

Recommendation: Conditional approval	
20191559	21 MONSELL DRIVE
Proposal:	RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF SINGLE STOREY EXTENSION TO FRONT OF EXISTING OUTBUILDING AT REAR OF HOUSE; ALTERATIONS (CLASS C3)
Applicant:	MR PETER SILK
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20191559
Expiry Date:	13 December 2019
SC	WARD: Aylestone



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Summary

- The application is being brought to committee due to the number of objections
- 9 objections, including from Councillor Clarke and Councillor Porter, raising concerns regarding use of the building as a separate dwelling or for commercial purposes, harm to residential amenity through traffic, noise, nuisance and pollution, poor design, and overdevelopment of the site.
- The main issues are design, residential amenity, highways impacts and drainage.
- Recommended for approval.

The Site

The property is a semi-detached house, located in a predominantly residential area. It sits within a plot which is approximately 10m wide by 80m deep, and which is surrounded by neighbouring dwellings with their associated gardens on both sides and beyond the rear boundary.

An area at the rear of the site has been partially separated from the garden to the immediate rear of the house by constructing a wall and close boarded fence and surfaced with hardstanding in the form of stones and gravel. A gate in the wall and fence allows access from the house to the rear of the site.

Background

In March 2007 an application (20061068) for two bungalows at the rear of 19 and 21 Monsell Drive was refused on grounds of being detrimental to the character and appearance of the area, and on grounds of it compromising future backland development. The refusal was appealed and subsequently dismissed.

In February 2016 an application (20152222) for a single-storey detached building to the rear of the house was refused on the grounds of it being capable of being used either as a separate dwelling or a commercial use to the detriment of the residential amenity of neighbouring properties.

In April 2016 an application (20160768) for a single-storey detached building to the rear of the house was refused on the grounds that it would harm the residential amenity of neighbouring properties through noise, disturbance and vehicular traffic. The case officer noted that rear of the site had been separated from the area near the house and was being used for storage purposes not incidental to the occupation of the house.

In March 2017 an application (20170532) for a single-storey detached building at the rear of the house was refused on the grounds that, by reason of insufficient information in relation to its use, the current use of the site for storing building materials and also the size of the building, it would be unlikely to be used for purposes incidental to the occupation of the house, and would harm the residential amenity of neighbouring properties through noise, disturbance and vehicular traffic.

In May 2018 an application (20180715) for a single-storey detached building at the rear of the house was refused on the grounds that its potential for non-residential use, and the size of the building, meant it would be likely to be used for purposes not incidental to the occupation of the house, and therefore to harm the residential amenity of neighbouring properties through noise, disturbance and vehicular movements.

The context for those previous refusals was that there had been a history of previous use of the site for storing building materials; photos of the site taken in May 2018 show that it had been cleared of these.

This last application was allowed on appeal. The Inspector considered that the use of the site should be assessed on the information provided with the application which

stated that it was to be used for storing bicycles, garden furniture and garden equipment, rather than on the historic use of the site.

The Inspector also considered that the size of the outbuilding was not disproportionate to the size of the house, and also not so large as to suggest that it would be too great a size to be used for normal domestic purposes. Given the potential for subdivision of the site, the Inspector imposed a condition restricting the outbuilding to use by the residents of the house, and for purposes incidental to the domestic use of the dwelling and its garden.

The Proposal

Towards the rear of the site an outbuilding in line with that approved on appeal is under construction and largely complete. The dimensions of the garage have been checked and are in accordance with the plans approved on appeal under application number 20180715. There has been some foundation work for the proposed extension and amendments to the design of the building approved on appeal

The extension is in two parts. A 1.65m deep extension and a 9.3m-deep projection would be added at the eastern side of the front elevation. With a single-pitched roof, this would have a maximum height of 3.2m and an eaves height of 2.5m.

There would be a large glazed area with bi-fold doors in the west-facing side elevation, while in the front elevation a single garage door would remain. of the building at the front is shown as an office/gym area while the rear contains a garage and area for domestic storage.

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

None

Representations

Objections were received from 7 addresses (all within the City Council area) on the following grounds:

- Concerns that the building would not be used by the occupants of the house.
- Concerns that the building would be used as a separate dwelling.
- Concerns that it would be used for commercial purposes.
- It would cause harm to residential amenity from traffic accessing the site, noise and pollution

In addition, objections to the proposal were received from Councillor Porter and Councillor Clarke:

- It is an unattractive design.
- It would not be in keeping with its surroundings.
- It would be overdevelopment of the site.
- The future usage of the site is unclear, and it might be used as a separate dwelling, or as a commercial operation.
- It would be inappropriate for a residential area.
- It would cause harm to residential amenity, through increased traffic, noise, pollution and nuisance.
- Development may already have started on the site

Consideration

Principle of development

In assessing this application the appeal Inspector's findings are important.

The application states that the extended building is to be used as a gym and home office, with storage for cycles and garden equipment, plus a garage at the rear. Use of the enlarged building by the occupiers of the house for purposes such as these would be incidental to the residential use of the house itself and would be acceptable in principle.

Although the proposal would increase the size of the building, I do not consider that it would become so large as to preclude its use for incidental domestic purposes such as those described in the application.

The existing garden is large and in the context of this, the building would not be obtrusive or otherwise inappropriate

Neighbours and councillors have raised concerns about the potential future use of the building other than by the occupants of the house, including use as a separate dwelling or for a business. This is likely to result in the creation of a separate planning unit and would require permission for a change of use. It would also be contrary to the condition imposed by the appeal inspector.

Design

The materials to be used for the extension have not been specified in the application, but a condition could be attached to any permission granted requiring them to match the existing building.

It is located towards the rear of the site and would only be glimpsed briefly from any public vantage point. I do not therefore consider that it would be harmful to the character and appearance of the area.

Residential amenity (*neighbouring properties*)

The enlarged building would be single-storey only, would be set back a minimum of 1.6m from any boundary, and by more than 25m from any neighbouring house. I do not consider that it would harm residential amenity through being overbearing or causing loss of light.

Although the proposal would result in the introduction of a large glazed area to the building, this would be at ground floor level, and would face towards screening in the form of a closed boarded fence at the boundary. It would not therefore be detrimental to the privacy for any neighbouring dwelling.

In the interest of minimising the risk of disturbance, I consider that it is reasonable and necessary to impose a condition restricting the use of the building to incidental domestic use by the residents of the house.

I do not consider that use of the building for incidental domestic purposes (including those described in the application) would be likely generate excessive vehicle traffic, or to harm residential amenity through noise, nuisance or pollution.

Highways and Parking

The site is accessible via an existing vehicle access at the western side of the site, and the proposal would not result in any alterations to this. Given the substantial size of the plot, sufficient space would remain on site for the parking of at least two cars to serve the house.

Drainage

The site is not located within a Critical Drainage Area. Furthermore, the extension would occupy a relatively small part of the site, and I consider it unlikely that the proposal would significantly increase surface water run-off from the site. In view of this, I consider that any requirement for sustainable drainage measures would be disproportionate to the nature and scale of this proposed development.

Conclusion

The proposal is acceptable in principle and would not be harmful to the character and appearance of the area. Potential harms to residential amenity from commercial usage of the site can be controlled by condition. It would not be detrimental to the residential amenity of any neighbouring property, have a severe impact upon the highways network, or increase the risk of flooding elsewhere.

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

CONDITIONS

1. 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.)
2. The extension hereby permitted shall not be used by persons other than the residents of the house and shall be used only for purposes incidental to the domestic use of the dwelling and its garden.
3. This consent shall relate solely to the submitted plans ref. nos. 1432/03, 1432/04, 1432/05 received by the City Council as local planning authority on 19th August 2019, and no. 1432/01 received on 15th October 2019 unless otherwise submitted to and approved by the City Council as local planning authority. (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.

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'.