

Recommendation: Conditional approval	
20191228	9 ADDERLEY ROAD
Proposal:	CONSTRUCTION OF SINGLE STOREY EXTENSION AT REAR OF HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (AMENDED PLANS RECEIVED 07/11/2019)
Applicant:	MR & MRS CLINTON
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20191228
Expiry Date:	4 October 2019
CH	WARD: Castle



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Summary

- Brought to Committee due to number of objections.
- Six objections from city addresses were received concerning the balance of HMO provision, prejudicing return to family home, lack of amenity space, impact on parking, impact on residential amenity
- The main considerations are residential amenity, design, living conditions, parking and highways.
- The application is recommended for approval.

The Site

The application relates to a mid-terrace house in multiple occupation located within an area covered by an Article 4 Direction which restricts permitted development from a dwellinghouse (Class C3) to a house in multiple occupation for up to 6 persons (Class C4).

Tenancy evidence has been submitted with the application to demonstrate that the application site was been in use as a house in multiple occupation (Class C4) prior to the introduction of the Article 4 Direction in August 2014. The existing lawful use of the site is therefore a house in multiple occupation (Class C4).

Background

20170345 – Notification of proposed single storey extension at rear of dwellinghouse of dimensions: 6 metres beyond the rear wall of the original dwellinghouse; maximum height 3.7 metres; height of the eaves 2.7 metres. Prior approval was not required and this extension could still be built.

The Proposal

The original proposal is for the construction of an extension to the rear of the property measuring approx. 7.6 m in length by 3.5m in width with a height of 2.8m. It would have a flat roof.

The proposal would increase the number of bedrooms at the property from four to five and would provide a shower room and utility area. The proposal would involve the removal of the original single storey projection which provides a bathroom and outbuilding.

Amended plans have reduced the size of the proposal. As amended, the proposed extension would measure approx. 6.7m in length by 3.2m in width with a height of 2.8m. It would have a flat roof. There would be one obscure glazed window serving the shower room to the side elevation and one window to the rear elevation serving the bedroom.

The proposal now proposes an extension 0.5 metre wider but 2 metres longer than that which could be built under the permitted development covered by 20170345.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 108 and 109 (Highways)

Paragraphs 127 and 130 (Good Design)

Paragraph 163 (Sustainable Drainage)

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

Representations

Six objections have been received:

- The extension covers far too much of the yard area, leaving no amenity space and dominating (and so blighting) the neighbouring properties.
- There would be reduced outlook from the property and a loss of light to the living room.
- The length and height of the proposal would have an impact on light to the neighbouring properties.
- It is overdevelopment of the site and makes changes that will not allow it to return to a family home in the future so is not sustainable.
- It is against the principle of the Article 4 direction applied in recognition of the imbalance in the local population.
- The proposal would worsen parking availability.

Consideration

Principle of development

The application site is in an area covered by an Article 4 Direction restricting further changes of use to Class C4. This was imposed because of an identified concentration of houses in multiple occupation in the area area.

The site has an existing lawful use within Class C4 and I consider that allowing reasonable additions and improvements to the property is acceptable in principle.

The issues in this case are the impact of the extension on neighbouring property, parking and drainage.

An important consideration is that an extension only slightly wider, but two metres longer could be built as permitted development having been accepted through application 20170345

Residential amenity

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

7 Adderley Road – The neighbouring property to the north. This property has an outrigger to the rear which has a lower roofline than the current outrigger of the host property, this is due to the declining land levels of Adderley Road. The proposed extension would project a further 2m from the rear of the outrigger of the neighbouring property. I do not consider that this will cause significant impact on the neighbouring property in terms of loss of light and privacy.

11 Adderley Road – The neighbouring property to the south. There is a fence separating the boundary of the two properties. There is a separation distance between the properties of 4.5m. The window facing this property will be obscure glazed. I do not consider that there will be a significant impact on the residential amenity of this neighbouring property.

10 Lorne Road – The neighbouring property to the rear. There is a drop in the land levels between Adderley Road and Lorne Road. The proposed separation distance between the properties is approx. 6.5m. As the rear of the properties face each other I consider that there could be some perceived overlooking between the proposed rear bedroom of 9 Adderley Road and both the ground and first floors of 10 Lorne Road. Given that the window to the proposed extension is at ground floor I do not consider that this overlooking would be significant or unreasonable.

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

Amenity space, Character and Design

The proposal will reduce the amenity space in the rear garden from approx. 36m² to 23m². I consider that for such a terraced property that this is acceptable particularly as a smaller amount of space would be retained if the permitted extension were built.

The application form and plans indicates that the external finish materials would match those of the original dwelling.

I conclude that the proposal would comply with Policy CS03 (CS18) of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) and is acceptable in terms of the character and appearance of the area.

Highways and Parking

I consider that one additional bedroom would not have an unacceptable impact on highways safety and the residual cumulative impacts on the road network would not be severe. I conclude that the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006) and is acceptable in terms of parking.

Drainage

The site is within a critical drainage area. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Conclusion

The proposed development would not result in significant harm to the residential amenities of neighbours or the character of the area. I consider that there would not severe highways impacts.

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. This consent shall relate solely to the amended plans ref. no. P002 and P003 received by the City Council as local planning authority on 07/11/2019. (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 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 2019 is considered to be a positive outcome of these discussions.

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'.