

COMMITTEE REPORT

20221993	87 Kincaple Road	
Proposal:	Construction of single storey extension at front of house (Class C3)	
Applicant:	Mr & Mrs Bodalia	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	7 December 2022	
CY1	TEAM: PD	WARD: Rushey Mead



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Summary

- This application is brought to committee as the applicant works for Leicester City Council
- One objection has been received regarding damage to property
- The main issues are design and residential amenity
- The application is recommended for approval

The Site

The application relates to a mid-terraced property situated within a primarily residential area. There is a small amount of the site at risk for surface water flooding every 1 in 100 to 1 in 1000 years. The site is also within a 250m buffer from a Landfill site.

Background

An application for prior approval was submitted in 2022 for the construction of a 5m deep single storey rear extension application ([20220268](#)). Prior approval was not required in this case.

An application was submitted for a single storey extension to the front of the house in 2022 (application [20221122](#)) but was withdrawn in September as it was determined this could not be carried out in conjunction with the approved rear extension.

Permission [20220268](#) has now been implemented and as such the applicants have now reapplied for the withdrawn application [20221122](#).

The Proposal

The application is for a front extension to the property. This would allow for a porch and an extension to the living area. The extension would have a width of 4.5m and depth of 1m. It would have a height to eaves of 2.6m and a height to the ridge line of 3.1m. The roof would be mono-pitched.

Policy Considerations

National Planning Policy Framework 2021 (NPPF)

Paragraph 2 –

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 11 –

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 38 –

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 39 –

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

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 –

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 –

Development that is not well designed should be refused, 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. Conversely, 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.

Paragraph 183 –

Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

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)

Representations

One objection, along with four accompanying emails and three photographs have been received from an address within the local authority boundary with concerns regarding destruction to their property caused by the previous approved application (20220268) and worries that further damage could occur with the approval of this application. The objector also has concerns that further development will impact their health and wellbeing due to negative discussions between the objector and the applicants regarding the previous application.

Consideration

Principle of development

Alterations to residential properties are acceptable in principle subject to the considerations below.

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.

87 Kincapple Road is made up of a variety of house types, primarily terraced and semi-detached properties. Whilst not part of the original dwelling, a front extension is a common feature on many properties within this stretch of the road, namely property numbers 73, 79, 83, 97, 99, 101. Each extension has a mono-pitched roof that respects that of the main property, and match in terms of scale, materials, and window alignment. Due to the uniform design of these extensions, and their abundance, I consider them to be a main component of character in the streetscene.

The proposed extension on number 87 follows this design and roof type also, the new window is also aligned with the window at first floor level. I consider it would be a subservient addition to the property and, providing that a condition is attached for materials to match the existing property, I consider that this would assimilate well with the streetscene.

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.

Living conditions (*The proposal*)

The extension would not result in loss of light or outlook to the host property. 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 living conditions for the existing and proposed occupiers.

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.

The extension would not result in any overlooking, overbearing, or loss of sunlight that would detrimentally affect any neighbouring occupiers. The extension would replace the existing porch situated next to boundary shared with number 89. Number 89 has a principal room window close to this boundary. Whilst I note the

height of the porch would be slightly larger due to the mono-pitched roof, the depth would be the same, and I do not consider the slight increase in overall size to cause an overbearing impact that would be detrimental to the occupiers at number 89, nor impact the sunlight to this room to a harmful extent. The extension would extend up to the existing porch at number 85, given there is a porch there as existing the extension would be set far enough from principal room windows on number 85 to not cause harm to this property.

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.

Drainage

The front of the site is shown to be at very low risk to the impacts of surface water flooding. I consider that a requirement for a scheme of flood risk mitigation or sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage and flooding.

Other matters

Concerns have been raised regarding potential damage to the neighbouring properties. It is understood at current the damage consists of a dislodged pole at the boundary and weed growth along the boundary line. It should be noted that no permission would be granted for any development that extends onto neighbouring properties, including any guttering, and any damage to neighbouring properties would be a civil matter and not a planning matter.

The site is located within 250m from a landfill site, meaning that there is a perceptible risk from landfill gas adversely affecting this site. I recommend a note to applicant is attached recommending that the advice of a suitable consultant should be sought and carried out in the design and development of any building at this site, or underground services associated with them. It should be noted that it is the developer's responsibility for the safe development and secure occupancy of this site.

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. Development shall be carried out in accordance with the following approved plans:
Proposed Elevations, PL87 A202, revision A, received 12 October 2022
Proposed Roof Plan, PL87 A201, revision A, received 12 October 2022
Proposed Ground Floor Plan, PL87 A200, revision A, received 12 October 2022
Existing and Proposed Site Plan, PL87 A205, revision A, received 12 October 2022
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. No permission is granted or implied for any development (including any overhanging projection/s) outside the application site.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021.
3. It is considered that there is a perceptible risk from landfill gas adversely affecting this site. It is therefore recommended that the advice of a suitable consultant should be sought and carried out in the design and development of any building at this site, or underground services associated with them. It is pointed out that it is the developer's responsibility for the safe development and secure occupancy of this site.

Policies relating to this recommendation

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| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc. |
| 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'. |