

# COMMITTEE REPORT

<b>20220027</b>	<b>4 Ingarsby Drive</b>	
Proposal:	Construction of single storey extension, canopy, and increase in gable pitch at front; two storey extensions at side and rear; single storey extension and dormer rear (Class C3) alterations to house (Amendments received 24 August and 15 September 2022)	
Applicant:	Mr Mohammed Dahelvi	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	27 April 2022	
CY1	TEAM: PD	WARD: Evington



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2022). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features

## Summary

- Brought to committee due to level of objections.
- 8 objections received from 7 City addresses with main concerns regarding design, trees, parking, amenity, and development in principle.
- Main issues are design and residential amenity.
- The application is recommended for approval.

## The Site

The application relates to a two-storey detached property situated within a residential area. There are no identified planning constraints on the site. The streetscene is made up of several house types with varying designs.

## Background

[20221097](#) There has been a Notification to seek whether prior approval was needed for a rear extension to the property. Prior approval was needed, and the application was granted in 2022 subject to conditions. This has not been implemented.

## The Proposal

The application is for the following works to the existing property on site:

1) Increase in height of the existing gable end at the front of the property. The height from the ground to the ridge will increase from 7.2 to 7.6m, whilst the height from ground level to eaves will remain unchanged.

2) Construction of a wraparound extension to the side and rear of the house. At ground floor this would be used as a scullery, kitchen, and dining space and have the following measurements. The side extension would protrude 2.8m from the main house and have a total depth of 12.8m, expanding past the rear of the original house by 5m, then have a total width of 9.5m. At first floor the extension would house a laundry room, ensuite, one bedroom, and a prayer/ study room. The extension would follow the same footprint but have a depth of 2.5m from the original rear wall rather than 5m.

In terms of height, the ground floor element at the rear would have a flat roof and be 3m in height. The first-floor elements would have height to eaves of 5.2m and a maximum height of 3.4m. The roof will be a mansard roof.

3) Infilling of recessed arched porch area and construction of a canopy along the part of the original front elevation and proposed side extension.

4) Dormer extension at the rear. This would allow the roof space to be used as a master bedroom with an ensuite. The dormer would have a width of 3m with a maximum projection of 1.6m from the roof slope. It would have a maximum height of 1.4m.

5) Alterations to the house. The side windows would be enlarged, and a window would be installed at first floor level, and rooflights installed at the front and side of the original house. The chimneys would also be removed.

The above proposal incorporates amendments received on the 24<sup>th</sup> August 2022 making the following changes to the application:

1. Removal of dormers, bay windows and incorporation of canopy, and rooflight at the front.

2. Addition of first floor window, and rooflight at side facing 6 Ingarsby Drive, and rooflight facing 2 Ingarsby Drive
3. Reduction of ground floor and first floor extensions from 8m and 3m to 5m and 2.5m respectively, along with the reduction of dormer and alteration to rear fenestration and ground floor extension design

Further amendments were received on the 15<sup>th</sup> September 2022 adding critical dimensions to the plans, labelling all rooms, and altering a discrepancy on the rear elevation.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2021

Paragraph 2. The framework requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- 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 56 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.

Paragraph 126 describes good design as a key aspect of sustainable development.

Paragraph 130 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance, taking in local design guidance and supplementary planning documents. Significant weight should be given to:

- a) development which reflects 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; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

### 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)

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

Residential Car Parking Research for Leicester (2011)

Leicester Street Design Guide (2020)

## Consultations

No internal consultations were undertaken for this application.

## Representations

8 objections were received to the original proposal before amendment from 7 addresses within the authority boundary with the following concerns:

### Amenity:

- Increase overlooking to neighbouring properties and gardens
- Loss of light and overshadowing to neighbouring properties and gardens
- Overbearing impact to neighbouring properties
- Noise generated from construction
- Damage to hedging on boundary
- Loft ceiling height too low

### Design:

- Design does not respect character and existing features of the original house or streetscene
- Extensions have a lack of subservience, matching materials, matching roof type and gradient, and they come forward of the building line
- Loss of boundary treatment

### Trees

- Loss of trees and lack of information about the loss of vegetation and development at the front of the property
- Trees have already been felled on the site
- Discrepancies in the application form with regards to trees

#### Highways

- Lack of parking
- Discrepancies in the application form with regards to parking

#### Validation

- Lack of information about waste storage
- Living conditions

#### Other

- Original agent was not a registered architect
- Loss of 3-bedroom family house
- Unlawful development at 2 Ingarsby Drive
- Misleading proposal
- Devaluation of property
- Compromise development on future sites

It should be noted these were submitted before any amendments to the proposal were received

## Consideration

### Principle of development

Extensions to residential properties are acceptable in principle subject to the considerations below. The development would increase the number of bedrooms, improving a residential unit would still be retained and as such would not result in a detrimental loss of housing.

### Design

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high-quality architecture. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

Ingarsby Drive consists of various property types and designs although many houses share common features such as the materials, gable frontages, and pitched roofs. The original scheme opted for extensions that failed to assimilate with the property. It had awkward and dominating features such as the bay windows at the front, the dormers, and the large rear extensions.

Amendments have sought to rectify many of these concerns. The bay windows and front dormers have been removed, and the rear extensions and dormer have been reduced in size. The proposed canopy at the front and rear dormer would be small in scale and would follow the same style as the existing house. Whilst the rear extension would have a flat roof, rather than a pitched roof, this is a common design for ground floor rear extensions, and would not be incoherent.

The residential amenity guide recommends a setback for side extensions at the front and side, with a corresponding drop in the roof line. This is to prevent a terracing effect and also ensure that the extensions do not dominate the property. Setbacks have been retained at either side however the front setback and corresponding drop in the ridgeline has not proposed. In this case however, given the visible gap at either side, and the varying streetscene, I do not consider that the lack of setbacks will cause the extensions to dominate the house to a substantial degree.

Concerns have also been raised regarding the loss in boundary treatment. I have no plans before me that suggest the boundary treatment would be lost though I note that there are permitted development rights that would allow this to occur. I do not consider it would be reasonable to remove this permitted development right by way of a condition.

With a condition to ensure that the materials match existing I consider that the scheme would respect the original house and the streetscene and 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.

#### Living conditions (*The proposal*)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, light and outlook, and the ability of the area to assimilate development.

All principal rooms would have adequate outlook and natural light, and a large proportion of the garden space would still be retained with minimum garden space requirements in the residential amenity guide being fulfilled.

There are concerns regarding the loft to ceiling heights of the master bedroom. I consider whilst there is a variety of heights and the internal height is acceptable.

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 occupiers in the host property.

#### Residential amenity (*neighbouring properties*)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity

factors to be taken into account when determining planning applications, including the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

There are concerns from objectors that the development would result in an increase of overlooking, loss of light, and overshadowing to neighbouring properties.

The property at 6 Ingarsby Drive is to the north of the property and shares a side boundary with the application site. The side and rear extensions would be sited 0.7m away from the boundary and would protrude 5m past the rear at ground level, and 2.5m at first floor level. The nearest principal room windows are sited far enough away from the application site that 45-degree line taken from the centre of the windows would not intersect the ground floor extension, and nearest edge of the ground floor window would not intersect the first-floor extension. Therefore, I do not consider the change to outlook and natural lighting to be significantly detrimental to the enjoyment of these rooms. As the development is sited to the south of number 6, limited overshadowing would not result in harm to warrant a reason for refusal. A first-floor window would be placed closer to the boundary however this would be almost 3m away from the boundary and so considered acceptable. There are also windows proposed on the side elevation but providing these are conditioned to be obscure glazed I consider these will not result in overlooking that is detrimental to the site.

The property at 2 Ingarsby Drive is situated to the south of the application site at an angle, so its rear windows face onto the side boundary albeit at an angle. The current separation distance between the rear outrigger of number 2 and the side of the application site ranges from 7-7.5m at the edge with the centre of the window looking out on the garden of the application site. Whilst the extension proposal at number 4 would have some impact on the level of outlook to the windows on the outrigger of number 2, it would at a distance of just over 9m at an angle. On balance I consider that the overall effect of the proposed first floor extension and its roof type, combined with the size of the window on the first-floor outrigger of 2 Ingarsby Drive, is such that the impact on light to, and outlook from, this window would be acceptable in my consideration. As no principal room windows are proposed in the elevation facing 2 Ingarsby Drive, I am satisfied that the overlooking relationship would be acceptable in this instance, though I consider it appropriate to attach a condition ensuring that the window on this side is obscure glazed. Given the site is to the north of 2 Ingarsby Drive I consider that any overshadowing would not be detrimental to the application site.

The properties at 7 and 9 Thurnview Road are sited at the rear of the property. The distance from the rear of these properties to the rear of the proposed first floor rear of the application site property would be just under 40m, so I consider that any overlooking, or overbearing impact to these properties would be negligible.

With the proposed conditions, 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.

### Waste storage and collection

Concerns have been made regarding lack of information about waste storage. As a separation distance of over 1m between 2 and 4 Ingarsby would be retained I consider that bins could easily be stored at the rear and that the proposal will result in little change to waste storage.

### Highways and Parking

Core Strategy Policy CS14 states development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel. Saved Policy AM12 states level of parking for residential development shall be determined in accordance with Appendix 01 referenced above.

Concerns have been made about the removal of the garage space and lack of parking on site. Objectors have also noted that the application form did not include the garage space. Existing plans show the existing garage measuring w2.6m x h4.7m. This is under the minimum internal garage space requirements, and it would be a struggle to park the average car in this space. As such I do not consider this would contribute as an existing parking space. The plans show two spaces on site which complies with the requirements laid out in appendix 01.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM12 of the Local Plan (2006), and is acceptable in terms of highway impact and parking.

### Trees

Saved Policy UD06 states that 'planning permission will not be granted for any development that impinges directly or indirectly, upon landscape features that have amenity value including areas of woodland, trees, planting or site topography whether they are within or outside the site unless: a) the removal of the landscape feature would be in the interests of good landscape maintenance; or b) the desirability of the proposed development outweighs the amenity value of the landscape feature'.

There are concerns regarding the alleged removal loss of trees to the site. This did not need planning permission as the trees are not subject to a preservation order nor in a conservation area. There are also concerns that the development would impact the hedge on this boundary line between 6 Ingarsby Drive, and the application site, contrary to the application form which states no trees or hedging would be affected by the proposal. The hedging does not have a high amenity value, and this would not need planning permission to be removed.

I conclude that the proposal would comply saved policy UD06 of the Local Plan (2006).

### Other matters

The following matters have been raised in objections but not yet dealt with in this report.

There are concerns about noise pollution generated from the building of the extension. Whilst the noise increase would not be ideal for surrounding residents, this would be a temporary situation and a standard part of the development process. Given the scale of the scheme, it would not have been reasonable to attach a condition restricting the hours of construction.

The agent has since changed since objections were raised about the agent not being a registered architect. Whilst it is advised that agents have experience in plan drawing, it is not a requirement of the process.

Concerns about the lawfulness of the development at 2 Ingarsby Drive have been passed for investigation by the Compliance and Monitoring Team.

Devaluation of properties is not a material consideration.

The plans have been amended and I consider that they and the description of the scheme accurately reflects the proposed development.

I do not consider that the proposal would unreasonably compromise development on future sites.

## Conclusion

I recommend that this application is APPROVED subject to 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 materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)

3.Before the occupation of the proposed extension new windows facing 2 and 6 Ingarsby Drive shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 2 and 6 Ingarsby Drive and in accordance with policy PS10 of the City of Leicester Local Plan).

4.Development shall be carried out in accordance with the following approved plans:

4ID-T-SLP, Site Location Plan, Revision T, Received 15 September 2022

4ID-T-1, Existing Floor Plans, Revision T, Received 15 September 2022

4ID-T-2, Existing Elevations, Revision T, Received 15 September 2022

4ID-T-3, Proposed Floor Plans, Revision T, Received 15 September 2022

4ID-T-4, Proposed Elevations, Revision T, Received 15 September 2022  
4ID-T-5, Existing Site / Roof plans, Revision T, Received 15 September 2022  
4ID-T-6, Proposed Site / Roof plans, Revision T, Received 15 September  
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_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_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_CS14 | The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development. |

