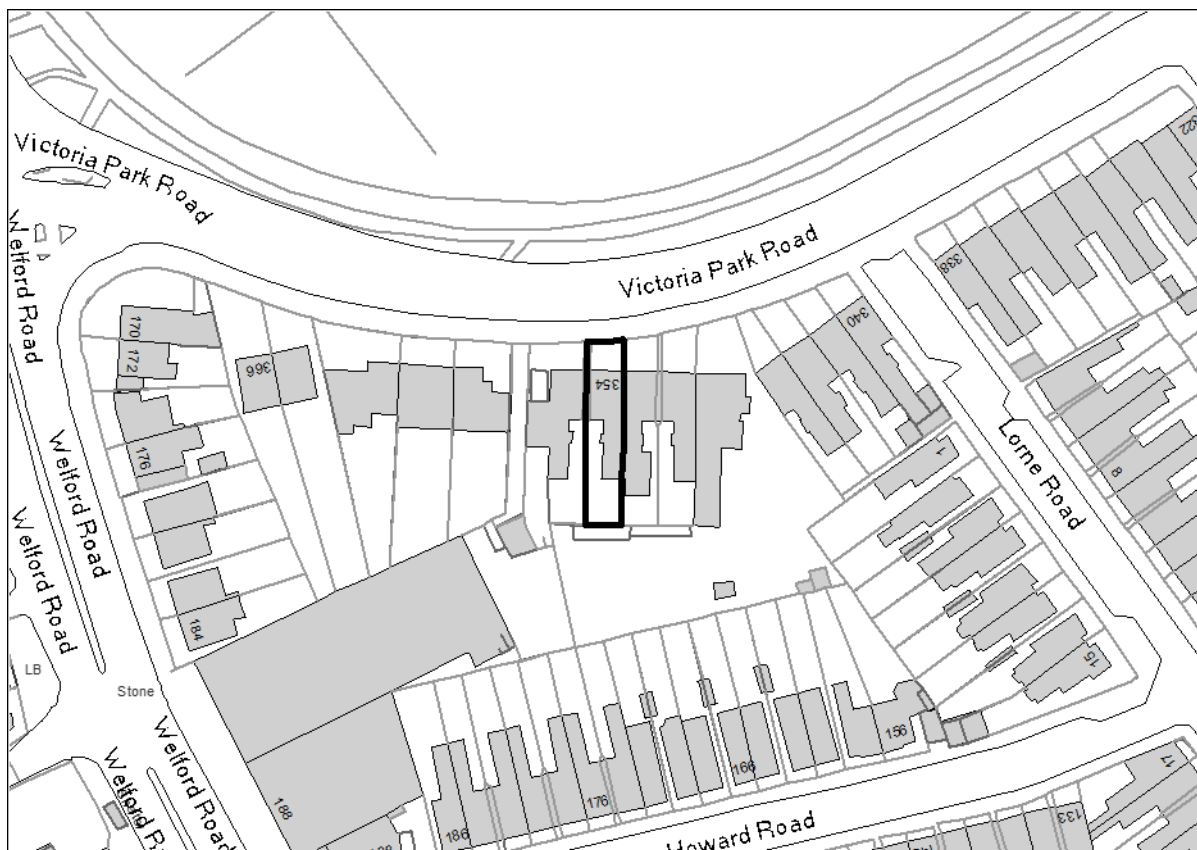


20202115	354 Victoria Park Road	
Proposal:	Construction of single storey extension at rear of House in Multiple Occupation (Class C4)	
Applicant:	Mr and Mrs Rai	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	9 June 2021	
CY1	TEAM: PD	WARD: Castle



Summary

- Brought to committee at officer's discretion given the interest in such uses.
- Two objections received, one from a neighbour and one from Councillor Kitterick
- Main issues are design, living conditions, residential amenity, drainage
- Recommended for approval

The Site

The application relates to a mid-terraced five-bedroom house in multiple occupation (Class C4) which is situated within a primarily residential area. It is within an area subject to an Article Four Direction removing the permitted development right to change dwellings (Class C3) to Houses in Multiple Occupation (Class C4).

The site lies within a critical drainage area, and the front of the dwelling also lies in a surface flooding area of 1 in 1000 years.

The dwelling fronts a classified road.

Background

According to council tax records the property became a House in Multiple Occupation before the Article Four Direction and it is therefore lawful within Class C4.

There have been two applications for prior approvals on this site:
Application 20202546 was withdrawn

Prior approval (20210240) was previously granted for an extension with depth 6m, and height 3m. This was an extension that met the permitted development conditions to be no wider than the existing rear projection

The Proposal

The application is for the removal of the existing outbuilding and construction of a single storey rear extension to create a larger kitchen and provide space for a dining room. The approximate extension measurements are 4 metres deep, 4 metres wide and 3 metres to the eaves ; height to the pitch will be 3.9 metres. The extension will have two roof lights, double doors to the rear, and have two uPVC sash windows to the side, with the panels under 1.8m from ground level obscure glazed. The existing rear side door would also be replaced with a uPVC obscure glazed window.

The application form states that the roof, walls and door will be constructed in materials to match existing and that the new windows will be uPVC woodgrain effect.

Policy Considerations

National Planning Policy Framework (NPPF)

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 39 states that 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good

quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'

Paragraph 43 states that the right information is crucial to good decision-making. To avoid delay, applicants should discuss what information is needed with the local planning authority as early as possible.

Paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. Section 12 of the NPPF focuses on requiring good design.

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 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.

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Representations

Four objections have been received, three from a neighbour and one from Councillor Kitterick.

Councillor Kitterick also requested that the application decision should be considered by the Committee given the nature of the use.

The following concerns were made

- Concern about the noise and impact on quality of life
- Do not consent to party wall agreement
- Loss of light due to the pitched roof
- neighbours plants would be damaged during construction

- Objecting to the line of the property extending beyond theirs
- Roof lights would allow residents to overlook into their bedroom and vice versa
- Concerns about construction process including damage, dust, and noise pollution, along with congested roads from construction vehicles
- Concerns the extension will affect the stability of their home
- Concerns over the increase of bedrooms to the HMO and the erosion of the further mix of tenure in the area.

Consideration

An extension to a residential property is acceptable in principle subject to design, living conditions, residential amenity, and drainage.

It 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.

I consider that the extension of the existing property is acceptable in principle.

Design

The applicant has kept the same style doors and windows with their accompanying lintels and sills where appropriate. The pitched roof would be in keeping with the outrigger on properties 354 and 352 Victoria Park Road.

The application form states that the roof, walls and door will be constructed in materials to match existing and that the new windows will be uPVC woodgrain effect. I consider that this is an appropriate material response and can be secured through a condition

Living conditions (*The proposal*)

SPD Residential Amenity recommends 75sqm of residential amenity space for a terraced property in this area of the city. The outdoor amenity space is currently 71m². The amenity space now proposed would be 59m², which I consider is useable and adequate

Residential amenity (*neighbouring properties*)

352 Victoria Park Road:

The proposed extension would extend past the extension b to 352 Victoria Park Road by approximately 0.1m, which would not intersect any 45-degree line to windows on the neighbouring property.

The highest part of the extension would be approximately 3.9m. Due to the ground level difference, this would be around 0.2m higher than the neighbouring rear extension. As the highest part of the proposed roof is approximately 2m away from the neighbours rear extension I consider that the proposal would not have a substantial impact on sunlight or outlook for 352 Victoria Park Road.

The proposal has two roof lights on the proposed rear extension. Due to the orientation and angle of the two windows, it is unlikely that the windows would affect the privacy of the neighbouring residents nor the residents at 354 Victoria Park Road.

356 Victoria Park Road:

The proposed extension would extend past the existing extension at 356 Victoria Park Road and would include two new windows with separation distances of approximately 4.7m and 5.4m. Before amendments the separation distances would have been 4.6m and 5m which would have resulted in overlooking and loss of privacy to 356 Victoria Park Road. The most recent amendments show a reduction in width of approximately 0.4m with the windows being fully or partially obscure glazed. If approved I consider it appropriate to condition the two windows to be obscure glazed and non-opening with the exception of a top light 1.7m above ground level.

The proposed kitchen window would face onto the edge of the outbuilding and would be obscure glazed with the exception of the top light above 1.7m. The proposed dining room window would face onto the door of the neighbouring kitchen and would be obscure glazed also. Due to the current siting of the properties and their window, both properties have two existing glazed windows directly facing each other. Therefore, as the two proposed windows do not directly face onto neighbouring windows, and are obscure glazed, the effect on 356 Victoria Park Road would not be substantial enough to warrant a refusal.

I therefore conclude that the proposal, with the condition attached, would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Noise and Disturbance

The extension will improve the facilities at the property and the plans do not indicate additional occupation. Notwithstanding this, the current Class C4 use would only allow occupation by one more person as the current property has a HMO license for 5 people. I do not consider that this could be demonstrated to result in a significant increase in potential for noise and disturbance.

Drainage

The site is within a Critical Drainage Area. 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 run-off 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.

Other matters

Any issues which arise due to the Party Wall Agreements including constructing an extension on a boundary wall, damage to vegetation damage to properties are not a material planning consideration.

Conclusion

I recommend APPROVAL with 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. Before the occupation of the proposed extension, the new ground floor side windows facing 356 Victoria Park Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 356 Victoria Park Road and in accordance with policy PS10 of the City of Leicester Local Plan).
3. The external elevations shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. This consent shall relate solely to the amended plan ref. no. "539/P01-C", and received by the City Council as local planning authority on 29th April 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 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 (and/or pre-application).

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_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'. |