

20210051	356 Victoria Park Road	
Proposal:	Change of use from house in multiple occupation for up to 6 persons (Class C4) to house in multiple occupation for more than 6 persons (8 bedrooms) (Sui Generis); Construction of single and two storey extensions at side; single storey extension at rear; alterations	
Applicant:	Mr Mayur Bhatt	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	1 April 2021	
RB	TEAM: PD	WARD: Castle



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Summary

- Brought to Committee given number of objections
- Seven letters of objection have been received, six from neighbours and one from Councillor Kitterick.
- Main issues are principle of the use, standard of accommodation, impact on neighbours, parking and design.
- Recommended for approval

The Site

The application relates to an early 20th Century two storey end terrace property located opposite to Wyggeston And Queen Elizabeth I College.

The property is within an area subject to an Article 4 Direction, which removes permitted development rights for the change of use of a dwellinghouse (Class C3 to shared house/small house in multiple occupation (Class C4)).

Background

There is no recent planning application history at the site.

The Proposal

The proposal is for a change of use from a house in multiple occupation for up to 6 persons (Class C4) to a house in multiple occupation for more than 6 occupiers).

The existing layout shows 5 bedrooms and the proposed plans show 8 bedrooms.

The plans propose demolition of the existing garage at the side and single storey shed to the rear. These would be replaced by the construction of a single storey extension at the rear and a two storey extension at the side.

The ground floor will have three bedrooms, a living room, a kitchen/lounge, a WC, a bathroom and a car port. The first floor will have five bedrooms, two shower rooms and a bathroom. The proposed two storey side extension would provide space for a car port and a living room on the ground floor and the additional two bedrooms and a shower room on the first floor. The extension would be set back approximately 2m from the front and set down from the ridge of the existing property. The extension would have a dual-pitched roof and a subsidiary rear facing gable to the rear.

The proposed single storey extension at the side would be situated to the rear of the two storey extension and would provide space for the additional ground floor bedroom.

The single storey extension would also provide extended space for the kitchen area and will be hipped roofed and would measure about 4.1m in height to the ridge, 3.1m in height to the eaves and 1.5m in depth. It will be approximately 6.9m in width, which is the width of the existing outrigger and width of the proposed side extension.

The proposed materials would match the existing.

Amended plans have been received to address concerns regarding the internal layout to provide a larger kitchen, additional living room space and kitchen facilities.

Policy Considerations

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 states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. 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
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 59 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. The policy includes a set of criteria for both plan making and decision taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere.

Paragraph 180 requires decision makers to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Development Plan policies:

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

Additional documents:

Residential Amenity (Supplementary Planning Document)

Appendix 01 Parking Standards of The City of Leicester Local Plan (2006)

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes: Residential Space Standards, Amenities and Facilities

Consultations

Private Sector Housing –Concerns were addressed by the submission of amended plans.

Representations

Seven letters of objection have been received, six from neighbours and one from Councillor Kitterick. Councillor Kitterick also requested that the application decision should be considered by the Committee given the housing issues in general.

The following concerns were made:

- The Article 4 Direction is intended to put a stop to this type of application/development.
- It was not appreciated that the property had already been approved as a 6 bed multiple occupation (the plans only show 5 bedrooms) and now a property investor wants to turn it into an 8 bed multiple occupancy.
- Health and vermin concerns.
- There is some parking provision at this property, which can take 3 vehicles.
- This end of Victoria Park Road is already saturated with student houses which will soon extend on to Welford road where there are 2 proposals for 62 Purpose designed student flats.
- A HMO of more than 6 residents threatens to erode further the mix of tenure in the area as is highlighted by the Article 4 direction for Homes in Multiple Occupation for the Clarendon Park area.
- The population density of the area would be adversely affected.
- There is increased risk of fire due to higher capacity and no provision for fire doors, escapes, alarms etc.
- The use will go from a HMO to effectively a hostel.
- Increased noise pollution and disturbance.
- The character of all the houses will be affected. The design and increase in size of property is not in keeping with the surrounding properties and the immediate area.
- Insufficient car parking in the area.
- During build no provision for builders' vehicles and deliveries on a busy road close to Welford Road traffic lights, which is also a major route for emergency vehicles.
- The area is clearly deteriorating with adverse effect to property values and making the area a less desirable place to live.
- The appearance of the property has deteriorated since the change of use took place.
- The basis for this application for increasing 6 person to 8 bedrooms is incorrect. The Property only has a 5 person HMO licence.

- The increase in people/resident density from 5 to more than 8 will cause increase in noise and people traffic.
- The property does not have sufficient amenity garden space to support residents of 8 bedrooms.
- The two storey and single storey extensions will result in loss of light to the neighbouring properties, particularly at 354 and 352 Victoria Park Road.
- The new bedroom window at the rear would overlook the gardens of neighbouring properties, resulting in a loss of privacy.
- What is currently a party garden wall and garage will be replaced by a two story high wall, which will result in a loss of light.
- A party wall agreement has not been agreed or permission to access the land owned by the neighbouring property for work to be completed.
- The proposal will result in an overdevelopment of the site with the majority of the garden built over, which will leave a small amount of private amenity space for future occupiers.

Consideration

Principle of development:

Victoria Park Road is located in one of the three areas in the city covered by the Article 4 Direction that requires express planning permission for the change of use from C3 to C4 residential uses. The property is already a house in multiple occupation through a change made before the Article 4 direction.

The proposal will not result in a new house in multiple occupation and will not in itself increase the number of properties in multiple occupation on the area. It does not involve the loss of an existing family house.

Residential amenity (future occupiers):

SPD Residential Amenity recommends 75sqm of residential amenity space for a terraced property in this area of the city. There is an existing shed at the rear of the property that will be demolished. The footprint of the shed is similar to the footprint of the proposed rear extension. The side extension would result in approximately 18sqm of private amenity space being lost as a result of the development. The proposed development would result in approximately 80sqm of private amenity space at the rear of the property. Therefore, I consider the development would have adequate private amenity space.

All principal room windows will have a good level of outlook to Victoria Park Road to the front and the rear garden of the property.

The only outlook and natural light afforded to the living room window would be through the car port. I consider that this situation would not be ideal, but as there would be some light and outlook afforded to the room that all the bedrooms would have adequate natural light and outlook, it would not be reason enough to justify a refusal.

I consider that the proposal will provide a satisfactory living environment for existing and future occupants and will be consistent with the objectives of Core Strategy CS06 and saved City of Leicester Local Plan policy PS10 in this respect.

Residential amenity (neighbouring properties):

SPD Residential Amenity recommends that a single storey rear extension on or close to the boundary of an adjoining house will in most cases be acceptable if up to 3 metres deep. The proposed single storey rear extension would be 1.5m deep. Therefore, I consider that the single storey rear extension would be in accordance with the SPD and would not result in a significantly detrimental loss of amenity of the neighbouring property at 354 Victoria Park Road.

There is a first floor front facing window at the neighbouring property at 358 Victoria Park Road that is set back from the front elevation of the house. The two storey extension would not intersect a 45 degree line taken from the nearest point of the window. Therefore, I consider that the proposed two storey extension would not result in significant loss of light or outlook at the neighbouring property at 356 Victoria Park Road.

The rear windows will overlook the rear garden of the host property. As such, I consider that the rear gardens of neighbouring properties would not be directly overlooked and I consider this arrangement to be acceptable.

SPD Residential Amenity recommends that there should be a separation distance of 11m a proposed development and undeveloped land to the rear. The proposed extension would have a separation distance of approximately 13m to the end of the rear garden.

Due to the orientation and separation distance of the proposed student accommodation at 186 Welford Road, I consider that the proposed windows at the rear extension would not result in significantly detrimental amount of overlooking or loss of privacy of the future occupiers.

Therefore, I consider that the proposed development would accord with SPD Residential Amenity.

I consider that the proposal will not have an unreasonable impact on the amenity of neighbouring properties and I consider it to be consistent with the objectives of saved policies PS10.

Design

Although the property has architectural merit, it is located outside of the Stoneygate Conservation Area.

The two storey side extension is proposed in place of the existing garage. The dual-pitched roof would match that of the existing, the roof ridge would be set lower than the original and the extension would be set back about 2m from the front elevation of the property. There would be a separation distance of approximately 2.9m between the side of the proposed two storey extension and the side of the neighbouring property at 358 Victoria Park Road. Therefore, I consider that the proposed extension would be in keeping with the original property.

The side wall of the proposed two storey extension would be blank and would be viewed from the street scene. However, I consider that the massing of the extension would not be excessive, the blank wall would appear similar to the existing situation at the side of the property and would not result in a significantly detrimental overbearing impact on the occupier of the neighbouring property at 358 Victoria Park Road.

Timber windows are proposed to match the existing and would line up vertically and horizontally.

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 conclude that the design of proposed extensions would be an appropriate addition to the property and the proposal complies with Policy CS03 of the Core Strategy and does not conflict with saved City of Leicester Local Plan policy PS10 and is acceptable in terms of the character and appearance of the area.

Parking and Highways

The proposal would provide three off-street parking spaces. Two of which would be in tandem. I consider that two of the proposed spaces would be safely useable. The proposed parking situation would be similar to the existing. There is restricted on-street parking in the area. I consider that an additional three occupiers at the property is not considered to have a significant impact on highway safety. Furthermore, the site is in a sustainable location with access to local shops, public transport and proximity to the City Centre.

Having regard to the SPG maximum car parking standards, I consider that this level of parking provision is acceptable. 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 the impact of the proposal in terms of increased surface water run-off is unlikely to be significant. The proposed driveway paving is to be permeable, which I consider to be acceptable.

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

Other Matters

The City Council has not granted planning permission for the change of use from a house (Class C3) to a House in Multiple Occupation (Class C4). The change of use occurred under Permitted Development before the rights were removed in 2016.

The HMO licence, fire, health and safety and building regulations issues are covered by separate regulations and legislations. The current licence is for up to five bedrooms. However, it has been acknowledged by Private Sector Housing that the layout as proposed would likely be acceptable if a HMO license for 8 persons was sought.

The devaluation of nearby properties as a result of a proposed development is not a material planning consideration.

Conclusion

The property is considered large enough to comfortably accommodate three additional residents, with the communal facilities and bedrooms provided built to an acceptable standard. Additional occupiers to an existing HMO and the proposed

extensions are considered not to cause significant harm to the amenity of neighbouring occupiers or the character and appearance of the area.

I accept that there will be an increase in the size of the HMO; however I consider that the resulting accommodation is of a good standard and that the impact on the area or neighbouring property would not be unreasonable

I therefore recommend 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. 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. 014/AL(0)02B Rev C, received by the City Council as local planning authority on 23/02/2021. (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_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_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.