

COMMITTEE REPORT

20241620			104 Dumbleton Avenue
Proposal:	Construction of first floor extension at side and rear (Class C3)		
Applicant:	Sarjet & Ranjit Singh & Kaur		
App type:	Operational development - full application		
Status:	Householder development		
Expiry Date:	6 January 2025		
JA1	TEAM: PD	WARD: Braunstone Park & Rowley Fields	



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Summary

- The application is brought to committee as the applicant is an employee of Leicester City Council
- The main considerations are design and character, the impact on neighbouring residential amenity and existing and future occupants within the development site, and Ecology.
- No representations were received from neighbours.
- The recommendation is to grant conditional approval.

The Site

The application site concerns a semi-detached, three-bedroom dwelling within a suburban area of the city. The application site has a garden of approximately 167sqm.

The application site is within a residential area.

Background

The proposal site has one previous application. In 2013, an application (20131620) for single storey extension to side and rear was approved. This permission has been implemented.

The Proposal

The application proposes a first floor extension to the side and rear of the dwelling. The proposal would be wraparound in character, measuring 10.5 metres in depth, a maximum width of approximately 4.2 metres and have a maximum ridge height of 7.5 metres above ground level. The first floor side extension would be setback by 1 meter from the principal elevation.

The proposed development would provide the existing dwelling with two further bedrooms.

The application proposes the materials to match those of the existing dwelling.

Policy Considerations

National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 44 (Sufficient Information for good decision making)

Paragraph 57 (Six tests for planning conditions)

Paragraph 135 (Good Design and Amenity)

Paragraph 139 (Design Decisions)

Paragraph 140 (Clear and accurate Plans)

Paragraph 186 (Biodiversity in Planning Decisions)

Local Policies

Core Strategy Policy CS03 (Well-designed developments)

Local Plan Policy PS10 (amenity of existing or proposed residents)

Supplementary Guidance

Residential Amenity SPD (2008)

Representations

- No representations were received.

Consultations

None undertaken.

Considerations

Principle of development

This application is a proposed extension to a dwellinghouse. House extensions are acceptable in principle subject to the considerations detailed below.

Design and Character Considerations

NPPF paragraph 135 and Core Strategy policy CS03 require well-designed developments that do not detract from the appearance of the area.

The Council's Residential Amenity SPD Appendix G provides a design guide for household extensions to ensure they appear proportionate and consistent with existing dwellings.

The semi-detached dwelling is located within a surrounding area that is largely inter-war and early post war development. The majority of the dwellings are still characterised by hipped, gable end roofs, although many of the houses have had significant alterations.

The proposed first floor side extension would be set back by one metre from the principal elevation of the dwelling. This would ensure the extension appears subservient to the original dwelling, accommodating a drop in the ridge of the roof, as well as replicating the siting of 102 Dumbleton Avenue's first floor side extension.

To the rear of the dwelling, the application proposes a first floor rear extension. This aspect of the proposal would not be visible from the streetscene. Nonetheless, the scale and massing of the rear extension would still be proportionate to the original dwelling, ensuring it is subservient in design.

Overall, I am satisfied that the proposal would have an acceptable impact on the design and character of the existing dwelling. The application would comply with Core Strategy policy CS03, that requires development to be well-designed and not harmful towards to the appearance of the area.

Amenity of existing and future occupants

The existing site is a three-bedroom, semi-detached dwellinghouse. Saved Policy PS10 of the local plan (2010) applies to the amenity of future as well as existing residents.

The application proposes a first floor extension to the rear. This aspect of the proposal would impact the outlook and access to natural light of the existing bedroom to the rear of property. However, I note that the bedroom would still have some access to natural light and outlook, in addition to all other principal rooms having acceptable

outlook and access to natural light, therefore I do not consider this aspect of the proposal would cause significant harm to the amenity of the rear bedroom. As a result and in consideration of the overall context of the site, I consider the first floor rear extension would have an acceptable impact on the outlook and access to natural light of the original dwelling.

The proposed rear and side extension would have acceptable living conditions, in consideration of privacy, outlook and access to natural light.

Overall, I am satisfied that the application would have an acceptable impact on the amenity of existing and future occupants of 104 Dumbleton Avenue.

Neighbouring Residential Amenity

NPPF paragraphs 135 & 198, and saved Local Plan policies PS10 require amenity to be protected for neighbouring residents from development.

The application proposes a first floor side extension side extension and first floor rear extension. The siting of first floor extension to the side of the existing dwelling would ensure there is minimal impact on the amenity of 106 Dumbleton Avenue.

The proposed first floor rear extension would have an impact on the access to natural light and outlook of 102 Dumbleton Avenue. As per the residential amenity SPD, a 45 degree line taken from the edge of the adjacent ground floor window and the middle of the adjacent first floor window. In both instances, the 45 degree line is not intersected by the proposed rear extension, therefore the rear extension would have an acceptable impact on the outlook and access to natural light of 102 Dumbleton Avenue.

To the rear of 106 Dumbleton Avenue, there are significant extensions that would ensure there is minimal increase in harm to the outlook and access to natural light, caused by the rear extension. However, the rear extension would have a considerable impact on the first floor window nearest 104 Dumbleton Avenue. Nonetheless, as the window is obscure glazed and serving an existing bathroom, I do not consider its impact would be unacceptable.

I conclude that the proposal would not conflict with NPPF paragraph 135f, and saved Local Plan Policies PS10 and that the proposal would be acceptable in terms of impact upon amenity.

Ecology

Core Strategy Policy CS17, sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

A preliminary roost assessment was submitted in support of this application. The preliminary roost assessment determined that the habitat value was assessed as moderate, due to the condition of hanging tiles and wooden cladding, as well as gaps at the eaves. As a result of the preliminary roost assessment, two bat

emergence surveys were required to either confirm the presence or absence of a bat roost in the building.

Two Bat Emergence Surveys were submitted as a consequence of the findings in the Preliminary Roost Assessment. The emergence survey report confirmed that no bats were observed emerging from and/or returning to the property during the survey periods. However, the surveys also confirmed that surrounding bat activity was observed and focussed mainly to the rear of the property with several 'passes' recorded around the immediate and neighbouring gardens. Further recommendations were made in the report, asserting that a pre-commencement condition is attached to the permission, requiring details of two bat bricks. For the proposed scale of the development, I do not consider this request would be proportionate.

Notwithstanding this, I am satisfied that it is proportionate for the scale of the proposed development, to attach a condition to the permission that would require a further Ecology Survey to be carried out if development does not commence within 18 months of the last protected species survey.

Conclusion

I recommend the application for approval subject to the following 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 new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The proposed render as identified on 'Proposed Elevations' received by the local authority on the 11 September 2024, shall be finished in render to match the existing and retained as such. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. Should the development not commence within 18 months of the date of the last protected species survey (18/06/2025), then a further protected species survey shall be carried out of all buildings by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated every 18 months and any mitigation measures reviewed by the LPA until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and CS 17 of the Core Strategy).

5. Development shall be carried out in accordance with the following approved plans:
Block Plan, DRAWING NUMBER PL104 A202, REVISION A, received 11 September 2024
Proposed Plans, DRAWING NUMBER PL104 A200, REVISION A, received 11 September 2024
Proposed Elevations, DRAWING NUMBER PL104 A201, REVISION A, received 11 September 2024
(For the avoidance of doubt).

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.
2. The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls. Further information on bats and the law can be found here Bats: protection and licences - GOV.UK (www.gov.uk)
3. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.
All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time. Further information on birds and the law can be found here Wild birds: protection and licences - GOV.UK (www.gov.uk)

4. 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 2024 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
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'.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

