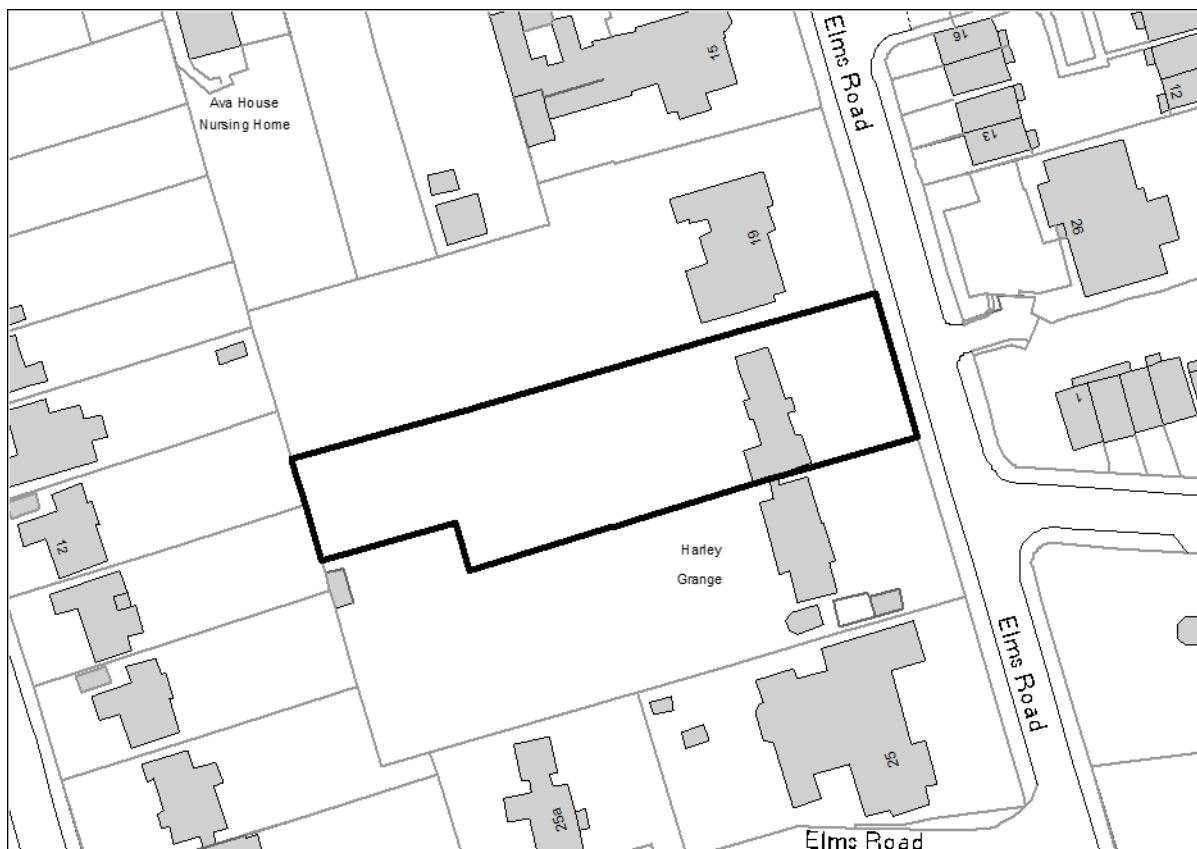


20202482	21 Elms Road	
Proposal:	Installation of 2.1m high railings and gate at front; Construction of first floor extension at side; single storey extension at side and rear; two storey extension at the rear; alterations to house (Class C3) (amended plans received 15/04/2021)	
Applicant:	Mrs M Lester	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	21 May 2021	
DJ	TEAM: PD	WARD: Knighton



Summary

- Brought to committee as more than 6 objections
- Seven objections on grounds of design, conservation area, privacy, light, construction concerns and loss of vegetation
- The main considerations are the impact of the proposal on the neighbouring properties and street scene, as well as the wider conservation area.
- recommended for approval

The Site

The site is a detached dwelling located in a residential area.

The site is located within Stoneygate Conservation Area which is subject of an Article 4 direction restricting alterations and extensions without planning permission.

There is a beech tree on the north eastern boundary of the site which subject to a Tree Preservation Order.

Background

None relevant

The Proposal

The proposal is for:

- The construction of a first-floor extension at the side of the dwelling. The extension will be 5.2m wide, 11.3m deep, 1.5m to the eaves and 4.5m high to the ridge.
- The construction of a single storey extension at the side and rear of the property. The extension will be 5.6m wide, 10m deep, 2.5m high to the eaves and 4.7m high to the ridge.
- The construction of a single storey extension at the rear of the property. The extension will be 12.2m wide, 3m deep, 2.7m high to the eaves and 3.8m high to the ridge.
- The construction of a perimeter metal railings and gate with brick pillars facing onto Elms Road. The railings will extend the length of the eastern perimeter of the site (25m) and will be 2.5m tall, the 2 brick pillars will be 0.9m wide and 3.3m tall. The 2 gates will be 3.2m wide and 3.9m tall.

Amended plans have been received which include the reduction in height to the 1st floor side extension, a reduction in depth to the rear extension and a reduction in the proposed ground floor side extension.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 127 and 130 (Good design and amenity)

Paragraph 185 (Significance of heritage assets)

Paragraph 170 (Biodiversity)

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

Stoneygate Conservation Area Character Appraisal

Consultations

Trees Advice: satisfied with additional information, request a condition protecting the TPO tree in accordance with tree plan

Conservation Advisory Panel (CAP) (comments made to original plans) 17th March 2021 – seek amendments - concerns include details and height of the proposed gates however comparable boundary treatment was noted and it was also noted the proposed gate would not notably harm the special significance of the Conservation Area.

Inconsistencies within the plans were also referred to along with the lack of clarity on materials

The principle of the side extension above the garage was not objected to, however the design of the front gable was criticised specifically regarding the gaps between the windows, a recommended alternative was suggested. There was also concerns about the single storey extension which the members wished to see reduced and rationalised with improvements to the glazing.

The two-storey extension to the central rear gable was critiqued as unbalanced and incongruous with the existing building. It was recommended that the width and integral features of the gable are replicated to match, to sustain the proportions and interest of this element. The members highlighted the lack of clarity on design and finish of the proposed alterations.

The Panel concluded that insufficient and inaccurate information has been submitted, requesting that these matters be addressed as part of the application. The members also noted that the scheme is excessive and fails to read as subsidiary and complimentary to the existing building and the Conservation Area. They requested that the design is substantially improved, with the footprint and scale of the side and rear extensions reduced.

Amendments have been received which have reduced and rationalised the scheme as suggested.

Representations

There have been objections received from 7 City addresses:

Design

- Size of 1st floor extension too large to be a bedroom
- 1st floor extension will be over dominant on neighbouring property and garden
- Infilling of gaps can harm character of the street
- Minimum gap of 1m between side wall of extension and boundary is desirable
- Extensions above garages should be set back by 1m.
- No external access to the rear of the site (*not the case*)

Amenity

- Substantial loss of privacy to neighbouring garden from 1st floor extension
- Juliet balcony (*now removed*) would make loss of privacy worse
- Loss of light to dormer windows and utility room
- Risk of overlooking to Nos. 19 and 23
- Not in accordance with the Councils Residential Amenity SPD
- Risk of boundary works undermining neighbouring foundations

Conservation Area

- Nos 21 & 23 will no longer appear detached dwellings diminishing the character and appearance of the area
- No 23 will no longer appear a substantial property in its own right and its elaborate chimney stacks will be diminished
- Extension will block views from Elms Road and Shirley Road of the mature trees in private open space behind dwellings causing a loss of backdrop of vegetation
- It will no longer be able to maintain heritage aspects on Number 23s cast iron gutters.
- Gate and railings are not in keeping with the character of Elms Road

Nature

- Loss of existing Yew Hedge and replacement wall

Inconsistencies within plans

- Incorrect neighbouring address on Location Plan
- Inclusion of tree on elevation plans suggests larger space between properties
- No measurement showing distance between extension and proposed retaining wall
- Existing bathroom window not shown on plans and unclear if being retained.

Other

- Request for works be conditioned to be completed between 8:00-5:30 Monday to Friday
- Concerns with the future use of the site

Consideration

Principle of development

Being a residential area, the proposal is acceptable in principle provided it does not have a detrimental impact on the amenity of neighbouring properties and does not have a detrimental impact on the character and appearance of the neighbouring area.

Design

The application site comprises a detached property set within a spacious plot with generous spaces between buildings. Much of the site is screened from the front boundary treatments and mature trees.

Whilst the relationship between the existing properties is spacious, it should be noted that there are a number other dwellings within close proximity to the site which are closely located detached dwellings or semi-detached. These include the properties on Elm Tree Gardens which are located to the north east of the site. It is therefore considered that as the street scene contains a variety of architectural styles with varying spacings between dwellings, the proposed first floor extensions would not harmfully reduce the gap between properties.

The Residential Amenity SPD states that:

“If a garage is level with the front of the house, as is common, then the first floor should be set back by at least 1 metre, possibly incorporating a pitched roof over the set back.”

The existing garage and first floor extension are set 1.8m forward of front elevation of the main building. Whilst proposed extension does not provide the 1m set back; considering the set-back of the dwelling within the site I consider in this instance a set-back of the extension is not required. The proposed extension would not appear overly dominating, nor would it appear disproportionate to the main house as it would be set back from the street by 18 metres and the ridge height of the extension would be significantly lower than that of the original part of the host property.

The single storey side and single and two rear extensions are of a modest size and would not be visible from the public realm. I consider these elements to be well designed.

The application form and plans indicate the extensions would be built of matching materials. I consider a condition could be attached to secure this.

Overall, whilst it is considered that the proposal will have a visual impact on the site and surrounding area, it is considered that the impact is not severe enough to justify refusal. It is therefore considered that the proposal is in accordance with Policy CS03 of the Core Strategy.

Heritage Assets

It is considered that because of the use of materials to match and architectural features which relate to the original building and neighbouring properties, along with the fact that the extension is subordinate to the original building, the proposal will sustain the special significance of the Stoneygate Conservation Area and the dwelling house under consideration.

It is also considered that the boundary treatment will not affect the special significance of the site or the wider Conservation Area and will sustain and protect the private/public distinction that contributes to the designated area's character.

Overall, it is considered that subject to conditions for matching materials, the proposed extension and boundary treatment works acceptable from a conservation perspective and therefore in accordance with Policy CS18 of the Core Strategy.

Residential amenity (neighbouring properties)

19 Elms Road

Where the extensions are located along the boundary with no.19, the extensions would be single storey only. Therefore, I consider the proposal would not result in any significant impact in terms of light to and outlook from principle room windows. Similarly, I consider the extensions are unlikely to result in any significant overshadowing or overbearing impacts.

On the north elevation of No.21 (facing onto No.19) there is currently a single window on the first-floor level and another on the ground floor which are to be retained. As existing windows, I do not consider these would alter the privacy enjoyed by the occupiers of no.19.

There is also to be one side new window on the ground floor which is to be used for the office. This window will be located 1.3m from the site boundary and 4.4m from the elevation of No.19 Elms Road. As a ground floor window it would face the existing boundary treatment between the properties and I do not consider it would harmfully impact the privacy of the adjacent occupiers.

23 Elms Road

The dormers are no.23 are north facing and the proposed first floor side extension is set significant below the ridge height of the host dwelling; therefore, I consider the extension would not result in any significant loss of light to and outlook from these windows. The utility room at no.23 is not a principle room and so the loss of light is not a material consideration.

The proposed first floor extension, by virtue of its first-floor rear window is unlikely to result in any harm in terms of the privacy of the occupiers of that property. First floor rear windows are commonplace for residential properties and allow only oblique views. Moreover, the common boundary has a number of mature trees which would further screen any potential overlooking.

General amenity

The proposed extensions, by virtue of their siting are unlikely to result in any impacts on other properties to the front and rear.

Overall, it is considered that the proposal is acceptable in terms of the neighbouring amenity and is therefore in accordance with Policy PS10 of the Saved Local Plan.

Nature conservation/Trees/landscaping

The applicant has agreed to a condition protecting the tree in accordance with the tree plan during construction. I consider this reasonable.

With regards to the loss of the yew hedge on the site boundary, planning permission is not required to remove a hedge. It should be noted that within the submitted Arboricultural Survey and Impact Assessment, it is stated that the hedge will be replaced by either a fence or a hedge.

It is therefore considered that subject to condition for tree protection, the proposal is acceptable with regards a natural environment perspective and is in accordance with Policy UD06 of the Saved Local Plan.

Other matters

Turning to matters (not otherwise covered in the report) by objectors:

- There have been objections to the application which relate to the future use of the site. In the current application there is no indication that the use of the dwelling is to change. The current proposal is for the site to remain as a single dwelling and is therefore acceptable.
- There has also been a comment requesting that the start and finish times during construction be conditioned. Whilst this is something that can be conditioned within planning decisions, it is considered that due to the scale of development, this conditions would not be reasonable as standard working hours are controlled in other legislation.
- There has been one objection which relates to the size of the bedroom within the first-floor extension. Planning permission is not required for the final internal layout, it is therefore considered that the bedroom is acceptable.
- There has been a concern raised regarding the desirable gap between a side extension and the boundary. This requirement is specifically to allow for access for refuse bins and maintenance. External access to the site can still be achieved via the north of the site (adjacent to the boundary with no.19) where sufficient space has been left for external access to the rear.

Conclusion

This application is acceptable in terms of design, heritage, neighbouring residential amenity, trees and other matters.

I recommend that this application is APPROVED 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 the development, details of all external surfaces of the new extensions shall be submitted to and agreed in writing by the City Council as local planning authority. The works shall be carried out in accordance with the approved details. (To preserve the character and appearance of the Stoneygate Conservation Area, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. Prior to the commencement of the development, details of the front boundary treatment, including details of the coping stones and bricks, shall be submitted to and approved in writing by the City Council as local planning authority. The approved boundary treatment shall be installed in accordance with the approved details and retained as such. (To preserve the character and appearance of the Stoneygate Conservation Area, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. Prior to the commencement of the development, full joinery details including horizontal and vertical cross sections of windows (scale 1:5 / 1:10 as appropriate) proposed to front shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved details and retained as such. (To preserve the character and appearance of the Stoneygate Conservation Area, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. Prior to the commencement of development all trees on the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance Arboricultural Report received by the City Council as local planning authority on 11/02/2021 and the supporting email received by the City Council on 15/02/2021. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3 and to preserve the character and appearance of the Stoneygate Conservation Area in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

6. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 15/04/2021. (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.

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.
- 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.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.