

Recommendation: Conditional approval	
20191056	2 HEREFORD ROAD
Proposal:	RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (7 BEDS) (SUI GENERIS); CONSTRUCTION OF HIP TO GABLE EXTENSION; SINGLE STOREY EXTENSION TO SIDE AND REAR; DORMER AT REAR OF HOUSE; ALTERATIONS (AMENDED PLANS 27/11/19)
Applicant:	KALRA PROPERTY SERVICES LTD
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20191056
Expiry Date:	19 December 2019
SC	WARD: Aylestone



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Summary

- The application is at committee because of objections from more than 5 addresses.
- 16 Objections on grounds of living conditions, fire safety, residential amenity, character, appearance, parking and road safety, anti-social behaviour, disruption from building works, impact on local services, setting a precedent, overdevelopment, impact on property values and potential trespassing.

- The main issues are principle of the use, design, living conditions of future occupants, residential amenity, traffic and parking.
- Recommended for approval.

The Site

This application relates to a two-storey, end-of-terrace house on the south-eastern side of the street. At the north-eastern side of the site there is a vehicle access leading to a group of garages at the rear, while beyond this lie neighbouring houses with their associated curtilages. At the south-western side of the site there are also neighbouring houses with their associated curtilages.

The site is located within a primarily residential area.

Background

No planning history for this site.

The Proposal

The proposal was originally submitted as change of use only; however this was on the basis that the extensions were being built as permitted development: however the extensions do not meet all the limits on permitted development.

A single-storey extension with a lean-to roof has been constructed at the side and rear of the house. This extends 2.1m beyond the north-eastern side of the house, 3.1m beyond its rear, and would “wrap around” the eastern corner of the house. It is 3.6m high at the rear, 3.3m high at the side, and 2.2m high at the eaves throughout.

The extension has been constructed using facing brickwork with tiles for the roof.

A hip-to gable extension has been added to the roof, with a flat-roofed dormer at the rear. The dormer is approximately 5m wide, 2.4m deep and 2m high. It has been constructed using dark grey, imitation-timber PVC cladding for the cheeks of the dormer.

Policy Considerations

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

National Planning Policy Framework (February 2019)

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 127 states that planning should ensure that developments are visually attractive, with a high standard of amenity for existing and future users.

Paragraph 130 goes on to state that permission should be refused for development of poor design, taking into account any local design standards or style guides in plans or supplementary planning documents.

Supplementary Planning Documents

Leicester City Council: Residential Amenity (February 2008)
City of Leicester Local Plan, Appendix 01 Parking Standards

Consultations

Leicester City Council's private sector housing team commented that the room sizes, kitchen/dining and bathroom facilities are suitable for a 7-person house in multiple occupation.

Representations

Objections were received from 16 addresses in the City Council's area, and from 3 addresses outside this:

- not an ideal location for a House in Multiple Occupation, given the expense in travelling to the city centre, to the universities, and to Fosse Park.
- impact through increased demands on services.
- Occupation by 7 persons would increase noise and disturbance.
- property not adequate to house 7 residents with inadequate fire safety
- overdevelopment of the site.
- out of keeping with the typical family and elderly person-occupied nature of the area
- would harm the fabric of the community.
- It would attract transient occupiers, who may be young singles, or people with drink or drug problems. They would not fit in with the area, would not take a pride in the area, and might engage in rowdy, noisy or anti-social behaviour.
- occupiers may be dangerous and increase crime levels in the area.
- The property might be used as a bail hostel, or "half-way house" for convicted criminals, causing danger to residents of the street.
- It would set a precedent for similar changes of use in the area.
- parking problems and congestion.
- it would harm road safety because it is located on a dangerous corner and parking would further reduce visibility
- Increased parking on the street might block access to garages
- Parking problems would increase car insurance costs through residents having to park on a street away from their homes
- The extensions (with their non-matching materials) and the removal of the front garden are out of keeping with, and harmful to, the character and appearance of the area
- The rear dormer overlooks neighbouring gardens and would be overbearing.
- side extension built to the boundary with the guttering overhanging.
- Building works have caused disruption and noise starting before 7am until late in the day

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- The builders have parked blocking the access to the garages at the rear, have been rude, threatened residents, and trespassed on private property.
 - The property has already been extended, without obtaining planning permission
 - People have already started living in the property.
 - The investor does not live in the area or care about the impact on people in the area.
 - It would harm property prices.
 - Concerns about bin storage and litter which would be harmful to visual amenity, and to health.
 - rear extension has been built over a main sewer
 - gates have been installed in the rear boundary providing access to the garages at the rear. This compromises the safety of the garages, which are private property.

Councillor Nigel Porter objected to the application:

- It would cause nuisance through increased noise.
- It would cause parking problems (as there is no off-street parking), and harm to highway safety.
- Anti-social behaviour.
- Harm to residential amenity.
- It would be cramped, and an overdevelopment of the site.
- A seven-bedroom HMO not in keeping with the character of the area.
- The application is contrary to the Local Plan, Supplementary Planning Policy and the adopted Highway Design Document.

Consideration

Principle of development

Core strategy policy CS06 outlines a number of criteria to ensure that new housing meets the needs of City residents, including giving careful consideration to further subdivisions to ensure there is no impact on the character of the area or the maintenance of mixed communities.

Core strategy policy CS08 states that in inner areas new Houses in Multiple Occupation requiring planning permission will not be permitted where they would result in a local over-concentration.

The introduction of an HMO to an area where there is not currently a concentration is not contrary to policy.

The application property does not lie within, or close to, any part of the city where an Article 4 direction has been introduced to restrict HMOs as a result of an overconcentration of such occupancies. Furthermore, information from council records shows an absence of licenced HMO's, student occupancies and flat conversions from both Hereford Road and Hampshire Road.

I consider that the proposal is acceptable in principle, subject to the details of the proposal and the impacts being acceptable.

Design

The application property forms the end of a terrace of 8 houses on the south-eastern side of the road. Although the hip-to-gable extension disrupts the symmetry of the terrace to some degree, the fact that the other end of the terrace is more than 40m away means that this impact is not particularly noticeable.

A more noticeable impact results from the fact that the bricks used for the new end gable are of a darker colour than those of the existing house, and also the fact that light-coloured pointing has been used. This gives the new end gable a mis-matched and awkward appearance.

However, the location of the property close to a bend in the road means that this gable is only visible from a limited range of public vantage points, along less than 20m of the pavement and highway to the north-east, so it is not particularly prominent. I therefore consider that the materials are acceptable.

With its pitched roof and subservient scale, the single-storey side extension is broadly in keeping with the character of the existing house. Once again however, there is an issue in that the materials do not closely match those of the existing house. In this case however, the colour of the bricks is closer to those in the rest of the front of the house. The main discrepancy comes from the use of light-coloured mortar between the bricks. Since this is likely to become less obvious over time as the mortar weathers and ages, I consider that the materials are acceptable.

The extension at the rear of the house is modest in scale and would not be prominent from any public vantage point, so I do not consider that it would harm the character and appearance of the area.

The flat-roofed dormer at the rear has an awkward appearance, accentuated by the fact that the cheeks of the dormer have been constructed using dark grey cladding which does not match the red tiles of the roof over the house. Despite this, the dormer would only be briefly glimpsed from public vantage points along Hereford Road and Hampshire Road to the north and east. Its impact from here will mostly result from the way that it interrupts the triangular silhouette of the end gable, with the mis-matched colours having a lesser impact. It is relevant that the applicant could construct both a hip-to-gable extension, and also a rear dormer of equivalent dimensions under the permitted development rules, without the need to apply for planning permission. Given that the applicant would therefore have the fall-back position of constructing roof extensions with a similar visual impact without the need to apply for planning permission, I do not consider that the visual impact of the dormer provides sufficient grounds for a refusal.

Although the removal of the front garden with its hedge has a small negative impact on the visual amenity of the area, planning permission is not required to make this particular change, so its visual impact does not provide grounds for a refusal.

Living conditions

The enlarged house would include a significant communal area in the form of a 23 metre shared kitchen/diner on the ground floor.

All of the bedrooms would be of a reasonable size, with sufficient natural light and an acceptable outlook. In the case of the front bedroom on the second floor, the outlook would be through a roof light rather than through a conventional window or dormer. This is not ideal, but given that this room is acceptable in other respects, and given the provision of a communal area in the form of the kitchen/diner on the ground floor, I consider this to be acceptable overall.

After construction of the extensions, just over 80m² of outdoor amenity space would remain at the rear. I consider that this is reasonable for a house of this type given that less than 50% of the garden has been built over.

Finally, I note that the Council's private sector housing team consider the details of the proposal to be acceptable for use as a 7 bedroom HMO.

Residential amenity (*neighbouring properties*)

It would be possible to extend a terraced dwellinghouse to a similar extent under the permitted development rules, without the need to apply for planning permission. A hip-to-gable extension, and also a rear dormer of the same dimensions could be constructed as permitted development, provided that the materials matched the existing house. A rear extension of the same height and depth, and a side extension of the same height and width would also be permitted development. In this case it is only the "wraparound" part of the ground floor extension at its eastern corner which results in the need for planning permission.

Both the single-storey extension, and also the roof extensions would be set back from 2A Hereford Road 9 (the nearest dwelling at the northern side of the house), so I do not consider that they would be overbearing or cause a significant loss of light to this property.

The rear extension would be built adjacent to the boundary with no. 4, and would intersect a line drawn at 45° from the middle of the adjacent French windows in the rear of this neighbouring house. However, given that an extension with the same height and depth could be constructed as permitted development, I do not consider that the impact of this is unreasonable.

The rear dormer is not located close to any window in a neighbouring dwelling, and it does not rise higher than the ridge of the existing roof, so I do not consider it to be overbearing or causing a significant loss of light.

At the front, the window in the side extension and the new roof light looks out over the public highway, so it will not be harmful to privacy. The new windows in the rear extension are at ground floor level only, facing towards screening in the form of a

closed boarded fence at the side boundary, and the garages beyond the rear of the site.

The windows in the rear dormer would overlook the gardens of houses to the south to some degree, but only at an oblique angle which is common. They would be a minimum of 40 metres away from the windows in the rear of the houses on Belmont Street and a minimum of 26 metres away from their back gardens.

Although the proposal would result in an increase in the number of people occupying the property, given that it would remain in residential use, I do not consider that this would directly result in a significant increase in noise.

Waste storage and collection

Adequate space would remain at the front of the house for bins to be stored off the public highway.

Highways and Parking

There is a minimum of one on-site parking space retained at the front.

The proposal would increase the number of residents of the property and could lead to some increase in parking demand. Parking is available on the street although there would be competition for this with terraced houses which lack driveways.

Given the location of the site next to a corner in the road, and also to the access to the garages at the rear of the site, parking in locations which cause inconvenience to others or which are harmful to highway safety might be an issue.

The site is in a reasonably sustainable location. It is approximately 200m from Aylestone Road with regular bus services.

Provision of secure cycle parking can be secured by condition.

In view of the above, I do not consider that the impact on the highway network would be likely to be severe.

Other matters

Considering other issues raised by councillors and neighbours:

- Harm to property values and financial costs from increased car insurance premiums are not planning matters.
- The issue as to whether a property is owner-occupied or rented is not a planning matter. Neither is the city or country of residence of the landlord.
- planning permission would be needed for use of the property as a bail hostel or half-way house.

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- Criminal behaviour, anti-social behaviour, trespassing and unsafe parking are matters for the police, or through other agencies.
 - Fire safety issues are not directly a planning matter.
 - Avoidance of damage to sewers is a matter for Building Control or a civil matter between the owner and the water company.
 - Planning permission is not needed to install gates to a boundary fence or wall, provided these are less than 2m high. Any trespassing as a result of their installation is a civil legal matter and/or a matter for the police rather than a planning matter.
 - There is no legal requirement for a property owner to consult with neighbours prior to making a planning application.
 - It is not illegal to make a retrospective application for planning permission, and the fact that it is retrospective does not provide grounds for a refusal.

Conclusion

The proposal complies with local and national policies and acceptable in principle. It would provide satisfactory living conditions for future occupants. The impact on the neighbours would be acceptable, as would the impact upon the character and appearance of the area. The impact upon the highway network would not be severe.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
2. This consent shall relate solely to the plans ref. no. 18023-P-004 received by the City Council as local planning authority on 30th July 2019 and to the amended plans ref. no. 18023-P-03 rev C received on 27th November 2019. (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 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 2019.
2. The applicant is reminded that the granting of planning permission does not remove the need to comply with other legal requirements including, but not

limited to, environmental health and nuisance legislation, Party Wall etc. legislation.

3. The applicant is advised that the site is within 250 metres of a landfill site known to have accepted wastes within the last 30 years and it is considered that there is a perceptible risk of landfill gas adversely affecting it.

Policies relating to this recommendation

- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_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.