

COMMITTEE REPORT

20220639	8 Brancaster Close	
Proposal:	Retrospective application for change of use from house (4 bed) (Class C3) to four self-contained flats (4 X 1 bed) (Class C3); demolition of existing garage at no. 9 Brancaster Close (Amended Plans received 26.04.2022, 16.06.2022)	
Applicant:	Mr & Mrs Gawera	
App type:	Operational development - full application	
Status:	Change of Use	
Expiry Date:	10 August 2022	
SMC	TEAM: PE	WARD: Abbey



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Summary

- Reported to committee as there are more than five objections;
- 11 objections from 11 different households have been received on the 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, the residential amenity for the future occupiers and neighbouring properties, highways, parking and waste management.
- Recommended for approval.

The Site

The property is a semi-detached house in a residential part of the city. The property is also in a critical drainage area.

Background

20162422 – In 2016 the owner submitted a notification under the prior approval scheme for a proposed single storey extension at the rear of the dwellinghouse of dimensions: 6 metres beyond the rear wall of the original dwellinghouse; maximum height 3.9 metres; height of the eaves 2.8 metres. Prior approval was not required as no objections were received. This has not been implemented.

20170974 – Planning permission was granted for the construction of a two storey extension at the side and rear of the house (Class C3) and roof alterations. This has been implemented

20212720 – An application was submitted retrospectively seeking permission for a change of use from a four bedroomed house (Class C3) to four self contained flats (2 x bedsit, 2 x 1bed) (Class C3) and was refused for the following reason:

“The proposal would cause significant detrimental harm to the amenity of the existing and proposed residents by failing to provide access to the rear amenity space for the first floor flats, contrary to policy PS10 and HS07 of the City of Leicester Local Plan (2006) and paragraph 130 of the NPPF.”

The Proposal

The proposal as amended is for the change of use of the building to 4 flats, 2 on the ground floor and 2 on the first floor.

Flats on the ground floor and first floor of the original house (flats 2 and 4) will have a kitchen, lounge, a bathroom and a separate bedroom. Each of the flats will have a floorspace of 38 metres².

The flats on the ground floor and first floor in the extension (Flat 1 and 3) will have a combined bedroom and lounge and a separate kitchen and each of these will have a floor space of 37 metres².

The garage at no 9 along the boundary between 9 and 8 Brancaster Close is to be demolished to facilitate access to the rear along this boundary. A 1.8m high fence is

to be installed 1 metre away from the application property along the shared boundary with No. 9.

2 off street parking spaces are proposed to the front of the house with covered bike and bin storage to the rear of the property.

Policy Considerations

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

National Planning Policy Framework (NPPF) 2021

Chapter 12 of the NPPF stresses the importance of good design to achieve well-designed places.

Paragraph 126: the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being.

This paragraph, specifically 130(f), also requires development to afford a high standard of amenity for existing and future occupiers and is consistent with policy PS10 of the City of Leicester Local Plan

Paragraph 134 goes on to state that permission should be refused for development that is not well designed especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Paragraph 111 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

Appendix 01 – City of Leicester Local Plan

Other legal or policy context

Corporate Guidance – Achieving Well Designed Homes (October 2019)

Consultations

Highways – no comments to make as long as standing advice is followed.

Private sector housing – No comments.

Representations

8 objections, including ones from Cllrs Byrne and Saini, have been received on the following grounds:

- Lack of available parking for residents and their visitors;
- Increased rubbish on the street;
- Overcrowding the local area leading to lack of spaces in schools/doctors;
- The proposal would have an impact on refuse collection, emergency services alongside with other services that the public have access to due parking in a narrow cul-de-sac;
- Low building standards leading to devaluing house prices (not a planning consideration);
- Loss of sunlight to neighbouring properties;
- Flats will also overlook gardens and impact on privacy;
- Works already being carried out and the objector is disappointed that the application was not submitted or made public to neighbours until after the site had been improved (Planning legislation allow retrospective applications)
- Flatted accommodation is available in the near vicinity.
- Lack of consultation to changes at no 20 Brancaster Close (This is not relevant to the consideration of this application);
- Approval would set a precedent for future developments leading to a further worsening of the situation;
- Other four or five properties are owned by the applicant and if other properties changed the use to flats it would change the character of the Close;
- As a result of the multiple occupancies of the property parking at the top of the cul de sac, it has made hazardous for the residents to turn around their cars;
- Cllrs Byrne and Saini support their constituents' objections.

Consideration

Principle of development

The conversion of the property into four separate flats has taken place. This application is to regularise the planning situation and to include development that would overcome the concerns of the refusal under 20212027. The applicant is the owner of the adjacent site at 9 Brancaster Close.

The property is not situated in Belgrave and Spinney Hill areas where Policy H10 requires retention of larger residential properties. Furthermore, it is not also located in an area where permitted development rights for conversions to houses in multiple occupation are restricted by article four direction.

The Housing and Economic Development Needs Assessment (2017), suggests that in terms of demand across the city, there is a greater demand for 2 bedroomed dwellings than 4 or more bedroomed dwellings. However, this assessment is outdated and being updated.

Policy H05 safeguards against loss of housing, and the application will not result in the loss of residential property to non-residential uses. Whilst one larger family house will be lost, 4 smaller dwellings would be created which would make a modest contribution to the housing need of Leicester.

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- and at present as the City Council cannot demonstrate a 5 Year Land supply of housing, the provisions of the NPPF in favour of residential development which would increase the housing supply apply in line with the 'tilted balance'.

The principle of the development is acceptable subject considerations of the impact on residential amenity, living environment, highways, drainage and third party representations.

Design

The change of use of the enlarged house has taken place without the benefit of planning permission. No physical changes are proposed or taken place to the dwelling itself to regularise the use.

However, the flat roofed brick garage attached to 9 Brancaster Close that is in the same ownership as the application site will be demolition to provide access to the rear amenity space for all the users of the application site. The loss of the garage would not harm the visual amenity of the dwelling at no. 9 and wider area and is therefore acceptable.

Fencing with a height of 1.8m is proposed along the common boundary with the application site and no. 9 which will be similar in design to the other properties in the area. I consider that the fencing as proposed would not adversely impact on appearance and could be installed with the benefit of permitted development.

I conclude that the proposal is acceptable and would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) and would have a minimal impact on the character and appearance of the dwelling and the wider area.

Living conditions (*The proposal*)

The plans show that the proposed flats would meet the Nationally Described Space Standards, (although noting these are not yet adopted policy of the Council). I consider that the floorspace in this case is adequate together with the reasonable and workable layout.

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

The ground floor flats would have 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 (165sqm) would provide more than the required private rear amenity space, as set out in SPD Residential Amenity (2 sqm for each of flats). The property is close to Heacham Drive Open Space which provides good public amenity space.

As such, I consider that the site is large enough to comfortably accommodate the proposed flats.

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 not be contrary to Core Strategy Policy CS06 and saved Local Plan Policies H07 and PS10.

Residential amenity (*neighbouring properties*)

The proposed fencing is 1.8m in height. This is lower than that could be installed under permitted development (maximum height of 2m). Furthermore, the proposed fence would be similar to the existing boundary fence.

The proposed use would still be residential. Although there would be a greater number of occupants than the existing use as a house. However, I do not consider that the proposal would result in significant or unreasonable harm in terms of noise and general disturbance materially above the existing lawful use as a 4-bed dwelling.

I conclude that the proposal would not conflict with saved Local Plan Policy PS10 and paragraph 130(f) of the NPPF 2021 which requires development to afford a high standard of amenity for existing and future occupiers, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Waste storage and collection

Four bins are shown in the rear garden which could be moved on collection days to the front of the property and are acceptable for the proposed development and compliant with policy H06.

Highways and Parking

Paragraph 111 of National Planning Policy Framework states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

There will be a provision for 3 cycle storage spaces within the rear garden.

The 'Vehicle Parking Standards' suggests 1 bicycle storage space per 2 bedspaces. I consider that 3 cycle storage spaces are acceptable and in accordance with the guidance. I recommend a condition to secure the provision of the cycle storage.

There would be loss of a garage at 9 Brancaster Close, however there is space for two parking spaces to the front of this property.

A four-bedroom house requires two parking spaces as set out in the 'Vehicle Parking Standards'. Two car parking spaces are proposed at the front of the application site. The maximum parking requirement for 4 one bed flats would be 4 spaces. However, the property is located at the end of a cul-de-sac where on street parking is limited due to the design of the highway. It would not be possible to provide additional car parking spaces within the site, however, the provision of cycle storage and the proximity of good public transport. I consider that the proposed onsite parking would be acceptable and would not result in a severe harm on highway safety to justify a refusal on highway grounds.

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

Some of the objections referred to potential change of use of other houses owned by the applicant and are concerned about the precedent this proposal would have. Each planning application should be considered on its own individual merits. Concerns relating to potential impact of other houses being converted into flats cannot justify refusal of this application.

The parking situation in any potential future applications would be taken into consideration during the assessment of such applications should they come forward.

Conclusion:

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

I therefore recommend that the application be APPROVED subject to the following conditions:

CONDITIONS

1. Within 3 months from the date of this decision, three secure and covered cycle parking spaces shall be 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).

2. Within three months from the date of this decision, two parking spaces, 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.)

3. Within 3 months from the date of this decision, 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).

4. Within 3 months from the date of this decision, a bin storage area shall be provided and retained thereafter, in accordance with the approved plans. (In the interests of the satisfactory development of the site and in accordance with policy H07 of the City of Leicester Local Plan).

5. The development shall be carried out in accordance with the following approved plans:

PL-08 A201 Proposed first floor plan Rev A dated 21/03/2022
PL-08 A203 Proposed Elevations Rev A dated 21/03/2022
PL-08 A202 Proposed Roof Plan Rev A dated 21/03/2022
PL-08 A207 Proposed Site Plan Rev B dated 26/04/2022
PL-08 A200 Proposed ground floor plan Rev B dated 16/06/2022
PL-08 A200 Location plan Rev B dated 16/06/2022
PL-08 A200 Block plan Rev B dated 16/06/2022
(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 2021 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

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_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.
- 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_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.