

COMMITTEE REPORT

20220860	40 Sybil Road	
Proposal:	Construction of first floor extension at side; two storey extensions at side and rear; single storey extension at rear; garage conversion to provide annexe; alterations to roof including balcony rooflights at rear; alterations to house (Class C3) (amended plans received 16/09/2022)	
Applicant:	Miss Narcis Bari	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	6 October 2022	
RB	TEAM: PD	WARD: Braunstone Park & Rowley Fields

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Summary

- The application is at committee due to more than five objections
- 9 objections from 8 different households have been received on grounds of parking, residential amenity, ecology, design, and impact on the character and appearance of the area.

- The main issues are the residential amenity for the future occupiers and neighbouring properties, design, impact on the character and appearance of the area, and parking.
- The recommendation is for conditional approval.

The Site

This application relates to a two-storey detached dwelling within a primarily residential area.

The site is within a 250m buffer of known air pollutant Tesco Filling Station Rowley Fields.

Background

Application 20212304 for the construction of two storey extensions at front, rear and side (part to form annexe); single storey extension and privacy screen at rear; extension and alterations to roof of house (Class C3); alterations including balcony rooflights at rear; demolition of garage (AMENDED PLANS RECEIVED 27/01/2022) was refused on 31/01/2022 for the following reasons:

- The proposed side extension, by reason of its size and siting, would leave no space between the building and the side boundary, to the detriment of the visual quality and character of the area and contrary to Policy CS03 of the Leicester Core Strategy (2014), saved Policy PS10 of the Local Plan (2006) and the relevant local design guidance at Appendix G of the Residential Amenity Supplementary Planning Document (2008). It would also be at odds with paragraphs 130 & 134 of the National Planning Policy Framework (2021) which relate to good design.
- The proposed alterations to the front elevation and roofing material would disrupt the coherent visual relationship that the application dwelling has with the neighbouring dwellings 38 & 42 Sybil Road, which is a positive attribute of the streetscene, to the detriment of the visual quality and character of the area and contrary to Policy CS03 of the Leicester Core Strategy (2014), saved Policy PS10 of the Local Plan (2006) and the relevant local design guidance at Appendix G of the Residential Amenity Supplementary Planning Document (2008). It would also be at odds with paragraphs 130 & 134 of the National Planning Policy Framework (2021) which relate to good design.
- The proposed single storey rear extension, by reason of its rearward projection and siting, would have an unacceptable impact on daylight to and outlook from the adjacent ground floor rear principal room window at 38 Sybil Road, and would unreasonably overshadow the adjacent garden area of 38 Sybil Road, to the detriment of the amenity of the occupiers of that neighbouring property and contrary to Policy CS03 of the Leicester Core Strategy (2014), saved Policy PS10 of the Local Plan (2006) and the relevant local design guidance at Appendix G of the Residential Amenity Supplementary Planning Document (2008). It would also be at odds with

paragraphs 130 & 134 of the National Planning Policy Framework (2021) which relate to good design.

A large single storey outbuilding has been demolished and vegetation has been removed prior to the submission of the proposal, both within the rear garden of the site.

The Proposal

The current application, as amended, proposes the following:

- A first floor and two storey side to rear extension, occupying the full gap between the original house and the boundary with 38 Sybil Road. The extension would be set-back from the front by 1m and would project beyond the first floor rear wall of the original house by 4.7m, with 12.1m total depth. The width would be 3.7m, height to the eaves would be 5.4m and total height would be 7.9m. The side part of the extension would have a crown-hipped roof, set down from the ridge of the roof of the original house, and the rear part would have a hipped roof, set down from the main body of the roof, at 7.4m in total height.
- A flat roofed single storey projection behind the two-storey side to rear extension. The extension would measure 3m in depth beyond the two-storey element, 4m in width and 2.7m in height. The extension would have a green roof and also a roof lantern.
- A single and two storey rear extension that would span the full width of the original house and would project 3m beyond the original ground floor rear wall and 1.7m beyond the original first floor rear wall, with the main house roof extended over (continuing the original ridge level). There would be a Juliette balcony to the rear at first floor level. The single storey extension would have a green roof and two roof lanterns.
- Alterations to re-roof the house in anthracite slate tiles and install balcony rooflights at the rear and a standard-type rooflight at the side.
- Alterations to replace existing windows and doors with anthracite Upvc to match those of the proposed extensions;
- The existing subordinate gabled roof between the main house roof and the chimney stack would be removed.
- The walls of the proposed extensions would be mainly finished in brick to match the existing. The ground floor rear elevation would be finished in render and cladding.
- At ground floor level, a living area, kitchen and WC are proposed to the rear. At first floor level a master bedroom, with dressing area and ensuite bathroom is proposed at the rear and a family bathroom is proposed to the side. At second floor level, the existing loft space is proposed to be converted and extended to provide a third bedroom, a playroom and store.
- The existing garage would be converted into a habitable annexe, to provide a studio accommodation to include a kitchen area, living area, bed, and ensuite shower room.

The proposal incorporates the amendments below intended to reduce the impact of the scheme:

- Remove the alterations to the front elevation to replace the original two storey round bay window with a square bay window;
- Retain the existing garage and construct the first floor element of the side extension over the existing garage, rather than the garage being demolished and the construction of a two storey side extension in its place;
- The proposed cladding to the rear extensions at first floor level has been replaced with facing brickwork to match;
- The side extension at first floor level has been set away from the common boundary by 0.1m to ensure that box guttering is not required at the side of the property and the proposal does not encroach on neighbouring land.
- The proposed annexe would be set within the converted garage, rather than the ground floor of the proposed extension.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development.

Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision makers should approve applications for sustainable development where possible.

Paragraph 56 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable.

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

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the surrounding built environment; (d) establish or maintain a strong sense of place; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 134 states that development that is not well designed should be refused, taking into account any local design guidance and supplementary planning documents.

Leicester Core Strategy (2014) and City of Leicester Local Plan (2006)

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

Supplementary Planning Documents

Residential Amenity SPD (2008) – Appendix G

Consultations

None

Representations

Nine objections have been received from eight addresses raising the following issues:

Character and Appearance Issues

- proposal not similar in appearance to the existing house
- alterations at front out of keeping, including the first floor bathroom window
- disproportionate/excessive enlargements (exceeds 50% and larger than permitted)
- the flat crown roof design does not match existing hipped roof design
- rooflights unprecedented in street

Amenity Issues

- loss of light
- overlooking/loss of privacy
- possibility of further garden development (noise impacts)
- light pollution from rooflights (amenity)

Other Issues

- less information/fewer measurements have been provided in comparison to the previous application
- trees and shrubs already removed
- light pollution from rooflights (wildlife)
- area is rich in bat populations
- no reference to parking provision
- construction & delivery traffic will need to be managed
- work should be confined to working day/week
- proposal contravenes Council's guidance

Consideration

The main issues in this case are: the character and appearance of the area; the amenity of the occupiers of neighbouring properties; the living conditions of the host property; and parking and access.

Character and Appearance & Design

Core Strategy (2014) Policy CS03 calls for developments to contribute positively to the character and appearance of the built environment and requires developments to be appropriate to the local setting and context and take into account Leicester's

history and heritage. The Policy goes on to refer to, amongst other things, scale, height, layout, urban form, architecture, massing and materials. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (b) the visual quality of the area and (f) the ability of the area to assimilate development.

Appendix G of SPD Residential Amenity (2008) provides design guidance for house extensions in the city and is therefore also relevant to the proposals.

The SPD Residential Amenity states that the infilling of gaps between residential buildings can harm the character of the street. It sets out that a minimum gap of 1m between the side wall of a side extension and the boundary is desirable to allow access for refuse bins etc. and for maintenance. It also sets out that if a garage is level with the front of the house, as is common, then the first floor extension should be set back by at least 1m, possibly incorporating a pitched roof over the set back.

Gaps between buildings is an attribute of development in this section of Sybil Road that contributes positively to the visual quality of the streetscene and the character of the area. There are side projecting elements at first floor level to the boundary of both 38 and 42 Sybil Road. However, I consider that these are not comparable to the current proposal, as both are set well back behind the original garages, resulting in the dwellings clearly being read from the streetscene as detached with relatively large separation distances.

I consider that the 1m setback at first floor level from the front elevation, the removal of the originally proposed projecting bay window to the front of the first-floor extension and the passageway to the adjacent side of 38 Sybil Road, would be sufficient safeguards against a terracing effect. This would ensure that the proposal would appear subservient to the existing property and would not appear too large for the plot.

Moreover, the existing single storey garage structure at the side of the property would now be retained and I consider the proposal now complies with the guidance for first floor extensions over existing garages.

I consider it necessary to attach a condition to ensure that the replacement garage doors are provided and retained thereafter to ensure that the character and appearance of the group of three detached properties is retained.

SPD Residential Amenity states that care must be taken when building up to neighbouring property boundaries. Amended plans have been submitted to ensure that the first-floor element is sufficiently set away from the boundary to ensure that the guttering does not project over the neighbouring occupier's land and that box guttering, which is more prevalent for commercial buildings, is not used. It is clearly confirmed that this would be the case within the design and access statement, as amended, and the changes have been confirmed by the applicant. I consider it necessary to attach a condition to ensure that there is a set back of 0.1m to ensure that a half round gutter is incorporated within the application site, as the difference is not clearly visible on the amended plans and elevations.

SPD Residential Amenity states that the overall shape, size and position of an extension must not dominate the existing house. A crown roof with hip/flat roof elements is proposed over the first-floor side extension. Although it does not match the hipped roof of the existing property, I consider that the flat element of the roof would not easily be seen from the streetscene, due the approximately 0.8m separation distance between the common boundary and the side wall of the neighbouring property at 38 Sybil Road. Moreover, I consider that the two storey side extension with 1m first floor set-back and subordinate roof would reasonably preserve the profile and proportions of the original house when viewed within the streetscene and would not dominate the original house.

The dwellings at 38, 40 and 42 Sybil Road appear to have been built as a group and although each one is unique, as a result of variances in the execution of their design details, their architectural coherence is an important attribute. I consider that their group value makes an outstanding, positive contribution to the visual quality of the streetscene and the character of the area. Steps have been made to retain the architectural features at the front of the property through amendments submitted to the proposal. This includes the retention of the attached single storey garage at the side and the semi-circular bay window to the front of the main dwelling. The retention of these features in comparison to the neighbouring properties can be seen within the proposed street scene drawings. Although the proposal would result in a development that is much larger than the properties within the immediate vicinity, I consider that the three properties would still be read as a group within the street scene and the amended proposal seeks to retain the architectural features that are characteristic of these properties.

The application proposes facing brick to match existing to the front and side elevations and, as amended during the course of the application process, the rear elevation at first floor level. Cladding and render is now only proposed to the rear extensions at ground floor level, which I consider would be read as subservient modern additions to the property that would not be prominent when viewed from the rear gardens of the properties to the sides or from the rear windows of properties to the rear.

Following the previous refusal and pre-application discussion, many of the alterations to the front elevation that were previously found to be unacceptable have been omitted from the proposal and, although the proposed use of anthracite slates as the roofing material would not be similar in colour to the existing terracotta roof tiles, I consider that (provided that the whole roof – existing and proposed – is finished in the same material) this would produce a more traditional finish sympathetic on overall appearance to the original building and the area.

Although rooflights are not a common feature of the area and they would be large, I consider that, as they are located to the rear of the property, they would not have a significant adverse impact on the character and appearance of the area and would not appear overly obtrusive in comparison to other means of facilitating loft conversions, such as dormer extensions. On balance, I consider that the provision of light and outlook to the future occupiers of this space would outweigh their design.

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 design and the character and appearance of the area.

Residential Amenity (Neighbouring Properties)

Core Strategy (2014) Policy CS03 requires developments to be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (b) visual quality and (d) privacy and overshadowing.

Appendix G of SPD Residential Amenity Guidance provides further guidance on the consideration of amenity impacts including outlook, daylight, sunlight and overlooking.

SPD Residential Amenity states that a single storey rear extension deeper than 3 metres on or close to the boundary should not go beyond a line taken at 45 degrees from the centre of any ground floor window of any principal room in an adjoining property.

The element of the proposed single storey extension nearest to the boundary with 42 Sybil Road would have a rearward projection of 3m and would be sited away from the common boundary by approximately 1m. As such, I consider that the single storey rear extension would not have a significant detrimental impact on the amenity of the neighbouring property at 42 Sybil Road.

There is an existing 4m deep single storey extension at the rear of the neighbouring property at 38 Sybil Road, which has a separation distance of approximately 1m from the common boundary. The depth of the single storey extension that would sit behind the two-storey side to rear extension has been reduced in comparison to the previously refused application. The proposed single storey extension would not intersect a 45 degree line taken from the centre of the adjacent ground floor rear principal room window at 38 Sybil Road and would not result in a significant detrimental loss of daylight to or outlook from the nearest habitable room window of the neighbouring property and would not result in a significant detrimental amount of overshadowing of the rear garden area.

SPD Residential Amenity states that a two-storey rear extension on or close to the boundary should not go beyond a line taken at 45 degrees from the nearest point of any ground floor window of any principal room in an adjoining property.

The element of the two-storey rear storey extension nearest to the boundary with 42 Sybil Road would project 1.7m from the original first floor rear wall of the application dwelling. The ground floor kitchen window at 42 Sybil Road is sited approximately 1m from the corner of that neighbouring house and the proposed two storey extension would be sited 1m from the common boundary. I consider that the two-storey rear extension would not intersect a 45 degree line taken from the edge of the adjacent kitchen window and would not have a significant detrimental impact on the light to and outlook from the kitchen.

The element of the proposed two storey rear extension adjacent to the boundary with 38 Sybil Road would have a similar projection to the existing single storey extension at the neighbouring property and would not intersect a 45 degree line taken from the edge of the adjacent principal room window at ground floor level.

The proposed two storey extension projecting to the rear along the common boundary with the neighbouring property at 38 Sybil Road would not intersect a 45 degree line taken from the centre of the nearest first floor window at the rear of the neighbouring property. As such, I consider that the extension would not have a significant detrimental impact on the amenity of the nearest habitable room window on the first floor of 38 Sybil Road.

The proposed extensions would appear as substantial additions to the subject dwelling when viewed from surrounding gardens. However, a number of reductions and improvements in the design of the rear extensions have been made when compared to the previous refusal, including the reduction in depth of the single storey extension, the addition of a hipped roof over the proposed two storey extension and more suitable materials. As such, I consider that the appearance of the property from the rear is acceptable and would not appear unacceptably dominant and obtrusive at the rear or result in an overbearing impact on neighbouring occupiers.

SPD Residential Amenity states that a proposed extension should not result in any substantial loss of privacy to adjoining dwellings and gardens a separation distance of 21m is recommended between directly facing principal room windows and 11m between any principal room window and a boundary with undeveloped land including gardens.

Dwellings in this area, including the application property, benefit from spacious plots including the depths of rear gardens. The separation distances to the rear of the proposed extension exceed the recommendations set out within SPD Residential Amenity. I consider it necessary to attach a condition to ensure that the Juliet balcony is not used to access the flat roof of the single storey extension in front. As such, I consider that the proposal would not result in a significant detrimental level of overlooking or loss of privacy within rear gardens or at the rear of neighbouring properties.

The windows at the front of the house would have a normal street-facing relationship with the dwellings on the opposite side of Sybil Road.

The proposal would include a first-floor side facing window (serving a dressing area) directly facing the boundary with 42 Sybil Road at a distance of less than 11m. I consider it necessary to attach a condition to ensure that the window is obscure glazed to Pilkington level 4 or 5 with only a top opening light to ensure that the window would not have an unacceptable overlooking impact.

Representations have made reference to the proposed window to the bathroom at the front of the property. There is a note on the elevation drawing that confirms that the window would be obscure glazed. I consider that an obscure glazed window at the front would not have a harmful impact on the visual appearance of the area.

I consider the proposed development would not result in an adverse impact on the amenity of the occupiers of neighbouring properties in accordance with saved Policy PS10 of the Local Plan and Core Strategy Policy CS03.

Living Conditions (existing and future occupiers)

Core Strategy Policy CS03 seeks the creation of buildings and spaces that are fit for purpose. Appendix G of SPD Residential Amenity states that extensions should leave sufficient space for general use and penetration of light and sun. The guidance set out that a 3+ bedroom house should have a minimum of 100sqm of private amenity space.

The proposal would increase the internal space available within the dwelling and provide for enhanced living conditions for the existing and future occupiers of the property. An outbuilding has already been demolished within the rear garden, so the occupiers would have in excess of the recommended 100sqm of private amenity space.

There is a TV room on the ground floor that would not have direct outlook or light. However, sliding doors are proposed to the living area behind and I consider, due to the design of the proposal, that there would be sufficient outlook through the living area to the large windows at the rear and there is a sufficient number of windows to ensure that there is adequate light afforded to the room.

The proposed annexe would be in place of the existing garage, but garage doors with windows would be retained. Although this would be unconventional, I consider that sufficient light and outlook would be retained for the future occupant of the room.

I consider it necessary to attach a condition for the replacement garage door and the larger windows to be installed, as the existing garage door windows would not provide suitable light and outlook for the occupier of the annexe.

I therefore consider the proposal would accord with saved Policy PS10 of the Local Plan and is acceptable in regard to the living conditions of future occupiers.

Parking and Access

Core Strategy Policy CS15 states that car parking should be appropriate for the type of dwelling and its location. Saved Local Plan Policy AM12 refers to the parking standards at Appendix 01 of the Plan, and those standards call for two parking spaces for 3+ bedroom dwellings in zones 3&4 of the city (which includes the application site).

Space would be retained for one vehicle parking space at the front of the property.

Having regard to Appendix 01 of the Local Plan and the prevailing levels of on street parking in the area, I consider that the proposal and technical shortfall in provision would not have an unacceptable impact upon on-street car parking capacity and that

the residual cumulative transport impacts of development would be unlikely to be severe and that, in these regards, subject to conditions the proposal would comply with Policy CS15 of the Core Strategy and saved Policy AM12 of the Local Plan.

Other Matters

I consider that the principal matters relevant to the consideration of this application and raised by third parties in representations have been addressed in the main preceding sections. Turning to the other matters raised by third parties and not addressed above:

- disproportionate/excessive enlargements (exceeds 50% and larger than permitted): *I do not consider that the proposal would lead to an overdevelopment of the site. The proposed development would not exceed 50% of the curtilage of the dwelling.*
- possibility of further garden development (noise impacts): *any additional development, if not 'permitted development', would be the subject of a separate planning application and consideration on its own merits.*
- light pollution from rooflights (amenity & wildlife): *I consider that light pollution from the proposed rooflights is not likely to be of greater than domestic scale as to be harmful to amenity and wildlife.*
- less information/fewer measurements: *Critical height dimensions are shown on the elevation drawings and critical length & width dimensions are shown on the floorplan drawings. Distance to the rear boundary and 45 degree lines are shown on the proposed site plan and proposed floor plans.*
- trees and shrubs already removed: *The removal of trees and shrubs is regrettable however there are no special controls to protect any existing vegetation in this area.*
- area is rich in bat populations: *The building is not within 400 metres of optimal bat foraging habitat and there are no records of bat roosts/activity within the nearby vicinity.*
- construction & delivery traffic will need to be managed/work should be confined to working day/week: *As a proposal for domestic extensions and alterations I consider that it would not be reasonable or proportionate to seek to control construction traffic or hours as a condition of planning permission.*
- proposal contravenes Council's guidance: *I am satisfied that the proposal complies with relevant local design guidance.*

Conclusion

In conclusion, I consider that the proposal is acceptable in regard to its design, impact on the character and appearance of the area, the amenity of neighbouring occupiers, the living conditions of future occupiers and parking and is in accordance with local and national policies.

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

CONDITIONS

1. START WITHIN THREE YEARS
2. The development shall be constructed using the following approved materials:
 - * brickwork to the rear elevation at first floor level and front and side elevations to match existing brickwork in colour, bond and mortar;
 - * cedar cladding and render to the rear elevation at ground floor level only;
 - * anthracite roof tiles to match across the existing and proposed roof; and
 - * all windows, doors, downpipes and gutters across the front, side and rear elevations shall be uPVC anthracite or similar to match, except for the composite door to the front elevation and rooflights and roof lanterns to the rear elevation.(In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The approved first floor side elevation wall shall be set 0.1m from the common boundary with 38 Sybil Road to ensure a half round gutter is incorporated within the application site boundary. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. Before the occupation of the proposed extensions, the side facing window within the dressing area of the first floor bedroom facing 42 Sybil Road shall be obscurely glazed to Pilkington level 4 or 5 (or equivalent) (with the exception of a top opening light and retained as such. (In the interests of the amenity of neighbouring occupiers at 42 Sybil Road and in accordance with saved policy PS10 of the City of Leicester Local Plan).
5. The flat roof of the proposed single storey rear extension shall not be used as a balcony or an outdoor amenity space. (In the interests of the amenity and privacy of 38 and 42 Sybil Road in accordance with saved policy PS10 of the City of Leicester Local Plan).
6. The approved replacement garage doors and windows shall be installed and retained thereafter. (In the interests of the amenity of the future occupier of the annexe and visual amenity, and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. Development shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan, 221115/PL-SP-002 rev X, received 16/09/2022
 - Proposed Ground and First Floor Plans, 221115/PL-P-003 rev X, received 16/09/2022
 - Proposed Second Floor and Roof Plans, 221115/PL-P-004 rev X, received 16/09/2022
 - Proposed Elevations, 221115/PL-E-002 rev X, received 16/09/2022
 - Proposed Elevations, 221115/PL-E-003 rev X, received 16/09/2022
 - Proposed Street Scene, 221115/PL-E-004 rev XX, received 16/09/2022(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The proposal has been amended during the course of the application process. The approved development would need to be constructed in accordance with the amended plans received on 20/09/2022 to satisfy condition 6.
2. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted for works on, under or above land outside the ownership of the applicant. The applicant may need to enter into a Party Wall Agreement with adjacent land owners.
3. 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

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| 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_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. |