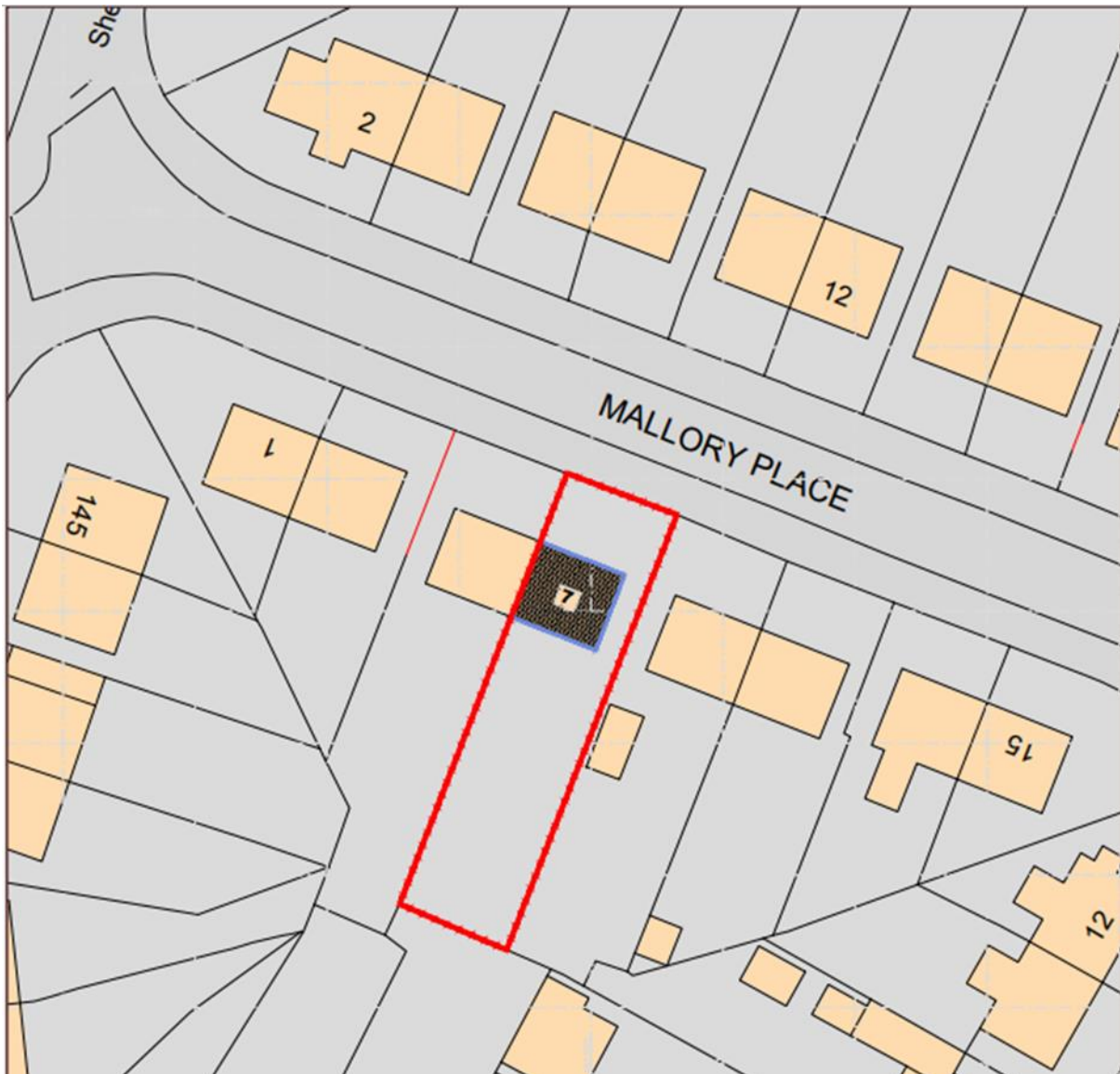


20210414	7 Mallory Place	
Proposal:	Change of use from house to three flats (2 x 1 bed & 1 x 2 bed) (Class C3); construction of a two storey rear extension	
Applicant:	PASTOR ISIAKA	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	11 May 2021	
SS1	TEAM: PD	WARD: Evington



Summary

- The application is brought to committee as the planning agent is related to a councillor.
- The main considerations are design, neighbouring residential amenity, living conditions for future occupants, highways and drainage.

- Recommended for refusal on the grounds of harm to neighbouring residential amenity and poor living conditions.

The Site

The application relates to a two-storey semi-detached dwelling within a primarily residential area. The site is within a critical drainage area, flood zone 2 and an area with a 1 in 1000 year risk of surface flooding.

Background

No planning history at the site.

The Proposal

The proposal involves the change of use from the single dwelling to 3 self-contained flats.

Flat 1 (1 bed) would be to the rear of the property on the ground floor and be 28m² in floorspace.

Flat 2 (1 bed) would be to the front of the property on the ground floor and be 40m² in floorspace.

Flat 3 (2 bed) would be on the first floor and be 60m² in floorspace.

The proposal also involves a single and two storey rear extension. The extension would be partly 4m in depth with part a further c1.9m in depth although the two storey element would only be 3m in depth. It would be c.6.9m in width. The extension would accommodate the entirety of flat 1 on the ground floor and part of a bedroom and living room on the first floor.

The eaves height would be 5m and ridge height would be 6.7m.

Materials would be brick cavity walls, clay tiles and uPVC windows and doors.

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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

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.

Other documents

LCC Corporate Guidance – Achieving well-designed homes (2019)

Residential Amenity SPD

Appendix 01 – City of Leicester Local Plan (2006)

Consideration

The principle of residential development is acceptable in the area. The proposal would make a small contribution to Leicester's housing need by providing 2 extra properties.

The main issues in this case are the impact on residential amenity, the living environment, design, flooding and highways.

It is noted that there was a pre-application planning enquiry at this site for a rear extension and the Council planning officer advised the applicant of the likelihood of an extension harming the light and outlook of the rear windows of the neighbour.

The submitted plans do not show heights of the eaves and ridges, the proposed rear elevation appears incorrect when compared with the proposed ground floor plan, and there are no internal floor measurements of the rooms on the plans. Given that the application is being recommended for refusal, it would be unreasonable to seek these accuracy amendments.

Design

The bricked walls, clay tiles and windows and doors would be suitable to match the existing house. I consider that this is an appropriate material response and could be secured as a condition of planning permission if approval were to be granted.

The development would introduce hard landscaping into the front of the property including the removal of the hedge. This would not be ideal but would not conflict with the appearance of other frontages in the area and would not warrant a reason for refusal.

The extension would increase the size of the building by a large percentage of the existing building. However, overall, I consider the development would comply with Core Strategy policy CS03 and be acceptable in terms of design.

Neighbouring 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 the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

It is acknowledged that the proposal may result in greater comings and goings from the site. However, I consider the proposal would not result in significant harm in terms of noise and disturbance to warrant refusal on this basis.

5 Mallory Place

I consider that the single and two storey rear extension would intersect a line drawn at a 45 degree angle taken from the centre of the nearest rear first floor window and a line drawn at a 45 degree angle taken from the closest edge of the rear ground floor window of no.5 Mallory Place. It appears from online marketing information that the ground floor window would be to a living room that is dual aspect. I therefore consider that the impact on this window would not be so substantial as to warrant a reason for refusal. However, it appears that the first floor window is to a bedroom and this is unlikely to be dual aspect. The extension would overshadow this window to an unacceptable degree.

9 Mallory Place

The extension would be within 2.2m of the boundary with no.9. I am satisfied that the two storey element of the extension would not intersect a 45 degree line drawn from the centre of the closest first floor window at no.9. The extension also wouldn't overshadow any windows on the ground floor at no.9 – the closest opening is a door.

The bedroom window at flat 1 would be directly facing across to the rear yard of no.9 and only be 2.2m from the shared boundary. Despite the hedge, trees and fence providing some screening, I consider this would result in a sense of overlooking to no.9 and a sense of loss or privacy to the neighbours.

Neighbouring Residential Amenity Conclusion

I consider that the extension would have an overbearing impact on the light received by and, the outlook from, the nearest first floor window at no.5, and that the bedroom window of Flat 1 would overlook the garden of no.9, and the both these issues would cause a detriment to neighbouring amenity contrary to policy PS10.

Living Conditions

Local Plan policy H07 sets out criteria that must be considered for new self-contained flats to be satisfactory. Criterion d) states that a satisfactory living environment must be created (for future occupiers). The amenity factors described above in policy PS10 are also relevant to creating suitable residential amenity for the future occupiers of the flats.

Flat 1

The internal floorspace of flat 1 would be below the relevant minimum requirement given within the nationally described space standards (NDSS) (37m²). I consider it would not provide adequate space for future occupants resulting in cramped living conditions.

At 6.6m² in floorspace, the bedroom would also be below the minimum requirement within the NDSS (which is 7.5m²). The size of the bedroom would not provide adequate space for future occupants resulting in cramped living conditions.

Whilst the living room/kitchen would have light and outlook to the rear, the bedroom window would suffer from poor light and outlook due to its position adjacent to the fence and hedge at the boundary with 9 Mallory Place, and from the overshadowing from 9 Mallory Place itself. It would also suffer from lack of privacy due as it would only be 2.2m from the shared boundary with the garden of no.9.

Flat 1 would suffer from poor living conditions and poor residential amenity for the above reasons, contrary to policies H07, PS10, and CS03, and NPPF paragraph 127.

Flat 2

I am satisfied that the internal floorspace of flat 2, and of the bedroom itself (at 8m²), would be sufficient to allow suitable space for the occupants.

However, the living room/kitchen window would suffer from poor outlook due to its position directly behind the car parking spaces at the front.

The bedroom window would suffer from poor light and outlook due to its position adjacent to the fence and hedge at the boundary with 9 Mallory Place, and from the overshadowing from the dwellinghouse 9 Mallory Place itself.

Flat 2 would suffer from poor living conditions and poor residential amenity for the above reasons, contrary to policies H07, PS10 and CS03, and NPPF paragraph 127.

Flat 3

I am satisfied that the internal floorspace of flat 3, and of the bedrooms themselves, would be sufficient to allow suitable space for the occupants.

I am satisfied that the windows to the living room/kitchen and both the bedrooms would receive sufficient natural light and enjoy sufficient outlook.

I conclude that Flat 3 would enjoy acceptable living conditions in accordance with policy H07.

Bin Storage

The plans do not show any space allocated for bin storage to the rear of the property. However, there would be space for this to be provided. Subject to a condition for provision/retention of secure bin storage if approval were to be granted, I conclude that the proposal would comply with policy H07 and be acceptable in terms of waste bin storage.

Amenity Space

I am satisfied that the occupants of the 3 flats would enjoy sufficient rear amenity space in line with policy H07 and PS10.

Highways & Transport

Appendix 01 Parking Standards suggests 1 space each for the ground floor flats and 2 for the first floor flat in Zone 4. 3 parking spaces are proposed at the front of the curtilage. There is unrestricted parking along Mallory Place. I consider that the lack of vehicle parking provision is acceptable given that the site is located in a sustainable location within 70m of the Victoria Road East Local Centre.

Appendix 01 Parking Standards suggests 1 space per 2 bedspaces for cycle parking. The plans do not show cycle storage however there would be space for suitable cycle parking arrangements, and this could have been conditioned were the development to be approved.

Subject to a condition for provision/retention of cycle parking if approval were to be granted, I conclude that the proposal would comply with policies CS14 and CS15 of the Core Strategy (2014) and with saved policies AM02 and AM12 of the Local Plan (2006), and is acceptable in terms of parking.

Drainage

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 runoff 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

Whilst the proposal would make a small contribution to addressing the lack of housing land supply in Leicester, the development would harm the residential amenity of no.5 and no.9 Mallory Place and provide poor living conditions for future residents of flats 1 and 2.

The proposal conflicts with Core Strategy policies CS03 and CS06, saved policies H07 and PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity SPD (2008).

As such, any benefits of the proposal would be significantly and demonstrably outweighed by the adverse impacts of the proposal when assessed against policies in the NPPF taken as a whole, as well as local policies.

I recommend that the application be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. The proposal, by reason of the poor levels of useable internal floor space, natural light, outlook and privacy would result in an unacceptable living standard for future residents contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policies CS03 and CS06, saved policies H07 and PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).
2. The proposed extension, by reason of its siting, height and design, would adversely affect daylight to and outlook from a principal room window of 5 Mallory Place contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).
3. The bedroom window of Flat 1, by reason of its aspect, would adversely affect privacy of the rear amenity space of 9 Mallory Place contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given pre-application. Notwithstanding that advice the City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

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.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 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_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 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.