highway can be justified and that subject to conditions relating to vehicle and cycle parking the proposal is in accordance with paragraph 110 of the NPPF.

Impact on residential amenity of neighbouring properties

The extension proposed under application 20162423 has not been constructed and no further extensions are proposed. I therefore do not consider that the proposal would result in a loss of light and outlook to any of the neighbouring properties.

An objection has been received that the occupier of one of the neighbouring properties is affected by noise from a television. Flat 2 has a living room next to where a bedroom of the adjoining property would be. However it is not uncommon for people to have televisions in bedrooms and the level of noise generated by a television would not justify a requirement for a sound insulation scheme to be installed. I therefore do not consider that the proposal would have a detrimental impact on the residential amenity of neighbours to justify refusal.

Impact on flood risk

Policy CS02 of the Leicester Core Strategy states that 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.

The property is located within a critical drainage area. A plan has been submitted which shows that there would be water butts installed to the rear of the property and that a soakaway would also be installed.

I consider that subject to a condition requiring details of maintenance of the systems the proposal is in accordance with policy CS02 of the Leicester Core Strategy.

Other matters

Objections have referred to the fact that the application is retrospective. It is not an offence for development to be carried out without planning permission and the application has been submitted following an investigation by the Compliance and Monitoring Team.

Objections have also stated that there has been a loss of water pressure in the area. This is not a planning issue and should be taken up with Severn Trent Water.

Conclusion

In conclusion I consider that the proposal is acceptable in principle and would result in an acceptable standard of living accommodation without being detrimental to existing residents and it would make a small contribution to the housing supply for the City. I therefore consider that the proposal is in accordance with planning policy. I recommend APPROVAL subject to the following conditions.

CONDITIONS

1. Within three months of the date of this permission two secure and covered cycle parking spaces shall be provided and retained thereafter, in accordance with details shown on the approved plans (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

2. One car parking space shall be provided for each dwelling as shown on the approved plans and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan.)

3. Within 3 months of the date of this permission details of the implementation, long term maintenance and management of the Sustainable Drainage System (SuDS) as shown on plan PL20 A202 rev B shall be submitted to and approved by the local planning authority. The system shall be implemented within 3 months of the date of approval of the details. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) a timetable for its implementation, and (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.

4. Development shall be carried out in accordance with the following approved plans:

Location Plan PL20 A203 rev A received 25 April 2022

Proposed Plans PL20 A200 rev B received 9 September 2022

Proposed Elevations PL20 A201 rev A received 25 April 2022

Proposed Site Plan PL20 A202_A rev A received 9 September 2022

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. 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. 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_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
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_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.