

COMMITTEE REPORT

20240668	69 and 71 Copdale Road	
Proposal:	Construction of detached single storey outbuilding at rear of houses (Class C3) (subject to s106 agreement)	
Applicant:	Mr Pratik & Pravinlal Patel	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	24 July 2024	
CY1	TEAM: PD	WARD: North Evington



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2025). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features

Summary

This application has been brought to committee as one of the applicants works for Leicester City Council.

No objections or supporting comments have been received.

The main concerns are design and amenity.

The application is recommended for approval subject to a s106 agreement.

The Site

The application relates to a pair of semi-detached dwellings in a residential area. There is a tree at number 67 Copdale Road which is close to the proposed development. Spanning some of the site, namely 71 Copdale Road, are areas with a low risk of surface water flooding.

Background

There have been two planning applications on each site in recent years.

The first was for two annexes to the rear of two properties which would have been connected on the boundary. These were refused for the following reasons:

20221935 – 69 Copdale Road:

1. The proposed annexe, by reason of its siting, scale, design, and separate access, would dominate the rear of the site and appear disproportionate to the original dwelling. The annexe would fail to read as ancillary to the main house and instead resemble a self-contained unit and back land development. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan, Core strategy Policies CS03, and CS08, and Chapter 12 of the National Planning Policy Framework (2021).
2. In the absence of sufficient information, the applicant has failed to demonstrate that the tree at number 67 Copdale Road would not be harmed by the nature of the development. The proposal would fail to comply with saved policy UD06 of the Local Plan and paragraph 131 of the National Planning Policy Framework (2021).
3. The plans and documents submitted by the applicant is conflicting, ambiguous, and insufficient with regards to discrepancies between: • the intended use of the building; • the existing boundary treatment on plans versus the existing situation on site; and • the site plan outline shown on plans and intended location of the development The proposal is therefore contrary to National Planning Policy Framework (2021) paragraphs 43 and 44
4. The proposed annexe, by reason of its siting, scale and design would adversely affect the residential amenity of the occupiers of 67 and 71 Copdale Road in respect of overbearing. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan paragraph 130 of the National Planning Policy Framework (2021).

20221936 – 71 Copdale Road:

1. The proposed annexe, by reason of its siting, scale, design, and separate access from the host property, would dominate the rear of the site and appear disproportionate to the original dwelling. The annexe would fail to read as ancillary to the main house and instead resemble a self-contained unit and back land development. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan, Core strategy Policies CS03, and CS08, and Chapter 12 of the National Planning Policy Framework (2021).

2. The proposed annexe, by reason of its siting, scale and design would significantly reduce the usability of the rear amenity space, and provide poor outlook for the users of the proposed study. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan paragraph 130 of the National Planning Policy Framework (2021).

3. The plans and documents submitted by the applicant is conflicting, ambiguous, and insufficient with regards to discrepancies between:

- the intended use of the building;
- the existing boundary treatment on plans versus the existing situation on site; and
- the site plan outline shown on plans and intended location of the development.

The proposal is therefore contrary to National Planning Policy Framework (2021) paragraphs 43 and 44.

4. The proposed annexe, by reason of its siting, scale and design would adversely affect the residential amenity of the occupiers of 69 and 73 Copdale Road in respect of overbearing. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan paragraph 130 of the National Planning Policy Framework (2021).

The second applications (20231125 – 69 Copdale Road and 20231126 – 71 Copdale Road) were for detached outbuildings to the rear to be used for gym/ storage. Unlike the previous application these outbuildings were not connected and would not be used for accommodation. These were approved but with a condition stating that they could not be used for residential accommodation.

The Proposal

The application is for the construction of one outbuilding to the rear of the two properties to be used as separate gym/ stores for the applicants. The outbuilding would be similar sizes to the previous approved outbuildings with the exception that they would have slightly deeper widths in order to connect together.

The outbuilding would measure w14.5m x d7m with a height to eaves of 2.5m and height to pitch of 4m.

Policy Considerations

National Planning Policy Framework (NPPF) 2024

Paragraphs 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 40 and 41 (Pre-applications)

Paragraphs 44 (Sufficient information for good decision making)

Paragraph 57 (Six tests for planning conditions)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 136 (Trees)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 181 (Flood risk considerations and SuDS)

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)

Representations

None received

Consideration

Character & Design

The outbuilding would be subservient in scale to the existing houses and respect the pairs overall form and detailing. A condition is recommended for materials to match the existing property.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), NPPF chapter 12 and is acceptable in terms of the character and appearance of the area.

Residential Amenity (Neighbours)

As considered by the previous approved applications, the development would not result in any overbearing, overlooking, or overshadowing that would be detrimental to any neighbouring properties providing both parts are built out.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006) paragraph 135 of the NPPF, and is acceptable in terms of amenity to neighbouring properties.

Residential Amenity / Living Conditions (Application Site)

All existing principal rooms would have adequate outlook and natural lighting. The garden spaces would still of a usable and ample size for existing and future occupants. A condition however is advised to ensure that each outbuilding, separately or together, shall not be used as living accommodation and shall not be used independently of the main houses.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 and H07 of the Local Plan (2006), paragraph 135 of the NPPF, and is acceptable in terms of living conditions for the existing and proposed occupiers.

Drainage/Flooding/Climate Change

The site is within an area with a low risk of surface water flooding but not within any flood zones nor critical drainage areas. As such, I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms 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.

Trees/Landscaping

The building is proposed to be within the root protection area of the tree at 67 Copdale Road. An arboricultural implication study was submitted with the scheme. I recommend a condition is attached for the development to be carried out in accordance with the recommendations set out within this survey.

I conclude that the proposal would comply saved policy UD06 of the Local Plan (2006), and 2014 Core Strategy policy CS17, and is acceptable in terms of the tree protection and biodiversity.

Other matters:

I am mindful that should only one outbuilding be built this could have a significant impact on the other neighbour due to its proximity to the boundary. Additionally, this would result in a development that would not be in accordance with the approved plans or proposal. In order to ensure that the development remains lawful and would not have a harmful impact on the occupants of either 69 Copdale Road or 71 Copdale Road, I recommend that a legal agreement is secured between the two applicants and the Local Planning Authority. Such agreement has been drafted and I recommend that a decision is not issued until signed by all parties.

Conclusion

I therefore recommend APPROVAL subject to the following conditions and a SECTION 106 AGREEMENT to ensure that both outbuildings are constructed simultaneously:

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 outbuildings shall not be used as living accommodation and shall not be used independently of their respective main houses. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan.)
3. The new walls and roof shall be constructed in materials to match those on the existing houses. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. The works shall be carried out in accordance with the Arboricultural Implication Study received on 9th April 2024 by the City Council as a Local Planning Authority. (In the interests of the health and amenity value of the trees and in accordance with saved Policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17.)
5. Development shall be carried out in accordance with the following approved plans:
PL69-71 A203, Proposed Site Plan, Revision A, Received 9 April 2024
PL69-71 A202, Elevations - Proposed, Revision A, Received 9 April 2024
PL69-71 A201, Roof Plan - Proposed, Revision A, Received 9 April 2024

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.
Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:
Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |