

## COMMITTEE REPORT

<b>20211307</b>			<b>96 Kerrysdale Avenue</b>
Proposal:	Construction of single storey extension at front and rear; two storey extension at side and rear; single storey detached outbuilding at rear of house (Class C3)		
Applicant:	Sima Chauhan		
App type:	Operational development - full application		
Status:	Householder development		
Expiry Date:	18 August 2021		
JP2	TEAM: PD	WARD: Rushey Mead	



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### Summary

- Brought to Committee as the applicant is a Leicester City Council employee.
- Main issues are design and residential amenity.
- The application is recommended for conditional approval.

## The Site

The application relates to a two-storey semi-detached property located on Kerrysdale Avenue.

The property is within Flood Zone 2 and the rear of the garden is located within 20 metres of a main watercourse.

## Background

2003/2014 – Two storey extension at side and rear; single storey extension at rear of house. This was granted conditional approval but was not implemented.

## The Proposal

The proposal is for the construction of:

**A single storey extension** at the front approximately 1.4 metres in depth and approximately 2.5 metres in width. This extension would have a dual-pitched roof and would measure approximately 2.3 metres to the eaves and approximately 3.3 metres to the ridge height. A door would be installed on the front elevation of this extension. This extension would be used as a porch, and the main entrance to the property.

**A single storey extension at the rear.** This would be an L-shaped extension, divided into two elements one extending from the existing dining room, measuring approximately 5 metres in depth and approximately 2.8 metres in width. This would have a hipped roof and would measure 2.4 metres to the eaves and approximately 3.6 metres to the ridge. One roof light would be installed on this element. A window would also be introduced on the rear elevation of this element. This would facilitate a kitchen.

The other element would extend from the rear of the two-storey side extension. This would measure approximately 8.2 metres in depth and approximately 4.5 metres in width. This element would have a dual pitched roof and would measure 2.4 metres to the eaves and approximately 3.5 metres to the ridge. Two rooflights would be installed onto this element. On the rear elevation a door and two windows would be introduced. This would facilitate an extended living and dining area.

**A two-storey extension at the side.** This would measure approximately 7.6 metres in depth and approximately 1.7 metres in width. On the first floor this extension would be set back by 1 metre. This extension would have a hipped roof and would measure approximately 5 metres to the eaves and approximately 7.7 metres to the ridge. The ridge height of this extension is approximately 0.4 metres lower than the ridge height of the original dwellinghouse. On the front elevation one window would be installed on the ground floor, and one window would be installed on the first floor. Four windows would be installed onto the side elevation of this extension, two on the ground floor and two on the first floor. A door would also be installed on the side elevation. This extension would facilitate a prayer room, a shower and an extended study on the ground floor and an extended bedroom and bathroom on the first floor.

**A two-storey extension at the rear.** This would measure approximately 4.1 metres in depth and approximately 4.5 metres in width. This would have a hipped roof and would measure approximately 5 metres to the eaves and approximately 6.9 metres to the ridge height. A window would be installed on the rear elevation of this extension. This extension would facilitate a bedroom on the first floor.

**A single storey detached outbuilding at the rear.** This would measure approximately 5 metres in depth and approximately 7.6 metres in width. This would be a mono-pitched outbuilding and would measure approximately 2.3 metres to the eaves and approximately 3.7 metres to the ridge. Two doors and two windows would be installed on the front elevation of this outbuilding. This outbuilding would be used to facilitate a garden room and a store.

The plans indicate that the roof tiles, eaves detail, windows and facing brick would match the existing dwellinghouse.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2019

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)

### Other legal or policy context

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

## Consideration

### Character and design:

The first floor of the side extension would be set back one metre from the front of the existing dwelling and the ridge line of both two storey elements would be lower than the existing ridge line. As such the proposal would appear subordinate to the existing dwelling. However, in order to ensure that the proposal is successfully integrated with the existing dwelling I consider it appropriate to attach a condition requiring materials to match.

I conclude that the proposal 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 character and appearance of the area.

#### Residential amenity:

The proposed rear single storey extension is on the boundary with the neighbouring property at 94 Kerrysdale Avenue. This neighbouring property has an existing single storey rear extension. The proposed development would not intersect a 45-degree line taken from the centre of the closest principal room window on the ground floor of this neighbouring property, nor would it intersect a 45-degree line taken from the centre of a principal room on the first floor of the neighbouring property. The development would not result in a significant loss of light or outlook at the neighbouring property at 94 Kerrysdale Avenue.

The neighbouring property at 98 Kerrysdale Avenue has a significantly large single storey side and rear extension on the boundary with the host property, which extends further than the proposed development. As such the proposed development would not have any significant impact on the light and outlook at the neighbouring property at 98 Kerrysdale Avenue.

The proposed outbuilding to the rear of the site may be viewable from the windows of the neighbouring properties at 94 & 98 Kerrysdale Avenue, however it is situated a sufficient distance away so that it would have a limited impact on the outlook of the neighbouring properties.

The rear gardens of neighbouring properties would not be directly overlooked, and I consider this arrangement to be acceptable. The proposal would introduce 4 windows on the side elevation facing 98 Kerrysdale Avenue. These would be facing the existing side extension of this neighbouring property, however there are no windows on this neighbouring side extension. As such the proposed introduction of windows is unlikely to have a significant detrimental impact on the privacy of this neighbouring property. Nevertheless, if this application is granted planning permission, I consider it appropriate to attach a condition for these windows to be obscure glazed.

With the extensions and outbuilding taken together there would be approximately 160 metres<sup>2</sup> of private amenity space left over at the property, which is more than the 100 metres<sup>2</sup> recommended in the Residential Amenity SPD. This is therefore an acceptable amount of useable amenity space for occupants.

I conclude that the proposal 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.

### Parking and Highways

The proposal would retain two off-street parking spaces. 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.

### Flooding and Drainage

The site is within Flood Zone 2 and I consider 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.

This development may require a permit under Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank. As such I attach a note to applicant informing them of this.

### Conclusion

I 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. Before the occupation of the proposed extension new windows facing 98 Kerrysdale Avenue 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 98 Kerrysdale Avenue and in accordance with policy PS10 of the City of Leicester Local Plan).
4. This consent shall relate solely to the submitted plans ref. no. 20/450/PL01-B received by the City Council as local planning authority on 18/06/2021, and plans ref. no. 20/450/PL03-A, 20/450/PL04-B and 20/450/PL05-A received on 24/05/2021 unless otherwise submitted to and approved by the City Council as local planning authority. (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.
2. This development may require a permit under Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Melton Brook, designated a 'mainriver'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

### **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.