

Leicester
City Council

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

DATE: WEDNESDAY, 8 MARCH 2023

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 Chamund, Joshi, Modhwadia, Dr Moore, Thalukdar, Valand and
Westley

One unallocated Labour group place

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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Further information

If you have any queries about any of the above or the business to be discussed, please contact:
Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 or , Democratic Support Officers.
Alternatively, email aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk, or call in at City Hall.

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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 25 January 2023 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.

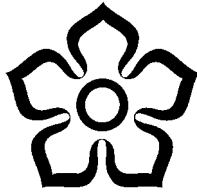
4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

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) 20222199 - 413 LONDON ROAD, SEFTON HOUSE [Appendix A1](#)**
- (ii) 20222152 - 23 SIDNEY ROAD, LAND ADJACENT TO [Appendix A2](#)**
- (iii) 20220031 - 118 EVINGTON VALLEY ROAD [Appendix A3](#)**
- (iv) 20222368 - 38 MIDDLESEX ROAD [Appendix A4](#)**

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 8 March 2023

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.

COMMITTEE REPORT

20222199	413 London Road, Sefton House	
Proposal:	Construction of loft conversion; alterations to sides and rear of house (Class C3)	
Applicant:	Rehana Latif	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	13 February 2023	
TEI	TEAM: PD	WARD: Knighton



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Summary

- Application brought to committee as 8 objections from 8 city addresses received
- Main issues are impact of the proposal on the heritage significance of the building, impact on amenity, and highways.
- Objections relate to heritage, loss of privacy, human rights and construction traffic.
- The application is recommended for approval.

The Site

The application relates to a two and three storey building in residential use and in a residential part of the city. The building is two storey at the front and three storey at the rear reflecting the drop in land levels. It is a locally listed building built circa 1902 for a Mrs Batten by the nationally recognised architect Frank Seale and is known as 'Sefton House'. It and has an Article 4 Direction removing all householder permitted development rights and permitted development rights for demolition.

For clarity, the site is not in the Stoneygate Conservation Area and sufficiently far south of the Stoneygate Conservation Area so as not to affect its setting.

Background

There is another application at the site (ref. no. 20222199) for the construction of hardstanding and vehicular access to classified road at the front of the property.

The Proposal

This proposal is for substantial alterations to the rear elevation, including extending the roof height at the rear to create additional third floor accommodation and minor alterations to the side elevations. The front elevation will remain unaltered.

The alterations at the rear include lifting the ridge height of the left side, and slightly lowering the ridge height of the right side so that both ridge heights will be the same and will sit just below the ridge height of the front part of the property. The third floor will be recessed to provide a covered terrace serving the master bedroom with a glazed balustrade flush with the rear of the building and served by two French doors. The existing first and second floors will be slightly adjusted but at the ground floor there will be bi-folding doors extending along 7 metres of the elevation. There will also be three conservation rooflights to the rear of the front part of the building.

There will be two new conservation rooflights and two new second floor windows to the south elevation and three rooflights and new second floor window to the north elevation.

A Heritage Statement has also been submitted with the application.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Paragraphs 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraphs 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraphs 126, 130, 132 and 134 (Good design and ensuring high standard of amenity)

Paragraphs 194, 195, 197, 199, 201, 202, 203, 206, and 208 (Heritage Assets)

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)

Consultations

None

Representations

Eight objections have been received from eight Leicester addresses raising the following concerns:

- that the alterations at the rear, in particular the third floor terrace and French doors will fundamentally change the property's design and appearance out of keeping with its heritage,
- that the third floor terrace would result in an unacceptable impact on the privacy of surrounding gardens, contrary to Article 8 of the European Convention on Human Rights,
- that the third floor terrace would also result in noise and light pollution,
- that the building works will have an unacceptable impact on parking in the local area, particularly given that the local area is already congested due to the nearby Leicester High School for Girls,
- that the building works will compromise the ability of emergency services to access Holbrook Road, will block the view of the road for people waiting at the bus stop and obscuring vehicular exits from the driveways of adjacent properties, and
- that there are some inaccuracies in the plans including a failure to show the white painted weatherboard cladding at the rear of the property and showing a hedge along the site boundary other than the existing fence.

Consideration

Principle of development:

The proposal is for residential development in a residential part of the city and is acceptable in principle.

Design:

In this instance considerations of design are intrinsically related to the proposal's locally listed status and so are considered below.

Heritage Assets:

The building is a good example of an early 20th Century suburban house located on a prominent thoroughfare into the city and is a well-designed red brick building with

rendered upper floors, with a pair of visually prominent tall and narrow red brick chimneystacks to either gable end. The gable ends are clearly visible from the streetscene, resulting in the house having a prominent impact upon London Road, one of the main thoroughfares into and out of the city.

The proposal does not alter the front elevation of the building and by introducing a window to the north elevation better reveals the gable end from this approach. I do not consider that the proposal will harm the architectural interest or significance of the proposal. Nevertheless, in order to preserve the architectural significance of the building and to ensure that any alterations are well integrated into its historic fabric I consider it necessary to attach a condition requiring materials for all external elevations and for the section details of new windows and doors to be agreed prior to the commencement of the development.

Living conditions (*host property*):

All new principal rooms will have good levels of outlook and will not compromise the enjoyment of the amenity space of the host property whose already acceptable standard of living conditions will not be harmed by the proposal.

Residential amenity (*neighbouring properties*):

The proposed extension will be set 21 metres from the rear garden of the nearest Holbrook Road property, far greater than the minimum distance of 11 metres recommended in the residential amenity SPD, and despite the rear balcony being high up and overlooking these gardens I consider that this distance is significant enough so that the impact on the privacy of these properties is not unacceptable. The distance between the proposed extension and the rear gardens of 405 and numbers 515-417a London Road is much closer (at approximately 5 metres on either side). However, given the incline of the proposed roof the overlooking into the main part of these gardens would not be direct and I consider the proposal to be acceptable in this respect.

Given the respective orientation of the properties I consider the proposal will have very little impact on the outlook from windows of neighbouring properties. Nor do I consider the proposal will have a particularly overbearing impact or unacceptable overshadowing impact or impact on daylight to these properties.

I note the concerns above regarding potential light and noise pollution. However, as an extension to an existing dwelling I consider any impact on light or noise to be acceptable and reasonable in a residential area.

Highways and Parking

I consider the scale of the development to be comparable to many householder developments across the city and not so large or to have such an unacceptable impact on emergency vehicles, highway congestion or highway safety so as to require a construction management plan to be agreed. In addition, the accompanying application for hardstanding and an additional vehicular access

demonstrate that there is hardstanding area that could be used for contractors' vehicles on site.

Other matters

I note the concerns over the inaccuracy of the existing plans. However, I am satisfied that this does not unduly compromise the proper assessment of the application.

Given the scale and nature of the proposal I do not consider that it contravenes Article 8 of the European Convention on Human Rights.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. Before the development is begun, the following shall be submitted:
 - 1 metre² brick sample panel (showing brickwork, bonding and mortar) for any new exposed brickwork
 - details of the render to be used for the rear elevation
 - material sample to be used for the roof
 - ridge-tile sample to be used for the roof
 - details of materials to be used for the windows, barge board and doors and approved in writing by the local planning authority, implemented in accordance with the approved details and retained as such. (To preserve the architectural significance of the building, and in accordance with Core Strategy policy CS18.)
3. Before the development is begun, plans at a scale of 1:10 or 1:20 for the following shall be submitted:
 - window & door joinery details and finishes
 - cill and lintel details
 - bargeboard detailsand approved in writing by the local planning authority, implemented in accordance with the approved details and retained as such. (To preserve the architectural significance of the building, and in accordance with Core Strategy policy CS18.)
4. Development shall be carried out in accordance with the following approved plans:
Plans as Proposed (alternative), ref. no. LE2-3330 PLN, rev. C, received 14.12.2022
(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 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_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_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.
2014_CS18	The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

COMMITTEE REPORT

20222152	23 Sidney Road, Land adjacent to	
Proposal:	Demolition of existing extension and garage; construction of single and two storey dwelling (1x3 bed) (Class C3) (AMENDED PLANS RECEIVED 26/01/2023 & 30/01/2023)	
Applicant:	Ms D Rayarel	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	6 January 2023	
PB	TEAM: PD	WARD: Knighton



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Summary

- Reported to the Committee as 7 objections have been received from 5 City addresses.
- Objectors raise issues relating to the character of the area, parking, infrastructure, biodiversity, pollution and precedent.
- The main issues in this case are: the principle of development; the character and appearance of the area; the amenity of neighbouring occupiers; the living

conditions of future occupiers; parking and access; and ecology and landscaping

The Site

This application relates to an Edwardian two storey end-of-terrace dwelling situated on the north side of Sidney Road. The dwelling occupies a wider than is usual plot for a terraced dwelling and this has previously been exploited by the addition of an extension (with main dwelling entrance) and attached single garage at the side. There is a driveway parking space in front of the garage. At the rear, the original dwelling has a two storey outrigger and, beyond that, a single storey extension.

The adjoining mid-terraced dwelling to the east, 21 Sidney Road, has a handed layout to that of the original application dwelling and also has a single storey extension to the rear of the outrigger. At roof level, the dwelling has been enlarged by the addition of a dormer.

The neighbouring detached dwelling to the west, 27 Sidney Road [there is no number 25], appears to date from the 1930s and has been enlarged by the addition of a two storey side extension adjacent to the boundary with the application side. It also has a single storey rear extension adjacent to the boundary with 29 Sidney Road.

Adjoining the site at the rear are the gardens of terraced dwellings at 1200124 (evens) South Knighton Road.

Development in Sidney Road is predominantly characterised by relatively short rows of Edwardian terraced and 1930s semi-detached houses. The carriageway width of Sidney Road is not particularly generous and on-street parking is not controlled.

Background

Planning permissions for extensions to the original dwelling were granted in 1978 (19781791) and in 1981 (19810202).

The Proposal

Planning permission is now sought for the following development, following the demolition of the existing side extension and garage:

- The construction of a new single and two storey dwelling to the side of the original dwelling at 23 Sidney Road. The new dwelling would comprise two main parts:
 - a) A two storey sideward 'replica' continuation of the existing terrace. This part would have a sideward projection of 4.3 metres and would span the full depth of the original dwelling, including the outrigger. It would continue the ridge line of the original dwelling (with rooflights in the front and rear roofplanes) and have a subordinate pitched roof at the rear, alongside that of the original outrigger.
 - b) A two storey sideward 'extension' to the new house. This part would have a sideward projection of 3.2 metres and would be set-back from the front wall of the main part by 3.3 metres, producing a subordinate

end-gable roof over. It would also have a subordinate pitched roof at the rear.

- There would also be a single storey element behind the main part. This would project further rearward by 2.5 metres and would broadly correspond with the existing extension to the rear of the outrigger on the original dwelling. The single storey part would have a monopitch 'lean'-to' roof.

The new dwelling would comprise: a living room, kitchen, utility room and garage on the ground floor; three bedrooms, a bathroom, dressing room and *en-suite* on the first floor; and a home-office within the attic space.

Policy Considerations

National Planning Policy Framework (NPPF) (2001)

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.

Delivering a sufficient supply of new homes

Paragraph 69 states that local planning authorities should support the development of windfall sites through their planning decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Promoting healthy and safe communities

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which (b) are safe and accessible, so that crime and the fear of crime do not undermine quality of life or community cohesion.

Promoting sustainable transport

Paragraph 110 states that, in assessing applications for development, it should be ensured that: (a) opportunities to promote sustainable transport have been taken up; and (b) safe and suitable access can be achieved.

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

Paragraph 112 states that applications for development should (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Making effective use of land

Paragraph 120 states that planning decisions should (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purposes in plans, where this would help to meet identified development needs.

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.

Conserving and enhancing the natural environment

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

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

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

Highway Authority: No objection subject to conditions.

Trees & Woodlands: No objection.

Representations

Representations have been received both objecting to, and in support of, the proposed development.

In terms of objections, these have come from seven individuals at five city addresses, raising the following issues:

- overdevelopment on crowded street/inadequate space for new dwelling/out of keeping
- additional street parking pressure (removal of off-road parking and another household with cars)
- north side only has 25 parking spaces with 12 premises having garage/driveway; south side has 26 parking spaces; at time of survey (16:00 on 21/12/2022) only 5 vacant spaces
- narrow road – potential damage to cars and trees during construction/disruption
- precedent for other houses with existing garages
- additional stress on infrastructure (traffic/healthcare/education)
- will create oppressive and enclosed environment
- loss of break in building pattern (which provides visual/aesthetic and environmental amenity)
- loss to environment and biodiversity (mitigation unenforceable)
- increased pollution from additional traffic
- public transport suffered reduced service levels/increase unreliability in recent years

In terms of support, this have come from two individuals at two city addresses, making the following points:

- design more in keeping with street and area

- proposal includes off-street parking,
- attention has been paid to sustainability and environmental impacts
- important to consider drainage and street parking
- plans to enhance natural habitats of species are particularly crucial

Consideration

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

Principle of Development

Core Strategy (2014) Policy CS06 provides for small housing infill schemes to support the development of sustainable communities. Policy CS08 calls for neighbourhoods to be sustainable places where people choose to live and work, and recognises that small scale infill sites [in suburban areas] can play a key role in the provision of new housing. However, it goes on to state that these should only be developed where damage can be avoided to the qualities that make these neighbourhoods so desirable, and that development will not be permitted that does not respect the scale, location, character, form and function of the local area, nor where it would have an unacceptable impact on levels of biodiversity in the neighbourhood.

The proposal is a small infill housing scheme that would deliver one additional dwelling within this established residential area. It would make a modest but nevertheless welcome contribution to the City's housing supply and would achieve more effective use of this site consistent with national policy at paragraph 120 of the NPPF. I consider that the site is capable of development in a manner that supports the development of a sustainable community and does not damage the desirable qualities of this area. As such, and subject to the consideration of the detailed impacts below, I am satisfied that the proposal would accord with the relevant provisions of Policies CS06 and CS08 and that residential development of the site is acceptable in principle.

Character and Appearance

Core Strategy (2014) Policy CS03 sets an expectation for high quality designs that contribute positively to the character and appearance of the local built environment. It states that development must respond positively to the surroundings and be appropriate to the local setting and context, and take into account Leicester's history and heritage. The Policy goes on to call for new development to contribute positively to an areas character and appearance in terms of scale, height, density, layout, urban form, high quality architecture, massing and materials.

Although not a street of uniform house types, Sidney Road has a pleasing character with houses typically dating from the 1900-1930s period. As a continuation of the existing short terrace formed by 19-23 (odds), I consider that a pastiche rather than contemporary design response is appropriate and acceptable. The main part of the proposal would present a faithful reproduction of the existing terraced dwellings to the street frontage in terms of its overall proportion, roof form, entrance language and

other architectural details. The 'extension' part of the new house would be set back, so as not to project forward of the neighbouring dwelling at 27 Sidney Road, would be narrower, have a lower roof and be of plainer (though still sympathetic) appearance, such that overall it would be clearly secondary and subservient to the main part and consequently not disrupt the rhythm of the terrace. I am satisfied that the design of the proposal is acceptable and that it would make a positive contribution to the streetscene of Sidney Road.

At the rear, the use of subordinate gable roofs to line-up the two storey development with the outrigger of the original dwelling would also be sympathetic to the form and architecture of the terrace. The proposed single storey element would have a more contemporary appearance, but this is not uncommon for single storey additions to historic dwellings and I do not find it to be unacceptable here.

The rooflights (front and rear) would have only minor visual impact upon the proposed building overall and I consider them to be acceptable.

I acknowledge that third party representations have been received raising concern that the proposal would amount to overdevelopment and that the loss of the existing 'gap' in the street frontage would be detrimental. However, I do not consider that the proposal, to provide one additional dwellinghouse, constitutes overdevelopment of this site nor do I consider that the site – which is already occupied by an extension and garage – is of such significant amenity value to the streetscene that its redevelopment is inherently unacceptable. As I have already indicated, I consider that a thoughtful and sympathetic approach to the redevelopment of the site has been achieved in the proposed (as amended) design, and the 'extension' part of the new house would be set-back so as to appear subordinate and address the relationship with 27 Sidney Road. Furthermore, a gap of 0.8m would be maintained between the flank wall of the 'extension' part and the boundary with 27 which, I consider, would be an adequate safeguard against a terracing effect with the dwelling at 27 Sidney Road.

In terms of materials, the application form states that: the walls would be finished with brick & render*; the window frames and doors would be of timber & upvc; and that the roof would be natural slate. I consider that these are acceptable and recommend a condition to ensure the selected finish bricks, render finish and slate match as closely as possible those of the original dwelling at 23 Sidney Road.

* The parts to be rendered are denoted on the drawing.

I conclude that the proposal would comply with the relevant provisions of Policy CS03 and that the proposal would make a positive contribution to the character and appearance of the area.

Amenity of neighbouring occupiers

Core Strategy (2014) Policy CS03 notes that good quality design is central to the creation of attractive, successful and sustainable places. As noted above, it 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 amenity considerations for new development including (a) noise, light and air pollution, (b) the

visual quality of the area, (d) privacy and overshadowing and (f) the ability of the area to assimilate development.

The Residential Amenity Supplementary Planning Document (2008) (“the SPD”) provides local design guidance on amenity matters. For the purposes of the SPD, the site is situated within the Outer Area of the city to which Section 3 of the SPD applies. This recommends separations of no less than 21 metres between facing principal room windows.

The ‘extension’ part of the proposed new dwelling would not project forward of the adjacent front wall of the neighbouring dwelling at 27 Sidney Road. The ‘main’ part of the new dwelling would project forward by approx. 3.3 metres, but at a distance of 4 metres from the common boundary. I am satisfied that the proposal would not have an unacceptable impact upon light to, and outlook from, the nearest front principal room windows at 27.

At the rear, the proposed new dwelling would project rearward of the adjacent rear wall of the neighbouring dwelling at 27 Sidney Road by 0.9 metre and this would be at a distance of 0.8 metre from the common boundary. The single storey element would project rearward by a further 2.5 metres, but this would be at a distance of 4 metres from the common boundary. I am satisfied that the proposal would not have an unacceptable impact upon light to, and outlook from, the nearest rear principal room windows at 27.

I do not consider that the shadow cast by the proposal would be likely to lead to a significant and unacceptable loss of sunlight to 27 Sidney Road.

The single storey element of the proposal would not project rearward of the single storey extension at the original dwelling, but would be higher than that extension. However, I do not consider that this would result in an unacceptable impact upon 23 Sidney Road nor the adjoining mid-terrace property, 21 Sidney Road.

I do not consider that the proposed house would have an unacceptable impact upon any other neighbouring property in terms of daylight, outlook, overshadowing and visual impact.

A distance of 13 metres would be maintained between the first floor rear elevation of the new house (which would contain windows to a bedroom and *en-suite*) and the rear garden boundary, increasing to 23.5 metres’ separation in respect of the first floor rear walls of the outriggers of the terraced dwellings in South Knighton Road to the rear. Having regard to the SPD, I am satisfied that there would be no unacceptable overlooking of the properties at the rear. Overlooking of the adjacent gardens at 21/23 and 27 Sidney Road would be at an oblique angle of view and would not lead to any unacceptable loss of privacy.

On the opposite side of Sidney Road is a vacant site. In the event that this is developed in the future, I consider that the proposed dwelling and any new dwellings opposite would have a normal street-facing relationship that would not lead to an unacceptable level of privacy for either party.

The flank wall of the 'main' part of the new dwelling would contain, at ground floor level, a secondary window to a living room and, at first floor level, a secondary window to a bedroom (in both cases the main window being situated at the front). These would face the side boundary of the forecourt of 27 Sidney Road at a distance of 4 metres. I do not consider that that the resulting overlooking at ground floor level would have an unacceptable impact on privacy. I consider that the privacy impact of overlooking down from the proposed first floor flank window onto the forecourt of 27 can be adequately remedied by a condition to secure appropriate glazing and opening controls of that window.

Further openings are proposed in the flank wall of the 'extension' part of the new dwelling: doors to the utility room and garage at ground floor level; and windows to a bathroom and dressing room at first floor level. These would face the blank, flank wall of the dwelling at 27 Sidney Road and as such give rise to no overlooking concerns.

The proposed single storey opening at the rear would include bi-folding doors in the flank elevation. These would face the common boundary with 27 Sidney Road at a distance of 4 metres. However, there is an existing fence (to a height of approx. 1.5 metres) and I do not consider that that the resulting overlooking at ground floor level would have an unacceptable impact on privacy.

I do not consider that the proposed house would have an unacceptable impact upon any other neighbouring property in terms of privacy.

I acknowledge that third party representations have been received raising concern about increased pollution from additional traffic arising from the development. However, as a single additional dwelling, I do not consider that the impact of the development upon air pollution either during the construction phase or when residentially occupied would be likely to be significant and unacceptable. Similarly, I do not consider that the proposal is likely to give rise to any significant and unacceptable impacts in terms of noise and light pollution.

I conclude that the proposal would comply with the relevant provisions of Policies CS03 and PS10, and that the development would assimilate satisfactorily into the area without giving rise to unacceptable impacts in terms of amenity and privacy.

Living conditions of future occupiers

Core Strategy (2014) Policy CS03 notes that good quality design is central to the creation of attractive, successful and sustainable place and states that new development should create buildings and spaces that are fit for purpose. Policy CS06 states that all new housing units should, where feasible, be designed to lifetime homes standards. Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents.

The Nationally Described Space Standards (NDSS) are not yet adopted in Leicester. Nevertheless, the adequacy of internal space is part of the creation of a satisfactory living environment for future occupiers and as such remains a material consideration.

The proposal is for a 3 bedroom / 6 person two-storey dwelling. The NDSS calls for a minimum gross internal area of 102 square metres. The proposal would provide (over the ground and first floors – not including the attic space) 135 square metres, and therefore comfortably complies. A cross section drawing supplied with the application demonstrates that the ground and first floors would have floor to ceiling heights of 2.5 metres (the NDSS minimum is 2.3 metres).

The NDSS calls for built-in storage of at least 2.5 square metres (included within the gross internal floor area) for a dwelling of this type. The proposed new dwelling would have a utility room on the ground floor and a dressing room on the first floor which, I consider, would fulfil this purpose and which would meet and exceed the minimum requirement.

Bedroom 1 (the master bedroom) would have an area of 16 square metres and a width of 3.9 metres. Bedroom 2 would have an area of 12 square metres and a width of 2.6 metres. Bedroom 3 would have an area of 12 square metres and a main width of 3.1 metres. These would all meet and exceed the NDSS minimum requirements for double bedrooms.

By demolishing the existing extension, the proposal would result in a reduction in the size of the existing dwelling at 23 Sidney Road. The retained parts of the existing dwelling would constitute a 2 bedroom / 4 person two storey house for which the NDSS requires 79 square metres' gross internal floorspace. The retained parts of the existing house would amount to 80 square metres. As they are part of the existing accommodation at 23 Sidney Road, I have not assessed the retained bedrooms.

All of the principal rooms at the proposed dwelling (and at the retained parts of the existing dwelling) would have at least one window to provide daylight, outlook and opportunity for natural ventilation. I do not consider that either the proposed new or retained parts of the existing dwelling (and their outdoor spaces) would suffer unacceptably in terms of pollution, visual quality, privacy and overshadowing.

Appendix E of the SPD recommends 75 square metres' amenity space for 2-3 bedroom terrace dwelling (and 100 square metres for semi-detached dwellings). The proposed new dwelling would have 100 square metres amenity space and the retained garden area for the existing dwelling at 23 Sidney Road would amount to 50 square metres. The latter would therefore fall short of the SPD recommendation for a terraced dwelling; however, in this case the level of retained provision would be consistent other Edwardian terraced properties in the immediately surrounding area. I do not recommend withholding planning permission for this reason. For both the retained and proposed new houses I am satisfied that the configuration and situation of the rear gardens would be such as to provide a reasonably usable, open and sunny amenity for future occupiers.

The application drawings show provision for bin and cycle storage within the rear gardens of the retained and proposed new dwellings. There is an original side passageway between 21 and 23 Sidney Road and, as I have already noted, a gap of 0.8 metre would be maintained between the proposed new house and the boundary with 27 Sidney Road. I am therefore satisfied that both gardens are capable of access

other than through the house and therefore that the arrangements for bin and cycle storage are satisfactory.

In 2015 the Government replaced the lifetime homes standards with the (then new) optional Building Regulation standard M4(2). As a new build-dwelling, and to ensure compliance with Policy CS06, I consider that the proposal should comply with the optional standard. I recommend a condition to ensure that this is the case.

I conclude that the proposal would comply with the relevant provisions of Policies CS03, CS06 and PS10, and that the development would provide and maintain acceptable living conditions to future occupiers.

Parking and Access

Policy CS14 of the Core Strategy (2014) calls for development to be accessible by alternative means of travel to the car, promoting sustainable modes of transport. Policy CS15 states that parking for residential development should be appropriate for the type of dwelling and its location and take account of the available off-street and on-street parking and public transport. It also seeks to ensure the provision of high quality cycle parking to encourage a modal shift away from the car.

Saved Policy AM02 of the Local Plan (2006) states that planning permission for development will only be granted where the needs of cyclists have been successfully incorporated into the design, and calls for safe and secure facilities in accordance with Appendix 01 of the Plan. Saved Policy AM12 states that levels of car parking will be determined in accordance with the standards at Appendix 01 and sets out considerations for allowing reductions below the standards.

The Appendix 01 standard for car parking is 2 spaces per 2 bedroom dwelling, and for cycle parking is 1 space per two bedspaces plus one for visitors. The proposed new dwelling therefore generates a standard requirement for 2 car parking spaces and for 4 cycle parking spaces.

The proposed garage would have internal dimensions of 3 metres x 5.4 metres, and the driveway in front of the garage would have a minimum depth of 5.2 metres. The local Highway Authority has advised that the recommended internal dimensions for a garage are 3 metres x 6 metres and that the recommended separation between a garage and the back edge of the pavement is 5.5 metres. The proposed garage therefore falls short in terms of its width by 0.6 metre and in terms of its separation by 0.3 metre. The local Highway Authority has adopted a pragmatic approach to this and considers that, given the very minor shortfalls below the recommended standards, it could not be demonstrated that the proposed garage and driveway would be incapable of use for car parking purposes nor lead to a significant highway safety concern.

However, the local Highway Authority has recommended conditions requiring the provision of facilities for electric charging, the garage and driveway to be kept available for car parking, and for a roller shutter or sliding garage door to be fitted. I consider that the requirement for electric charging (which could be fitted within the garage) is justified by Policy CS14, which requires development to promote more sustainable modes of travel, and paragraph 112 of the NPPF. I consider that the requirement to

maintain space for parking and for the installation of a rollershutter or sliding door (to ensure the garage and driveway spaces are not compromised for parking) is justified by Policy CS15 which seeks to ensure that parking for residential development is of the highest design quality and Policy AM12 which gives effect to the parking standard at Appendix 01.

No alterations to the existing vehicle access are proposed. The local Highway Authority has raised no objection to the continued use of the existing vehicle access to serve the proposed new house.

The demolition of the existing garage and proposed redevelopment to provide a new house would, of course, deprive the retained parts of the existing house at 23 Sidney Road of a garage and off-street car parking. However, the local Highway Authority has advised that it considers that an unacceptable impact upon highway safety, arising from the resulting reliance on on-street car parking to serve the retained parts of the existing dwelling, could not be demonstrated. This is taking into account the relatively low speed and volume of traffic using Sidney Road. Also, it is noted that the Sidney Road occupies a relatively sustainable location being a relatively short walk from Carisbrook Road and London Road (for local bus services).

The application drawings show provision for three bicycles to be stored at the rear of the proposed new dwelling. This would be sufficient to meet the requirements of Appendix 01 in terms of provision for future occupiers, although would not cater for visitors. As a single dwellinghouse (rather than, for example, a development of new flats) with external access to the rear garden, I do not consider it necessary to make special provision for visitors' cycles – and I note that the local Highway Authority has not objected to this aspect of the proposal. The local Highway Authority has recommended that details of secure and weather-protected cycle parking be secured as a condition of planning permission, and I am satisfied that this is justified by Policies CS15 and AM02 which require the provision of high-quality cycle parking in new development.

I acknowledge that third party representations have been received raising concern about parking pressure (including a representor's own one-time survey), potential impacts during construction and poor quality of public transport services. Having regard to the advice of the local Highway Authority and paragraph 111 of the NPPF, and subject to the recommended conditions, I do not consider that there would be an unacceptable impact upon local parking conditions. As a proposal for a single dwelling, I would not expect the impacts during construction to be such as to justify a requirement for a construction method statement. I note a representor's opinion about the quality of public transport services but clearly this goes beyond the scope of the consideration of a planning application and does not, in my opinion, negate my general observation about the relative sustainability of the location.

I conclude that the proposal would comply with the relevant provisions of Policies CS14, CS15, AM02 and AM12, and that the proposal would not have an unacceptable impact upon parking, highway safety and access.

Ecology and Landscaping

Policy CS03 of the Core Strategy (2014) calls for development to create high quality public spaces with full consideration given to the relationship between buildings and spaces between the, and to make the best use of landscaping. Policy CS17 states that the Council will expect development to maintain, enhance and/or strengthen connections for wildlife, and that ecological surveys and assessments will be required. Saved Policy UD06 of the Local Plan (2006) states that new development must include planting proposals unless it can be demonstrated that the nature of the development or the character of the area do not require them.

A Design & Access Statement has been submitted with the application and this includes a section on landscape and biodiversity. This refers to the potential to utilise nesting boxes for birds and bats, indigenous planting within the rear garden and 'hedgehog doors' within existing boundary treatment (if adjoining owners are amenable). However, no further details have been provided. To ensure that the finished development makes an appropriate contribution to the landscape quality and biodiversity value of this suburban area, and in accordance with Policies CS03, CS17 and UD06, I recommend that a full landscape and ecological management plan be secured as a condition of planning permission.

I acknowledge that third party representations have been received raising concern about the potential environmental and biodiversity impact of the proposal and the importance of enhancing natural habitats. However, I consider that these matters could be reasonably addressed through control of the detailed landscape finish as per the recommended condition.

I conclude that the proposal would comply with the relevant provisions of Policies CS03, CS17 and UD06, and that the proposal would be acceptable in terms of landscaping and ecology.

Other Matters

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

- precedent for other houses with existing garages: *each application will be considered on its own merits.*
- additional stress on infrastructure (traffic/healthcare/education): *as a proposal for one additional dwelling, I do not consider that significant increased impacts upon infrastructure could be demonstrated.*
- will create oppressive and enclosed environment: *I consider that the proposal is appropriate within the context of a street of predominantly terraced and semi-detached houses.*
- important to consider drainage: *the site is not the subject of mapped surface water flood risk nor is it within a Critical Drainage Area, and consequently I do not consider that the proposal for one additional house raises drainage matters that should be considered at planning application stage.*

The Planning Balance

As noted above, paragraph 11 of the NPPF establishes a presumption in favour of sustainable development and sets out an explanation of what that means for decision taking. Footnote 8 to the paragraph further explains that out-of-date policies includes situations where the local planning authority cannot demonstrate a five years' supply of deliverable housing sites (with the appropriate buffer).

The City Council cannot currently demonstrate a five years' supply of deliverable housing sites and as this planning application involves the provision of dwellings the so-called 'tilted balance' under paragraph 11 of the NPPF would be engaged if the application is considered for refusal.

In this case, however, the proposal is recommended for approval and would make a modest but nevertheless welcome contribution to the city's housing supply. In view of this, there is no need to consider the planning balance further.

Conclusions

I find that as a small scale, infill development within an established residential area, and having found that the local impacts of the development would be acceptable, the proposal would accord with the relevant provisions of Policies CS06 and CS08 of the Core Strategy (2014) and is acceptable in principle. It would make a modest but nevertheless welcome contribution to the supply of housing at a time when the city cannot demonstrate a five years' supply of deliverable housing sites. I consider that the proposal has been sensitively and sympathetically designed and that it would make a positive contribution to the character and appearance of Sidney Road. I have found that there would be no unacceptable impact upon the amenity and privacy of neighbouring properties and that the proposal would provide satisfactory living conditions for the future occupiers of the new house and retained part of the existing house. I acknowledge that parking is a significant issue for representors, however the proposal includes adequate car parking provision and the loss of provision to the retained part of the existing house would not be unacceptable. The application does not include detail on ecological enhancement and the landscaping of the finished development, but this can be secured as a condition of planning permission.

Having regard to the SPD and the advice of the local Highway Authority (where relevant), I conclude that the proposed development would comply with the relevant provisions of Policies CS03, CS06, CS08, CS14, CS15 and CS17 of the Leicester Core Strategy (2014) and saved Policies AM02, AM12, PS10 and UD06 of the City of Leicester Local Plan (2006).

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)

2. The development shall be finished in materials as denoted on the approved elevations drawing. Where brick is to be used, the bricks shall match as closely as possible those of the original dwelling at 23 Sidney Road and the brick bond and string course details shall match that of the front elevation of the original dwelling at 23 Sidney Road. Where render is to be used, the finished texture of the render shall match as closely as possible that of the front of the original dwelling at 23 Sidney Road. The roof shall be finished in slate to match as closely as possible that of the existing dwelling at 23 Sidney Road. These materials and finishes shall be retained as such. (To ensure that the development is finished to a high quality and is appropriately assimilated to the existing terrace at 19-23 (odds) Sidney Road, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006) and paragraphs 130 (b) & (c) of the National Planning Policy Framework (2021)).

3. The first floor flank window to bedroom 3 shall be fitted with obscure glass (to Pilkington Level 4 or equivalent) and shall be fixed closed below a height of 1.7 metres above internal finished floor level, and shall thereafter be retained as such. (To ensure that the development responds positively to its surroundings and does not unacceptably affect the privacy of the occupiers of 27 Sidney Road, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006) and paragraph 130 (f) of the National Planning Policy Framework (2021)).

4. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Policy CS06 of the Leicester Core Strategy (2014)).

5. The development hereby approved shall not be occupied until at least one parking space on the site has been fitted with useable electric vehicle charging facilities. The charging facilities so fitted shall thereafter be retained and kept available for the charging of electric vehicles. (To promote more sustainable modes of transport in accordance with Policy CS14 of the Leicester Core Strategy (2014) and paragraph 112 (e) of the National Planning Policy Framework (2021)).

6. The development hereby approved shall not be occupied until the garage and driveway space in front of the garage have been provided and are available for vehicle parking. The garage and driveway space in front of the garage shall thereafter be retained and kept available for vehicle parking. (To ensure that an appropriate level of useable parking space is available on the site to serve the development, in accordance with saved Policy AM12 of the City of Leicester Local Plan (2006)).

7. The development hereby approved shall not be occupied until the front of the garage has been fitted with a rollershutter or sliding type of garage door(s) in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority, and the garage door(s) shall thereafter be retained

as such. (To ensure that the development is provided with car parking of the highest design quality and that an appropriate level of useable parking space is available on the site to serve the development, in accordance with Policy CS15 of the Leicester Core Strategy (2014) and saved Policy AM12 of the City of Leicester Local Plan (2006)).

8. The development hereby approved shall not be occupied until secure and weather-protected cycle parking has been provided on the site in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. The cycle parking so provided shall thereafter be retained. (To ensure that the development is provided with high quality cycle parking, in accordance with Policy CS15 of the Leicester Core Strategy (2014) and saved Policy AM02 of the City of Leicester Local Plan (2006)).

9. The development hereby approved shall not commence until a detailed landscape and ecological management plan, showing the treatment and maintenance of all parts of the site which will remain unbuilt upon, has been submitted to and approved in writing by the local planning authority. This plan shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction; (ix) details of planting design; (x) details of the make and type of [2]x bird boxes/tiles/bricks and [2] x bat boxes/tiles/bricks to be erected on buildings and [1] hedgehog boxes. The plan shall also contain details on the after-care and maintenance of all soft landscaped areas. The details so approved shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved details. (To ensure a high quality development in terms of landscaping and in the interests of biodiversity enhancement, in accordance with Policies CS03 & CS17 of the Leicester Core Strategy (2014) and saved Policy UD06 of the City of Leicester Local Plan (2006) and paragraph 174 (d) of the National Planning Policy Framework (2021)).

10. Development shall be carried out in accordance with the following approved plans: A00176 001C (Location and Block Plans) - rec'd 07/11/2022; A00176 012J (Proposed Ground Floor) and A00176 013F (Proposed First Floor and Roof Space) - both rec'd 26/01/2023; and A00176 020E (Proposed Section) and A00176 014J (Proposed Elevations) - both rec'd 30/01/2023. (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.

2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

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_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
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.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_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.
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.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

COMMITTEE REPORT

20220031	118 Evington Valley Road	
Proposal:	Construction of single storey extension at rear (Class E(g))	
Applicant:	Mrs B Uppal	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	3 February 2023	
TEI	TEAM: PD	WARD: Spinney Hills



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Summary

- Application brought to committee as 5 objections from 5 city addresses received and two petitions with 18 signatures
- Main issues are impact of the proposal on residential amenity, access and highways impacts, waste management and flooding impacts and the impact of the development on the neighbouring tree.
- Objections relate to residential amenity, access and highways impacts, waste management and flooding impacts.
- The application is recommended for approval.

The Site

The application relates to the rear of a three-storey building in a primarily employment part of the city and immediately adjacent to a residential part of the city.

The site is in a critical drainage area with the rear part of the site in Flood Zone 2 and the front part of the site (the part subject of the planning application) in Flood Zone 1.

Background

An application 20201991 for the change of use of the first and second floor from office ancillary to industrial use to self-contained flat and for an enclosed staircase at the rear and for other alterations was refused at planning committee of 08.12.21. The reasons for refusal were that the submitted noise assessment did not appear to take into account the impact of noise from the first floor of the industrial use (at the rear of the application site) on future occupiers of the proposed flat meaning that the residential amenity of future occupiers cannot be assured by reason of general noise and disturbance and that with the rear of the proposed residential property facing the service and delivery yard of the existing industrial units on site with the access and egress to Marina Road some distance away the proposal would result in an unsatisfactory, impractical and unsafe arrangement for future occupiers.

The officer's report for that committee noted that the lawful uses of the site had been ambiguous but concluded that the site consists of a vacant office space to the first and second floors and an existing operational joinery workshop to the ground floor.

The Proposal

The proposal is for a single storey extension at the rear of the premises. The extension will be 19.8 metres deep and 9.4 metres wide, effectively squaring off the footprint of the building. The extension will be part pitched and part flat roof with the eaves of the roof closest to the Marina Road properties being 2.5 metres in height and the flat roofed part being 4.5 metres in height. There would be two shutter and a door to the rear facing the service yard.

The plans show that the extension could be used as a separate unit but also show a door connected it to the ground floor tyre shop at the front.

The plans as originally submitted showed parking for eleven spaces along the boundary wall with the Marina Road properties. However, this has been amended so that there are six spaces, three adjacent to the loading bay and three to the southern boundary of the site.

A Tree Survey and Flood Risk Assessment including details of a Sustainable Urban Drainage Scheme has been submitted with the application, the latter has had two subsequent revisions following officer advice.

Policy Considerations

National Planning Policy Framework (NPPF) 2021:

Chapter 2 'Achieving sustainable development'

- Paragraph 2 and 11 (Presumption in favour of Sustainable Development)

Chapter 9 'Promoting sustainable transport'

- Paragraph 110 and 111 (severe impact on road network)

Chapter 12 'Achieving well designed places'

- Paragraph 127 (high standard of amenity)
- Paragraph 130 and 134 (good design and amenity)

Development Plan policies:

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

Additional documents:

SPD Residential Amenity

Vehicle Parking Standards – Appendix 1 of the City of Leicester Local Plan

Consultations

Environmental Health (noise) (LCC): - no concerns

Trees Advice (LCC): - no concerns

Local Lead Flooding Authority (LLFA) (LCC): - no objection, subject to conditions securing additional Sustainable Urban Drainage Details.

Representations

Objections have been received from five separate Leicester addresses. Two petitions against the proposal have also been with received with eighteen signatures.

Concerns raised include:

- that were future owners to block access from Marina Road the development would not be accessible,
- that the proposal would result in congestion along Marina Road particularly given the later hours of use proposed for Monday to Friday (until 22:00 hours), and that this would be in conflict with the objectives of conditions attached to planning permission 20050941 that restricted hours of use to no later than 20:00 hours daily,
- that the applicant has no rights of access via Marina Road,
- that the proposal would result in an unsatisfactory, impractical and unsafe arrangement for current and future occupiers either exiting or returning

through to Marina Road or when residents are taking bins out on Marina Road on collection days

- that the proposal will harm access for emergency vehicles and refuse trucks and may have potential to cause harm to the highway safety or ease of access of children from nearby schools or disabled persons,
- that there would be parking and access issues within the rear industrial yard including that the space built on should be used as a turning area,
- that “Marina Road has sign of daden” (presumed to mean “dead end”?)
- that the proposal will result in an increase in disturbance in terms of noise particularly with deliveries being at the rear via Marina Road,
- that the access from Marina Road is in a poor state and currently unsuitable for larger vehicles,
- that the proposal would have a harmful impact in terms of loss of privacy,
- that the proposal would have a harmful impact on nature conservation,
- that the proposal would have a harmful impact on flooding,
- that there are existing health and safety concerns regarding the applicant burning rubbish at the rear of the site,
- that the proposal could result in later proposals for residential development,
- that neighbouring properties would depreciate in value as a result of the proposal and
- that no re-consultations were carried out after revisions to the scheme.

One of the objections described how the earlier submission indicated car parking for 11 vehicles on a plot of land where no right of parking was available to the applicant, the spaces being available to Units 7 and 8 and not to the applicant. Amended plans have been received removing these spaces and a revised application form submitted indicating that Certificate B had later been signed and relevant parties notified of the application. I note that the objections state that no such notification had been received.

Consideration

Principle of Development:

Though the proposal is in a primarily industrial area and the proposal the ability of the site as a whole to serve its industrial, employment function. As such the proposal as acceptable in principle.

Design:

The design of the proposed extension is functional. However, it has been designed so that it remains subservient to and in proportion to the existing building and so that the visual impact on the outlook from the rear of the Marina Road properties is minimised. Subject to a condition requiring that the brickwork be to match the existing and materials for the sloped parts of the roof be to match the existing roof planes, I consider the design of the extension to be appropriate to its industrial setting.

Residential amenity (neighbouring properties):

The rear gardens of the Marina Road properties are shallow at only 15 metres. However, with the eaves of the building being at 2.5 metres and then inclining to the full height of 4.5 metres I do not consider that given these properties already look southwards towards the bulk of the existing industrial building that the impact in this respect will be so great as to be unacceptable.

There are no windows directly looking to residential properties (only rooflights in the flat roof) and I do not consider that the proposal will have a detrimental impact on the privacy of neighbouring residential properties.

Though the proposal will result in an extended industrial building 15 metres to the south of residential properties, there are no openings on the northern side of the building and the site is already in industrial use. The proposal will result in a greater part of the industrial use of the site being enclosed indoors and as such the potential for noise and disturbance to residential properties will likely be reduced. Nevertheless, I consider it appropriate to attach a condition restricting the hours of use to no later than 20:00 hours, consistent with the objectives of planning application 20050941. I also consider it appropriate to attach a condition restricting the use to the light industrial (Class E(g)) applied for under the application and not for any other Class E use as the impacts of such uses on the amenity of neighbouring residential properties are likely to be greater than those covered under Class E(g).

I consider that the proposal will have an acceptable impact on the amenity of neighbouring properties and will be consistent with the objectives of saved policies PS10 and PS11.

Waste storage and collection:

The plans show space for bin storage. In contrast to the proposal refused under application ref 20201991 the proposal does not include residential use and as such there is not the same concern in relation to the unsatisfactory and unsuitable nature of waste arrangements, particularly as the lack of satisfaction with and the unsuitability of those arrangements were primarily due to the fact that those arrangements were for residential waste arrangements in an industrial context. The proposed waste arrangements are more feasible for an industrial use in an industrial context. However, I therefore consider it appropriate to attach a condition removing permitted development rights (under GPDO Sch.2, Part 3, Class MA) for the change of use to residential, particularly given that waste arrangements are not currently a legitimate consideration under this Class and Part of the GPDO).

Access, highways and Parking:

The proposal will only be accessed via the vehicular entrance on to Marina Road, including in terms of deliveries. This access is tight, 4.4 metres at its narrowest, but it is an existing situation that serves a number of industrial units that are accessed similarly. The part of the site covered by the extension itself has previously been enclosed with the site operating for industrial uses in spite of this. I do not consider that the extension itself will reduce the open space on site such as to unacceptably compromise its industrial function. Nevertheless, I consider that the parking layout has the potential to do so and that in the interests of highway safety the provision of a turning space should take priority. I consider that this can be secured by condition.

I note that were the access from Marina Road to be blocked in the future the proposed extension would be inaccessible by motor vehicles. However, this would

be the same for all units served by this access and the assessment of the application is not made on the likelihood or unlikelihood of the access arrangement in the future.

As the access is an existing situation and already serving a number of industrial units I do not consider that the proposal will result in an unacceptable increase in parking or congestion along Marina Road or an unacceptable impact on access for emergency vehicles, refuse trucks or harm to the highway safety of other users.

Nevertheless, for the residential amenity reasons above and consistent with the objectives of planning application 20050941 I consider it appropriate to attach a condition restricting the hours of use to no later than 20:00 hours.

Drainage:

The site is within a critical drainage area. A sustainable urban drainage system has been proposed and is largely satisfactory. However, additional details are required including:

- confirmation of the lifetime of the proposed development so that the correct climate change allowances for peak river flow and peak rainfall intensity can be applied,
- an exceedance flow management statement so that potential exceedance flows are managed without increasing risk to the development or adjacent site,
- an overflow into the existing drainage system in the event of the proposed tank being full, along with a product specification or design drawing of the drainage tank,
- a drainage layout plan showing the foul and surface water systems (proposed and existing), any connections into the public sewer systems, the location of and attenuation capacities of all proposed sustainable drainage measures and any flow control devices and
- a maintenance plan for all proposed sustainable drainage measures including a schedule of maintenance and identifying the responsible person or organisation for the maintenance.

Notwithstanding these additional details, satisfactory measures for sustainable drainage have been demonstrated and, subject to a condition requiring these additional details I conclude that the proposal would meet the objectives of Core Strategy policy CS02 and would be acceptable in terms of sustainable drainage.

Trees:

The tree survey submitted with the application identifies the tree in the garden to the north. However, it concludes that though the radial root protection area of the tree extends southwards into the site (and therefore into the area covered by the development) the existing concrete surface and brick wall is inhospitable to root growth and it is likely the rooting area is more offset to the north and the development is unlikely to affect this tree below ground. Council tree officers are satisfied with this assessment and as such I have no concerns regarding the impact of the development on this tree.

Other matters:

i note the concerns that the proposal may lead to later plans for residential development. Any such proposal would require an application for prior approval, which, under the current considerations of the General Permitted Development Order, would likely fail. However, and given that full consideration would need to be given to the appropriateness of residential development on this site, and to ensure that any subsequent changes to the General Permitted Development Order in this respect are taken into account, I consider it appropriate to attach a condition removing any permitted development rights for the change of use of the extension to residential purposes.

The site has little ecological value and as such I do not consider that the proposal will have a harmful impact on nature conservation.

The rights of access or otherwise of the applicant to the site and any depreciation in value of neighbouring residential properties are not material to the consideration of planning applications.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. The new walls and the slope of the roof shall be constructed in materials to match the existing walls and slopes of the roof. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. The use of the extension shall not be carried on outside the hours of 07:00 to 20:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with saved policy PS10 of the City of Leicester Local Plan.)
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the extension shall not be used for any purpose other than Class E(g) within Class E (Commercial, Business and Service) of the Order. (To enable consideration of the amenity of neighbouring properties and in accordance with Policies CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).)
5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no material change of use specified in Part 3, Class MA of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (To enable consideration of the amenity of future occupiers and consideration of satisfactory waste management and in accordance with Policies CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).)
6. A turning space, to enable delivery vehicles to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests in highway safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

7. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

8. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

9. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) completed by Unda Consulting Limited dated 07/12/22 (version 1.0) and the following mitigation measures detailed within the FRA:

- Flood resistance and resilience measures
- Finished floor levels (FFL)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority.

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

- Ref. no. 007, received 11.01.22
 - Ref. no. 008, received 11.01.22
 - Ref. no. 009, received 11.01.22
 - Ref. no. 010, received 11.01.22
 - Ref. no. 011, received 11.01.22
 - Ref. no. 012, received 11.01.22
 - Ref. no. 013, received 11.01.22
 - Ref. no. 014, received 11.01.22
 - Ref. no. 015, received 11.01.22
 - Ref. no. 002, received 16.11.22
- (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 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_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_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 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_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'. |

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.