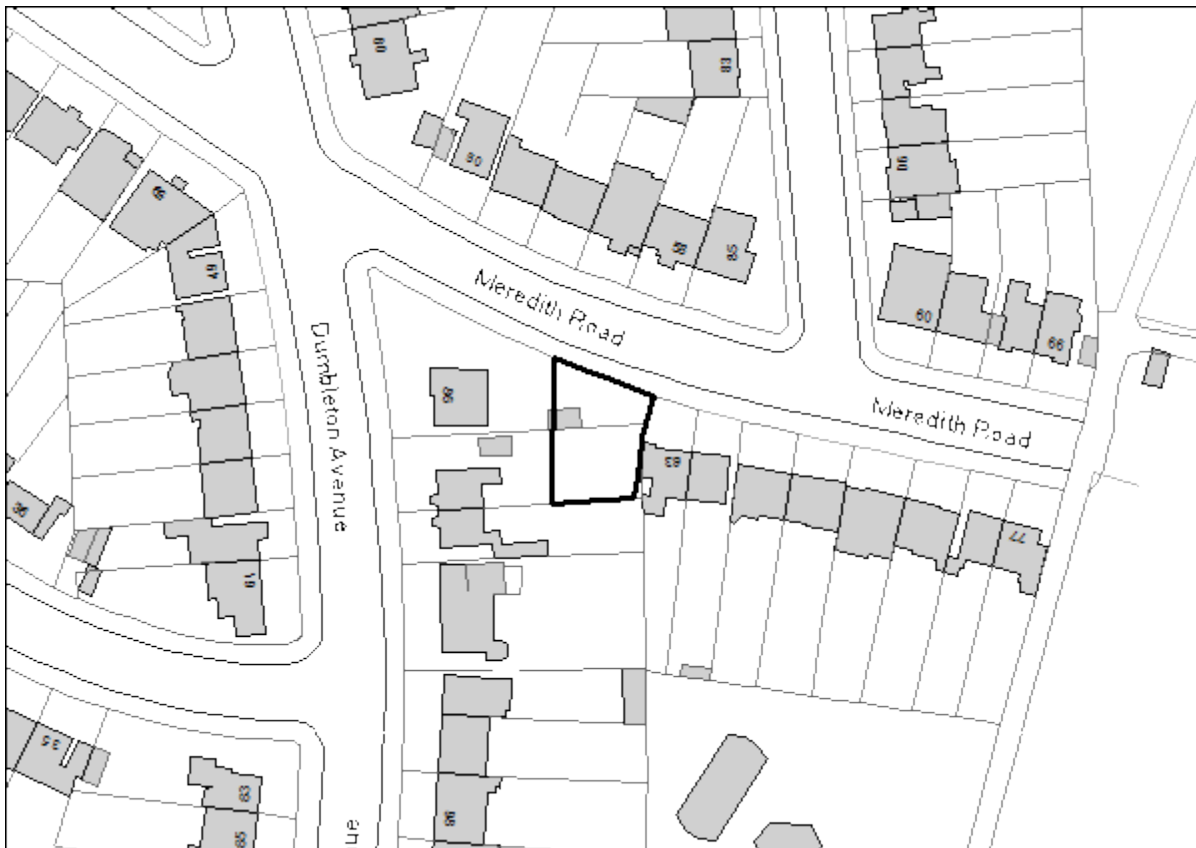


Recommendation: Conditional approval	
20191751	LAND TO REAR OF 88 DUMBLETON AVENUE
Proposal:	CONSTRUCTION OF DETACHED BUNGALOW (1X2 BED) (CLASS C3); ASSOCIATED PARKING AND LANDSCAPING
Applicant:	K KOONER
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20191751
Expiry Date:	12 December 2019
PK	WARD: Braunstone Park & Rowley Fields



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Summary

- The application is before committee as objections have been received from more than 5 City addresses;
- a total of 23 objections received concerned with the design and character, impact on traffic and parking, impact on residential amenity, restrictive covenants, occupation of the property, future use and development of the site;
- the main issues are the principle of development, amenity and privacy, character of local area and locally listed buildings nearby, appearance, parking, trees, landscaping, ecology, archaeology, flooding, sustainable drainage, use of unadopted access road;
- recommended for approval.

The Site

The application site comprises the rear garden of 86 and 88 Dumbleton Avenue. No.88 is a two storey semi-detached property and no.86 is a detached bungalow located on a corner plot on the junction between Dumbleton Avenue and Meredith Road. The boundary treatment between no.86 and the application site is a 1.8 metre high close boarded fence. The proposal would front onto Meredith Road adjacent to 63 Meredith which is a two storey dwelling semi-detached dwelling.

Background

Rear of, 86-88 Dumbleton Avenue – 20060371 - One house (4 bedrooms) – Refused for the following reason:

1. The proposal by reason of the size of the dwelling and position, would represent a cramped form of development that would be out of character with the immediate area. There would be insufficient amenity space for the new dwelling and it would adversely affect the amenity of other nearby dwellings through loss of privacy. The proposal is therefore contrary to policies UD01, PS10 and H12 of the City of Leicester local Plan and Supplementary Planning Guidance – A Design Guide for House Extensions.

Land rear of, 86 Dumbleton Avenue – 20181115 – Construction of three storey detached house in multiple occupation (11 persons) (sui generis) refused for the following reasons:

1. The proposed dwelling by virtue of its footprint, design and layout would result in a development which would appear visually dominant, incongruous and out of scale to the surrounding suburban area. The site therefore does not have the ability to assimilate the proposed development. Therefore the proposal is contrary to Policy PS10 of the City of Leicester Local Plan, Policy CS03 of the Core Strategy and the SPD for Residential Amenity.
2. The proposed dwelling by reason of its siting and layout especially being directly alongside the boundary and design would have an adverse impact on the residential amenity of 86 and 88 Dumbleton Avenue in terms of loss of privacy and overbearing impact especially to the rear garden areas and principal room windows at the rear. The proposal is therefore contrary to Policy PS10 of the City of Leicester Local Plan and the Residential Amenity SPD.
3. The proposed development by reason of its layout and design which includes a relatively small communal area and small rear garden area would result in a cramped living environment to the detriment of the residential amenity of future occupiers and general noise and disturbance to the residential amenity of adjacent occupiers. The layout does therefore not respond to the context of the site and is contrary to Policy CS03 of the Core Strategy, saved Policy PS10 of the City of Leicester Local Plan, paragraph 127 of the NPPF and Residential Amenity SPD.

Land rear of, 86 Dumbleton Avenue – 20190428 – Construction of detached bungalow (1 x 2 bed) (Class C3) refused for the following reason:

1. The proposed dwelling by reason of its design and siting would be of a poor design which would have an adverse impact on the character of the area and street scene. The proposal would result in a cramped form of development which would sit awkwardly within the street scene contrary to paragraph 127 of the NPPF and Core Strategy Policy CS03.

The Proposal

The current proposal is for a similar development that has previously been refused; however the current application has a different red line plan which now includes part of the rear garden of no.88.

The proposal is for the construction of a detached bungalow with a footprint measuring 6.6metres in depth and 11 metres in width. The bungalow would have a dual pitched roof with a ridge height of 5.1 metres and eaves height of 2.4 metres.

The property would maintain a separation of 0.8 metres from the common boundary with the common boundary with 63 Meredith Road which would increase towards the rear of the property due to its angled footprint. The garden area would have a depth of a minimum of 6 metres and maximum of 9.1 metres. Two off street parking spaces would be provided to the north-west corner of the plot.

Boundary treatment would comprise 1.8 metre high close boarded fencing to both sides and rear with a 0.6 metre high wall at the front. To the western side of the site, the boundary height would be reduced to provide visibility splays.

It is proposed to construct the property of brick and tiles with upvc window and door frames.

Policy Considerations

The National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester city Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development. Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity supplementary planning document (2008)

Local Plan Appendix 1 – Vehicle Parking Standards

Representations

Letters of objection have been received from 23 city addresses raising the following concerns:

- Impact on residential amenity in terms of privacy, loss of light, noise, disturbance and pollution;
- Impact on the character of the area, the site is not suitable for this type of development, forward of the building line, proposal has the same footprint as previous refusal, waste and environmental quality;

- Impact on traffic and parking;
- Further extensions and changes of use of the property. Enforcement of Article 4 Direction and other permitted development rights, the area is full of families and not suitable for student accommodation;
- Anti-Social behaviour, occupation by tenants, impact on property prices, covenant on the site, utilities in the area and fire safety;
- Consultation letters should go out to the whole area as they have not been received by everyone.

Consideration

The main issues in this case are: the principle of the proposal; residential amenity of neighbours; residential quality; character and appearance of the local area; and parking and highway safety.

Principle of development

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, *inter alia*, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing. Policy CS08 seeks to ensure that suburban areas continue to thrive and recognises that small scale infill sites can play a key role in the provision of new housing, but states that backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass. Policy CS08 goes on to resist development on garden land where it would have an unacceptable impact upon levels of biodiversity in the neighbourhood and states that, in areas of high architectural quality or significant local distinctiveness, the Council will seek to ensure that any new development is sympathetic to its specific location.

In the above policy context and having particular regard to the City's current housing supply position, I conclude that the development is acceptable in principle.

Residential amenity (*neighbouring properties*)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

Section 3 of the Council's *Residential Amenity* SPD (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and of 21 metres between facing principal room windows. It also recommends the provision of a minimum of 100 square metres' amenity space for detached dwellings. Appendix G of the SPD advises a separation distance of 11 metres

is recommended between principal room windows and the boundary with any undeveloped land, including neighbouring gardens; that the separation distance between principal room windows may be reduced to 18 metres where direct overlooking is avoided by the positioning of windows, and that a two storey rear extension should not project beyond a 45 degree line from the nearest point of any ground floor principal room window at an adjacent property.

86 Dumbleton Avenue

The neighbouring property to the west would be situated approximately 13 metres from the side wall of the proposed dwelling. The separation distance would avoid significant harm in respect of privacy, overbearing and loss of light. Moreover, under the current application the area of the site closest to no.86 would comprise an extended garden to no.88; as such this property would not share a common boundary with the proposed dwelling. I consider the proposed car parking area would not result in detriment in terms of light pollution and noise.

88 Dumbleton Avenue

The proposed dwelling would be situated a similar distance to no.88 as with no.86. I consider the roof lights on the rear roof slope would not result in any unreasonable impacts on the privacy of the occupants at the rear. Likewise I consider the building; by virtue of its design would not result in any harmful overshadowing or overbearing impact on the users of the rear garden of the site.

63 Meredith Road

The adjacent property at no.63 would be orientated the same as the proposed dwelling. The proposed bungalow would be sited forward of the building line by 2 metres; however it would not intersect a 45 degree line from principal front room windows at no.63. I consider the proposed development would not result in any unreasonable impacts on the amenity of the occupants of the adjacent property.

General Amenity

Due to the size and scale of the proposed dwelling I do not consider that the proposed bungalow would appear unduly dominating or overshadow adjacent properties. The proposed bungalow would retain a separation of 20 metres from properties across the road on Meredith Road which is acceptable in suburban locations such as this.

The use of the house as a residential dwelling (Class C3) is acceptable and consistent with other properties in the area. I consider this would not give rise to unacceptable impacts in terms of waste, noise and disturbance. Similarly as the site is currently in some disrepair, the proposed development of the site would improve the visual amenity of the site and appearance within the street scene.

I am satisfied that there is not a significant risk of crime or reduced safety to neighbouring occupiers as a result of the development. I conclude that the proposal would comply with Core Strategy Policy CS03 and would not conflict with saved Local

Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Living conditions (*The proposal*)

Policy CS03 of the Leicester Core Strategy (2010) states that new development should achieve the highest standards of accessibility and inclusion, whilst Policy CS06 states that new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City.

Section 3 of the Council's *Residential Amenity* SPD (2008) sets out more detailed design guidance for development in outer areas of the City. It calls for bungalows to provide a garden area of 75 sqm.

The Local Plan policy H07 relates to self-contained flats and whilst not directly relevant to the proposal type, the policy includes a number of criteria to assess proposed living environment. These relate to the location of the site; unacceptable loss of alternative uses; loss of family accommodation; creation of a satisfactory living environment; arrangement for general facilities; provision of open space; effect of the development on the general character of the surrounding area and; proposed or potential changes to the appearance of buildings and their settings.

The proposed dwelling would provide a good size of residential accommodation. All principal rooms would have a window, and the proposed bedrooms at the front of the property would have an adequate outlook to the front. The rear garden would provide an amenity area of approximately 105 square metres which complies with the Residential Amenity SPD. Bin storage could be accommodated within the rear garden similar to neighbouring properties. Likewise secure cycle parking can be secured within the rear garden too. I consider a condition securing these would be unreasonable.

The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that it is reasonable and necessary to secure compliance with Building Regulations Standard M4(2) as a condition of planning permission should planning permission be granted.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policies AM01, and PS10.

Character and Appearance

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Policy

CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area.

The proposed property has been designed to provide all accommodation on the ground floor only. The footprint, roof design and ridge height of the proposed bungalow would be similar to that of no.86 Dumbleton Avenue and other bungalows in the local area. Unlike the previous application which was refused, the scale of the bungalow has been reduced along with the removal of the dormers. I consider the scale of development and appearance of the proposed bungalow would be compatible with the local area.

The proposed dwelling would address Meredith Road which has a strong building line and scale of development comprising of two storey semi-detached properties. Plot sizes and the layout of dwellings is relatively uniform. Although the proposal is for a single storey bungalow, I consider it would not result in significant harm to the established character and appearance of the residential street scene of Meredith Road, the property would appear a modest addition within the same. The removal of the dormers from the previous application, combined with the set-back from the street scene and amended site layout is considered to be more representative of other bungalows in the area. The proposal would not result in a cramped form of development and is considered not to result in detriment to the visual amenity of the area.

Concerns regarding permitted development rights have been raised by objectors. A dwelling would have permitted development rights for extensions and alterations. The NPPF advises that *planning conditions should be kept to a minimum and only where they are necessary, relevant to a planning and to the development permitted* (paragraph 55). Removing permitted development rights by way of condition should be reasonable justified. I consider it would be unreasonable to removed permitted development rights for extensions, alterations and outbuildings. In the previous application the front roof dormers were considered unacceptable on design grounds; however this would require planning permission. As such I consider such a condition would not be justified. Other forms of extensions would be able to be accommodated within the rear garden and there is sufficient rear amenity space to accommodate minor extensions.

The application form and plans indicate that the external finish materials would match those of the original dwelling. I consider that this is an appropriate material response and can be secured as a condition of planning permission.

I consider the current application represent a scale and form of development that is compatible with the local area in terms of its visual appearance. The proposal would be acceptable on character and design grounds in accordance with paragraphs 127 and 130 of the NPPF and Core Strategy policy CS03.

Parking and Access

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location, and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission

will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to published parking standards.

The proposed development includes off-street parking for two spaces. The spaces would be in excess of the parking requirements for a residential dwelling of this size and scale. The arrangement of vehicle parking spaces is acceptable and the plans indicate adequate visibility splays can also be provided. Cycle parking can be accommodated within the rear garden of the site and I consider a condition to secure this would be onerous.

The proposed construction of one bungalow with off-street parking is considered to result in minimal adverse impacts in terms of traffic within the area.

The proposal would be in accordance with Core Strategy Policy CS15 and saved Local Plan Policies AM02 and AM12.

Trees

Saved Policy UD06 of the Local Plan (2006) requires new development to include planting proposals and resists development that would impinge upon landscape features of amenity value.

There are no tree preservation orders on the trees on the site and although some objectors have advised that there has been removal of landscaping within the garden this is considered not to be significant in respect of landscaping and trees. The site is in a residential area whereby works within gardens to remove or prune trees and hedges is common place. The plans include details of shrub and hedge planting within the rear garden. I consider this level and amount of planting is adequate for a plot of this size to maintain an adequate useable private amenity space. As such the proposal would accord with saved policy UD06 of the Local Plan.

Drainage

Policy CS02 of the Leicester Core Strategy (2014) states that development should be directed to locations with the least impact upon flooding or water resources. It goes on to state that all development should aim to limit surface water run-off by attenuation within the site, giving priority to the use of sustainable drainage techniques.

The site is not in a Critical Drainage Area; however as a new build SuDS features should be incorporated in the development to ensure that surface water run-off is not significantly increased. I consider that details of SuDS can be secured by way of condition. Subject to this, I conclude that the proposal would comply with Core Strategy Policy CS02 and is acceptable in terms of flooding and drainage.

Other matters

Local residents have raised concerns regarding the publicity of the planning application. Consultation on the application has been carried out in accordance with the statutory process for this type of application. A non-statutory site notice has been displayed to notify residents of the application and letters were sent to all those who made representations on the previous application.

Matters such as restrictive covenants, property values, maintenance and licensing are not material planning considerations for consideration as part of this application. Moreover occupation by tenants and/or students is not a material consideration for this application.

It is unlikely that the proposal for a two bedroom bungalow would give rise to anti-social behaviour to warrant refusal on this basis.

Issues regarding fire safety are a matter for Building regulations.

Use of the site as a house in multiple occupation does fall within permitted development if a property changes from C3 to C4 (small house in multiple occupation. An article 4 direction would only be applied where there is an over supply of such properties; however this area is dominated by C3 residential accommodation with dwellings. I consider such a restriction on permitted development rights would be unreasonable if this development was considered acceptable.

Issues regarding the local sewage system and water pressure are matters outside of planning control. I would advise that Severn Trent Water are contacted in this regards.

Conclusion

The proposed new development is acceptable in principle and would create an acceptable living environment for future occupants whilst also having an adequate impact on the residential amenity of adjacent properties. Sustainable drainage measures and parking could be secured by way of condition. The design of the proposed scheme is now acceptable and would not have an adverse impact on the character and appearance of the site and area.

I therefore recommend the application for APPROVAL 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. 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 by the local planning authority. No flat shall be occupied/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).

3. Before above ground works, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3).
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 Core Strategy policy CS6)
5. Landscaping shall be carried out in full accordance with the approved Landscaping Plan (ref. 2150.2) before the occupation of any part of the development unless otherwise agreed in writing with city council and maintained as such. (In the interests of the amenities of the surrounding area, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3).
6. This consent shall relate solely to the submitted plans ref. no. 2050.3 (Block Plan); 2150.2 (Landscaping Plan); 2050.1 (Site Plan); 2150 (Plans and Elevations) received by the City Council as local planning authority on 11/09/2019, 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 considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

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- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 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_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.