

## COMMITTEE REPORT

<b>20211586</b>	<b>148 Victoria Park Road</b>	
Proposal:	Change of use from house (Class C3) to three flats (3 x 2 bed) (Class C3); construction of hardstanding at front; construction of dormer extension at rear; alterations (amended plans received 15/10/2021 and 19/10/2021)	
Applicant:	Mr and Mrs Singh	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	18 November 2021	
RB	TEAM: PD	WARD: Castle



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### Summary

- Reported to committee as there are more than 6 objections.
- 10 objections from 9 different households have been received on grounds of parking, residential amenity, the quality of accommodation and the principle of the change of use.

- The main issues are the standard of accommodation, residential amenity for the future occupiers and neighbouring properties, highways, parking and waste management.
- The recommendation is for conditional approval.

## The Site

The site is a two-storey semi-detached dwelling. An Article 4 Direction covers the site which removes permitted development rights for the change of use to small houses in multiple occupation (Class C4).

The site is within a Critical Drainage Area.

## Background

Application 20201725 for the change of use from house (5 bed) (Class C3) to five self-contained flats (5x1 bed) (Class C3); construction of dormers to front and rear and single storey extension at rear; hard standing and alterations was withdrawn on 16/03/2021.

## The Proposal

The proposal is for a change of use from a house to three two-bedroom flats.

To facilitate the change of use, a dormer extension is proposed at the rear to provide additional living space for flat 3. The dormer extension would measure 3.3m in depth, 4.7m in width and 2.1m in height.

Block paving is proposed to a portion of the existing garden area to the front to provide an additional car parking space.

Alterations to the property include:

- the two existing doors at the side of the property being bricked up;
- the installation of a ground floor window at the side;
- the replacement of the existing garage door with an external door to provide access to the flats on the upper floors;
- the removal of an existing chimney at the rear; and
- the installation of upvc windows and doors

Flat 1 would be located on the ground floor and would have a gross internal area of 90sqm. It would be accessed from the existing doors at the front of the property. One bedroom would be located at the front of the property and the lounge/kitchen and second bedroom would be located at the rear. The bathroom would be in front of the second bedroom.

Flat 2 would be located on the first floor and would have a gross internal area of 63sqm. It would be accessed from the existing doors at the front of the property.

The lounge/kitchen would be located at the front and two bedrooms including the bathroom would be located at the rear.

Flat 3 would be a duplex flat covering the first and second floors, measuring 70sqm and would have a kitchen/lounge on the first floor and two bedrooms with en-suite bathrooms on the second floor within the loft space.

The amended plans show:

- the cycle parking spaces located within the ground floor hallway area;
- a reduction in the width of the dormer extension at the rear to ensure that the corners are not chamfered and would appear as a box dormer.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2021:

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

Paragraphs 110 and 111 (Highways – resulting in serve highway safety impact)

Paragraphs 130 and 134 (Good design and amenity)

Paragraph 166 (Flooding and sustainable drainage)

### Development Plan policies:

Development plan policies relevant to this application are listed at the end of this report.

### Additional planning documents:

Residential Amenity (Supplementary Planning Document) (2008)

City of Leicester Local Plan Appendix 1

### Other documents

Housing and Economic Development Needs Assessment (2017)

Leicester City Council Corporate Guidance (2019)

## Consultations

Highways – raised the following points prior to amended plans being submitted:

- Number of car parking spaces proposed falls short of local plan policy. 5 spaces would be acceptable;
- Access to cycle store is very narrow, along the side of the house;
- Number of cycle storage spaces falls short of local plan policy;
- Advise applicant to store bins at the front

## Representations

10 objections were received in response to the original plan. The issues raised were:

- There are parking issues in the area and the proposal would exacerbate this;
- The additional car parking space would be unusable;
- The proposed hardstanding would result in a loss of the front garden, which would have a negative visual impact on the character and appearance of the area;
- There is noise and disturbance in the area and the proposal would exacerbate this;
- The area is already overpopulated;
- The proposal would result in the loss of a family house in an area where there are lots of conversions to flats and Houses in Multiple Occupation already;
- The proposal would not be in accordance with the Houses in Multiple Occupation article 4 direction and would have a similar impact on the character of the area;
- There would be a change in the demographic of the area. The local primary schools are undersubscribed and are recruiting from further afield;
- The proposal would be too high density for the property;
- The proposal would be contrary to draft local plan policy to retain larger family housing;
- Concerns over amenity to occupants - the flats would be too small/not meet national space standards;
- Concerns that the rear dormer windows would overlook the properties at the rear of the site, resulting in a loss of privacy;
- Concerns about alterations to the design of the property;
- Concerns over how well maintained the property would be;
- Concerns over the loss of existing trees and bushes at the rear of the property.

## Consideration

### Principle of development

The proposal is for the conversion of an existing residential property into three separate flats. It will not result in the loss of residential property to non-residential uses. Whilst one larger family house will be lost, 3 smaller dwellings would result.

The Housing and Economic Development Needs Assessment (2017), suggests that there is a greater demand for 2 bedroomed dwellings than 4 or more bedroomed dwellings. It is not possible to dictate who the future occupiers of the existing house or the proposed flats would be. The flats each have two bedrooms and would be suitable for small families.

The Article 4 Direction is in place to restrict the conversion of residential properties into small houses in multiple occupation for up to 6 people. The proposal is for a different type of accommodation for small flats.

The proposal is in keeping with the broad objectives of saved City of Leicester Local Plan policies H05 and H07 and of Core Strategy policies CS06 and CS08 in providing a supply of dwellings of varying types.

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

### Character & Design

The proposed rear dormer extension has been reduced in width to ensure that the edges are not chamfered and to improve its design. I consider that the dormer as proposed would not be easily visible from the street scene and would not be out of keeping with the design of existing rear dormers in the area.

I consider that the provision of the access door to the upper floor flats in place of the existing garage is acceptable

I consider that the remaining external alterations, which include the bricking up of doors at the side of the property, removal of a chimney at the rear and the addition of Upvc windows and doors, would be minor and would have a limited impact on the character and appearance of the area.

The application form and plans indicate that the external finish materials would match those of the original dwelling. I consider that this is an appropriate material response and can be secured as a condition of planning permission.

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 (future occupiers):

The Nationally Described Space Standards (NDSS) is yet not an adopted policy in Leicester. However, the amended plans show that the proposed flats as negotiated would meet the NDSS with additional space in the loft utilised for the increased floor space in comparison to the original proposal. I consider that the floorspace in this case is adequate given the reasonable and workable layout.

All the principal rooms of the proposed flats would have windows providing adequate outlook and light.

The ground floor flat would have a direct access to the rear garden and flats on the upper floors would have access via the side of the property. The existing garden space has over the recommended 100sqm of private amenity space, as set out in SPD Residential Amenity, for a house and significantly over the recommended 6sqm for three two bedroomed flats. The property is close to Victoria Park which provides good public amenity space.

As such, I consider that the site is large enough to comfortably accommodate the proposed flats without the density of the site being excessive.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policy CS06 and saved Local Plan Policies H07 and PS10.

#### Residential amenity (neighbouring properties):

The proposed rear dormer and its rear facing windows would not project further from the existing rear of the property. SPD Residential Amenity recommends that the minimum distance between any principal room windows in an extension and the boundary with undeveloped land, including gardens, should be 11m.

There is a separation distance of approximately 20m from the rear elevation of the property and the rear boundary of the site with the properties on Howard Road. Therefore, I consider that the proposal would not result in significant detrimental overlooking or loss of privacy of the properties at the rear.

The proposed dormer extension would result in oblique views of the neighbouring gardens at 146 and 150 Victoria Park Road; however, I consider that the impact would be similar to that of the existing rear windows at first floor level. Due to the central positioning of the proposed dormer, I consider that the main outlook from the dormer windows would be over the rear garden of the application site and largely of the rear parts of the gardens of the adjacent neighbouring properties.

There is a proposed secondary side window on the ground floor facing 150 Victoria Park Road and an existing window serving the bedroom 2. I consider it necessary for the windows to be obscure glazed to protect the residential amenity of the neighbouring property at 150 Victoria Park Road. Bedroom 2 will have a window at the rear of the property so adequate light and outlook will be provided.

The proposed use would be residential. Although there would likely be a greater number of occupants than the existing use as a house, I consider the proposal would not result in significant or unreasonable harm in terms of noise and disturbance.

I conclude that the proposal would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Highways and Parking:

There will be a provision for 5 cycle storage spaces within ground floor lobbies of the flats.

The 'Vehicle Parking Standards' suggests 1 bicycle storage space per 2 bedspaces. The floorspace schedule and plans confirm that there would be a maximum of 10 occupiers at one time, due to the size and positioning of the flats.

Therefore, I consider that 5 cycle storage spaces are acceptable and in accordance with the guidance. Provision of the cycle storage can be secured by condition.

3 car parking spaces are proposed at the front of the property. The existing parking space within the garage would be converted into a habitable room. Two existing car parking spaces would be retained, and hardstanding would be constructed over part of the existing front garden to provide a third parking space.

A front boundary wall appears to have already been demolished, which can be completed within permitted development limits. There would be no alterations to the front boundary treatment or the existing dropped kerb. The current access is approximately 4.8m wide, which is sufficient to serve the proposal.

There is a recommendation of two car parking spaces for a two bedroomed dwelling, as set out in the 'Vehicle Parking Standards'. The site is located within a restricted parking area and, as such, on street parking would not be possible.

As it would not be possible to provide additional car parking spaces within the site, with the proposed provision of cycle storage and the proximity to public transport, I consider that the proposed onsite parking would be acceptable and would not result in serve highway safety impact to warrant a refusal on highway grounds.

I consider that the level of parking provision is therefore acceptable, and the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006) and Para 111 of the NPPF.

#### Waste storage and collection:

There have not been any details provided as to the proposed location of the bin storage. Bin storage can be provided at the rear of the property away from the street scene or at a suitable location at the front of the property, screened from the highway. I consider it necessary for the location of the bin store to be submitted and installed prior to first occupation of the proposed flats and retained in this location thereafter, in accordance with policy CS03 of the Core Strategy (2014) and with saved Policies H07 and PS10 of the Local Plan (2006).

#### Drainage

The site is within a critical drainage area. The proposed hardstanding at the front of the property will be permeable. I consider that this would be acceptable and can be conditioned.

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 Issues:

There are no protected trees within the site. The proposed site plan indicates that the vegetation at the rear of the site would be retained. I consider that this would be acceptable.

Upkeep and maintenance are matters for the applicant and not a planning consideration.

Conclusion:

The proposed conversion is acceptable in principle, is in accordance with local and national policies, and would make a small contribution to the City Council's housing supply. The flatted development would secure satisfactory living conditions for future occupiers. The parking and access arrangements would be satisfactory.

I therefore recommend that the application be 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. The external elevations shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The cheeks and roof of the dormer(s) shall be constructed in materials to match the existing roof. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. Before the occupation of the development the side facing windows adjacent to 150 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 150 Victoria Park Road and in accordance with policy PS10 of the City of Leicester Local Plan).
5. No part of the development shall be occupied until five secure and covered cycle parking spaces have been provided and retained thereafter, in accordance with the approved plans. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
6. Before the occupation of the development three parking space(s), as shown on the approved plans, shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. Before the occupation of any part of the proposed development, the proposed permeable paving shall be installed as shown in the approved plans and retained thereafter. (To reduce surface water runoff in accordance with policy CS02 of the Core Strategy).



8. Details of a bin store shall be submitted to and agreed in writing with the Local Planning Authority. The bin store should be installed prior to the occupation of the first unit and maintained in accordance with the agreed details. (In the interests of the satisfactory development of the site and in accordance with policies H07 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03).
9. Development shall be carried out in accordance with the following approved plans:  
Location Plan, 7573/01 Rev A, received 01/09/2021  
Proposed Site Plan, 7573/06 Rev C, received 15/10/2021  
Proposed Plans, 7573/04 Rev D, received 19/10/2021  
Proposed Elevations, 7573 Rev C, received 15/10/2021  
(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

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| 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_H05  | Planning applications involving the loss of housing will be refused unless they meet criteria.   |
| 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\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 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.