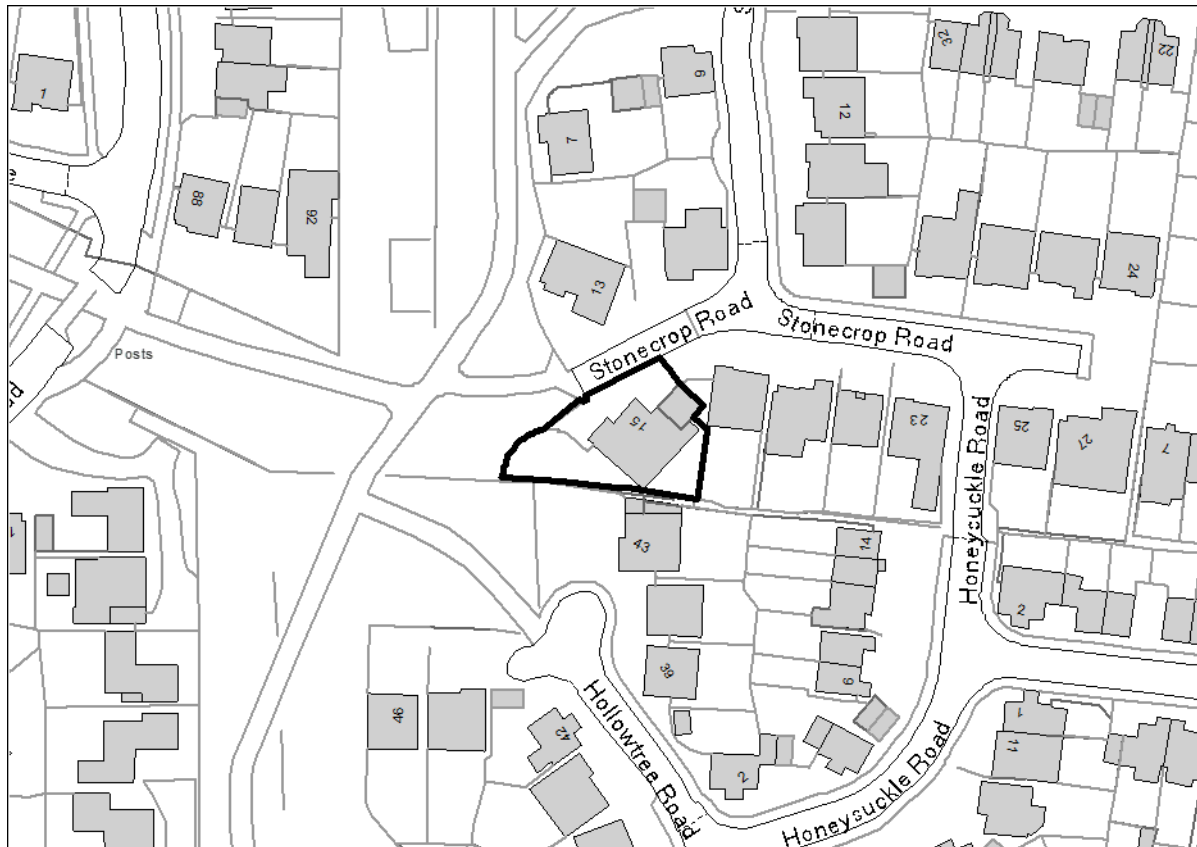


20202337	15 Stonecrop Road	
Proposal:	Construction of detached residential annexe at side of house (Class C3)(Amended plans received 14/04/2021)	
Applicant:	Mr Gurinder Singh Sandhu	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	2 February 2021	
AVB	TEAM: PD	WARD: Humberstone & Hamilton



Summary

- The applicant is a Member and committee decision is required.
- The main issues for consideration are the design, residential amenity, living conditions, parking, trees and flood risk.
- The recommendation is for refusal.

Introduction

The application relates to a detached dwelling house located within a residential area at the end of a cul-de-sac. It has a detached garage which has been converted to living accommodation (with consent 20141669) and is linked to the house.

The application site is almost 1m below the ground level of 43 Hollowtree Road along the common boundary to the south of the site. There are existing trees close to the western boundary of the site on the open green space.

The site is located within Flood zone 1 (1 in 1000 years).

Background

20140830 Single storey detached annexe approved (14/8/14) to side of house but not implemented.

20141669 single storey rear extension and conversion of garage to living accommodation approved and implemented.

20171588 - Construction of single storey detached residential annex at side of house was approved by committee on 22/11/2017 with conditions.

The Proposal

The original proposal was for a two storey detached annex at the side of the existing house.

The applicant has amended the proposal. The height has been reduced by 0.2m and the footprint increased from 6.6m x 5.1m to 8.9m x 4.3m. The proposed first floor living accommodation is removed and replaced with storage with an amended roof design.

The proposed roof as amended would be a pitched roof with flat top design with three roof lights at front and one at rear. The proposed roof would measure approximately 5m high.

The ground floor level would comprise of a lounge, bedroom and bathroom. The proposed windows are located at the front and on two sides of the proposed annexe.

The proposed building would be set back by 0.2m from the common boundary with 43 Hollowtree Road. The proposed building would be located at an oblique angle with the host dwelling and it would be set back by approximately 4.7m, approx. 2.8m from the front boundary and approximately 3m from the side boundary.

Policy Considerations

National Planning Policy Framework (NPPF, 2019)

The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied.

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.

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 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.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, *inter alia*, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

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 (2008)

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

Representations

Trees and Woodlands – No impact on the trees on adjacent open spaces.

Consideration

The main issues under considerations relate to design, residential amenity, living conditions and flood risk.

Design

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, to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. 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 and the ability of the area to assimilate development.

The local area is dominated by two storey properties mainly detached on this part of the street with hipped roofs or pitched roofs. The proposed two storey building would be located to the west of the host dwelling closer to the open green space.

The revised scheme has reduced the depth by 0.2m from the original proposal but has increased the footprint by approximately 15sqm. I consider that the proposed development by virtue of its size would appear cramped on site and it fails to appear as an annexe to the host dwelling.

Furthermore the proposed building due to its size, scale and design would appear dominating and an incongruous feature within the street scene adversely affecting the character of the area.

I conclude the proposed development would result in a cramped form of development which would not positively assimilate within the local area. The proposed design, size, siting and scale fails to respect the size of the plot and aesthetic of the suburban site. The design also fails to make a positive contribution to the existing built form and would be appear overdominant in the street scene.

I therefore consider the scheme is contrary to Core Strategy policy CS03, saved policy PS10 of the Local Plan and paragraphs 127 and 130 of the NPPF 2019.

Living conditions:

Policy CS03 of the Leicester Core Strategy (2014) states that new development should, *inter alia*, create buildings and spaces that are fit for purpose and achieve the highest standards of accessibility and inclusion.

The amenity factors set out at saved Policy PS10 of the Local Plan (2006) apply to the future occupiers of proposed development as well as to the occupiers of existing neighbouring property.

Section 3 of the Council's *Residential Amenity* SPD (2008) sets out more detailed design guidance for development in the outer areas (which would include the application site) of the City.

The proposed annexe would be located at the side of the host dwelling. There is an existing large window and a door to the west elevation of the host dwelling which would be facing proposed annexe. The proposed annexe would be set back by approximately 4.7m from the side of the existing host dwelling. It appears that the proposed window to the side elevation of the host dwelling is a principal room window but it is not an original window. Furthermore this window could be a secondary window as there are windows to the front and rear elevation. I therefore consider that the proposed annex due to its location and separation distance will not have an unacceptable detrimental impact on the light and outlook of the host dwelling .

The proposed annexe would have an entrance door to the front facing the street with windows to the front and side, roof lights at front and rear. All principal room windows would be at the front facing Stonecrop Road. The windows to the side elevations (east and west) would serve bathroom or be secondary windows to the lounge.

There is an existing high boundary wall facing the front and side of the proposed building. The proposed building would be approximately 2.8m away from the front wall.

If the existing wall is retained than the proposed lounge and bedroom window would be facing the existing brick wall and the proposed light and outlook to the principal rooms would be compromised resulting in poor living conditions. However this could be addressed by removal of the existing wall. I therefore consider that the refusal on this ground alone cannot be sustained.

The proposed annexe as revised would be 8.9m wide and 5.5m deep which would cover significant garden area at the side of the host dwelling. The host dwelling has an existing single storey extension to the rear with a little amenity area to the rear.

According to SPD, a 3 bed dwelling should provide 100sqm of the private amenity area. However, the proposed annexe due to its size and footprint would cover the majority of the amenity area to the side of the host dwelling..

I consider the proposal due to its size would reduce private amenity area of the host dwelling resulting in poor living conditions for the occupiers of the host dwelling contrary to Policy PS10 of the Local Plan, CS03 of the Core Strategy and SPD Residential Amenity.

Residential amenity (Neighbours)

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.

The site is a corner property and the proposal would have direct impact on only one neighbour at 43 Hollowtree Road. 43 Hollowtree Road is located at a higher level than the site and it has existing front garden and principal room windows to the front elevation.

The proposed building would be 5m high and would be set back by 0.2m from the common boundary with No. 43. I do acknowledge the level differences, however I consider that the proposed building due to its size, height and location will have an unreasonable impact on the outlook to the principal room window at the ground floor level at front of No. 43. Furthermore the proposed building due to its size, scale, design and location will have an overbearing impact on the front garden of the No. 43.

The proposed annex would have one roof light to the rear elevation which would be serving first floor storage and there are no other windows to the rear elevation. I consider that it will not have impact on No. 43 in terms of loss of privacy and overlooking.

The proposed building by virtue of its height, size and location is likely to have overbearing impact and will result in loss of outlook to the front principal room window at 43 Hollowtree Road. I therefore consider the proposal is contrary saved policy PS10 of the City of Leicester Local Plan and SPD- Residential Amenity.

Parking

Two off-road vehicle parking spaces are currently provided at the front drive of the host dwelling. The proposed one bedroom annexe is unlikely to lead to a significant increase in parking demand in the area. Furthermore the site is within sustainable location with local amenities within walking distance.

I therefore consider that the proposal will not have adverse impact on the highway safety and complies within saved policy AM12 of the Local Plan and CS15 of the Core Strategy.

Drainage

The proposal is located within an area of low flood risk. As the property is already used for residential purposes, there would be no objections in principle. I consider that any requirement for sustainable drainage measures could be met via suitable conditions if the proposal was otherwise acceptable.

Trees

There are trees close to the western boundary of the site on the open green space. The proposed development would be set back by 3m from the side boundary wall; however trees to the west are willow species and this species could cause significant problems with foundations if the trees are not considered at the design stage.

The applicant has shown trees on the revised plans and said that the NHBC foundation tree guide will be used by structural engineer to design the foundation. I consider that this could be dealt with by condition if the application were approved.

Conclusion

The proposal reflects a cramped form of development which would fail to assimilate in the local built environment. The property would appear at odds within the local area and represent a dominantly incongruous feature in the street scene.

The proposed development would reduce the private amenity area of the host dwelling resulting in poor living conditions for the occupiers of the host dwelling.

The proposal would have detrimental impact on the residential amenity of the neighbouring property at 43 Hollowtree Road.

I recommend REFUSAL for the following reasons:

REASONS FOR REFUSAL

1. The proposed two storey building, by virtue of its incongruous design, siting, and scale, would appear at odds with the character and appearance of the area and would appear overly dominating from the street scene. The proposed development fails to make a positive contribution to the surrounding area, contrary to the objectives

of Chapter 12 the NPPF and Core Strategy policy CS03 and saved policy PS10 of the City of Leicester Local Plan.

2. The proposed development, by virtue of its size, would significantly reduce the private amenity area of the host dwelling resulting in poor living environment for the existing and the future occupiers. As such it would not offer sustainable accommodation over time, which would be contrary to the aims of the National Planning Policy Framework, saved Local Plan policy PS10 and CS03 of the Core Strategy and Supplementary Planning Document - Residential Amenity Guide.

3. The proposed building by virtue of its height, size and location would have an overbearing impact and will result in loss of outlook to the front principal room window at 43 Hollowtree Road. This would result in significant detrimental impact on the residential amenity of the occupiers of 43 Hollowtree Road, contrary to paragraph 127 of the NPPF, saved policy PS10 of the City of Leicester Local Plan and SPD-Residential Amenity.

NOTES FOR APPLICANT

1. For avoidance of doubt, this application is refused on the basis of the application form received on 23rd November 2020 by the City Council as local planning authority and amended plans received on 14/04/2021.

2. 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 during the application process. 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_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_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_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.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.

