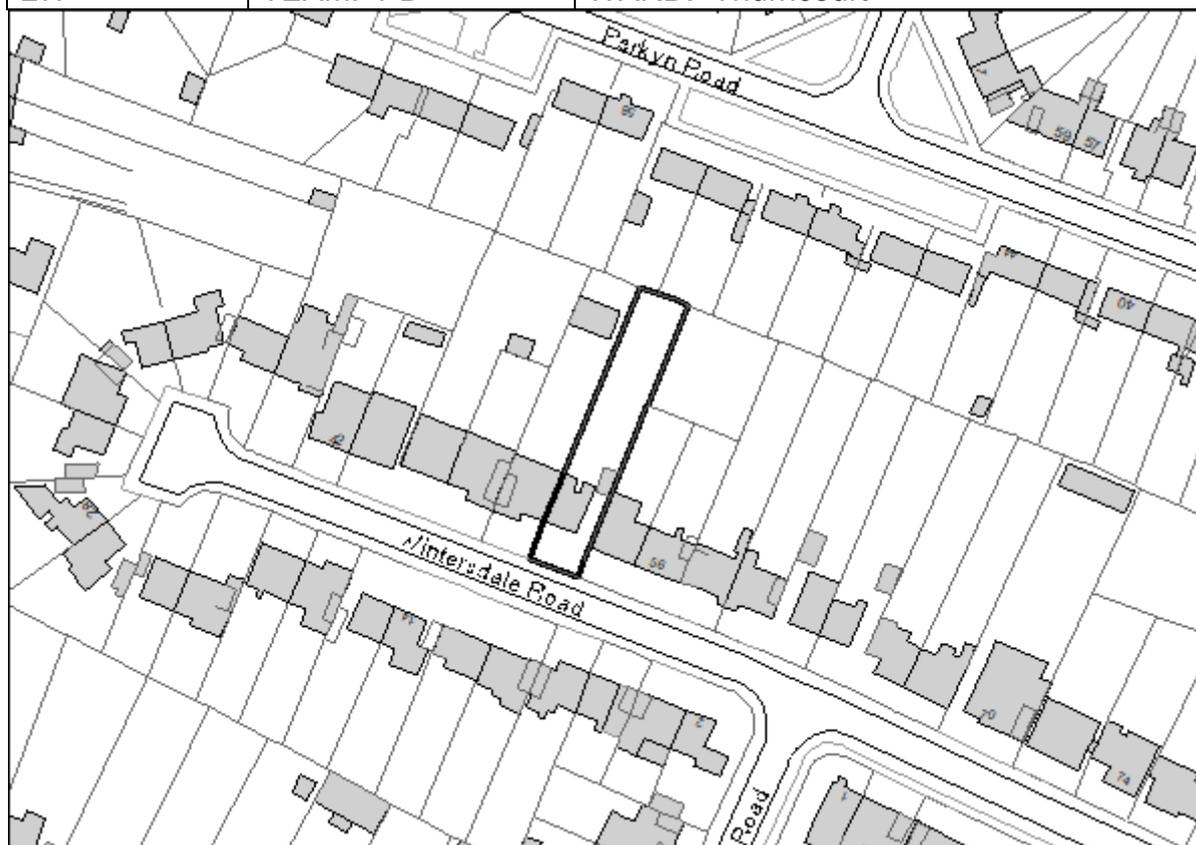


## COMMITTEE REPORT

<b>20230499</b>	<b>52 Wintersdale Road</b>	
Proposal:	Construction of single storey extension to the front, two storey extension at side, single & two storey extension at rear of house; alterations to house (Class C3)(amended on 20/07/2023)	
Applicant:	Mr Amrit Pal	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	22 May 2023	
LW	TEAM: PD	WARD: Thurncourt



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2023). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

### Summary

- Application is brought to committee as more than 5 objections have been received. as the application has received 8 objections from 7 different city addresses
- Main issues are parking, character and residential amenity.

- There are 8 objections from 7 different city addresses and 4 objections and 2 comments received from non city addresses relating to use of the property, loss of light, parking and impact on character of the area.
- The application is recommended for approval.

## The Site

The application relates to a two-storey semi-detached dwellinghouse situated within a predominantly residential area. The site is located within a Critical Drainage Area and landfill buffer zone.

## Background

No relevant planning background.

## The Proposal

The proposed development relates to the following works:

- Two storey side extension measuring 2.9m in width, 7.2m in depth, 5.6m in height to the eaves and 7.9m in height to the ridge. The extension would serve a lounge and bathroom on the ground floor. On the first floor the extension would serve a bedroom.
- Two storey rear extension measuring 4m in depth, 6.4m in width, 5.6m in height to the eaves and 7.9m in height to the ridge. The extension would create a kitchen/dining and utility room on the ground floor.
- A single storey rear extension measuring 4m in depth, 2.8m in height to the eaves and 3.8m in height to the ridge. The extension would serve as part of the kitchen/dining area.
- The existing rear extensions would be demolished as part of the proposal.

The proposal was amended on 20<sup>th</sup> July 2023 to remove side facing windows and to include the extension at 50 Wintersdale Rd on the proposed first floor plans

## Policy Considerations

### National Planning Policy Framework (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)

## Consultations

No consultations

## Representations

Eight comments from seven city addresses have been made which object to the proposal on the following grounds:

- Highway safety- concerns over parking arrangement and an increase traffic congestion
- Concerns over the lack of accessibility of pavement for pedestrian/ wheelchair users
- Concerns about potential use of the property – HMO/ rental unit
- Loss of natural light to garden and principal rooms neighbouring properties
- Detrimental impact on personal health
- Concerns about the character/appearance
- Concerns about the density of new developments within the streets
- Development would not be in the best interests of the local community/ amenity
- Overdevelopment
- Inaccurate plans

Six comments from non-city addresses have been made which raise the following concerns:

- Amenity - Loss of natural light and loss of privacy
- Detrimental impact on personal health
- Highways - issues with current parking arrangement
- Concerns about potential loss of green space
- Concerns of noise level
- Development would not be in the best interests of the local community/ amenity
- Concerns about building work and future obstructions
- Restrictive access to roads/ houses within the cul del sac

## Consideration

### Principle of development

The site is located in a residential area and therefore the extensions are considered acceptable in principle subject to amenity, design, parking, drainage and consideration of representations.

### 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.

#### Neighbouring property no 54

This neighbouring property has an existing single storey side and rear extension, the extension to the rear of this property measure approx. 3.6m.

The proposed two storey extension to the rear would be projecting forward by 4m and would not breach a 45° line as the closest window to the application site on no. 54 is a bathroom. Similarly with the ground floor extension it would not intersect with the 45-degree line. The proposed extension would replace the current outer store/garage which is situated on the boundary and approximately 3.4m away from the extension of property no 54. Therefore, I believe the rear extension would not have an adverse impact in terms of outlook, light and privacy.

The side extension would extend along the side boundary shared with no 54. There are however no principal room windows along this side that would be obscured by this extension. Therefore, I consider the proposal would not result in detriment to the amenity of neighbouring property no 54.

#### Neighbouring property no 50

This neighbouring property no.50 has an existing rear extension protruding out approximately 2.2m and the proposed rear extension would extend approximately 2.8m further than this. When the proposed extension is viewed from the neighbouring property no.50 the proposal would not intersect the 45 degree line as set out in the Residential Amenity SPD. I note that the proposal might cause some shadowing to this neighbouring property; however the extension would have a mono pitched roof which would minimise the impact on no 50.

The adjacent properties have deep gardens with a distance of approximately 35m between the rear elevation and the boundary to the dwellings on Perkyn Road. Therefore, I consider that the proposal would not cause any significantly detrimental harm to the neighbouring gardens in terms of, light, privacy and overlooking.

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.

### Character & 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.

Wintersdale Road is dominated by semi-detached properties of similar size and design some of which have been extended in the same manner of the proposal. Dwellings within this area have long private amenity areas.

The two-storey side extension would be a subservient addition to the host dwelling. The first-floor extension would be set back by 1m from the front elevation whilst incorporating a pitch roof over the setback and set down from the ridge from the existing house which minimise the "terracing" effect., in the same accordance with the residential amenity SPD. The proposed rear extensions would not be visible from the public realm. I consider this element would not detrimentally alter the character and design of the host dwelling.

The proposed works would increase the volume of the host property, the overall development would be cohesive and not significantly deviate from the current situation and surrounding area. I consider that this would assimilate well with the streetscene.

The application form and plans indicate that the external finish materials would match those of the original dwelling. I consider that this is an appropriate material response and can be secured as a condition of planning permission. The proposed extensions would be in line with the guidance contained the Residential Amenity SPD.

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.

### Highways and Parking

The proposed extension would create two additional bedrooms. There is no change to the current parking provision and the additional bedrooms does not change the parking requirement for this site.

Within Appendix 1 of the CLLP (parking standards) it states a dwelling with 3 bedrooms or more requires 2 parking spaces. I am therefore satisfied that there would be sufficient parking space to serve the property. I conclude that the proposal would not conflict with saved Policy AM12 of the CLLP.

### Drainage

The site is within a Critical Drainage Area. I consider that a requirement for a scheme of 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.

### Other matters

The concerns were raised in terms of the potential use of the extension. The internal use of the extension is stated to be in line with the property's residential use. There is no information submitted with the application to suggest otherwise. The site is located in an area that does not control the change of use of properties from a Class C3 dwellinghouse to a Class C4 House in Multiple Occupation for up to 6 people. Therefore if the property was to become a house in multiple occupation in the future this is a permitted change not requiring planning permission.

Concerns were raised in terms of disruption from building works and change. The building works would be temporary and would not form a reason to withhold permission. The proposal would need to comply with other relevant legislation such as building regulations.

The site is located within the 250m of landfill site. I have attached a note to applicant regarding appropriate measures shall be taken to protect the development from hazards associated with landfill gas.

I therefore recommend that the application be APPROVED 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. Development shall be carried out in accordance with the following approved plans:

## 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 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.

2. Due to the site's location and historic use, the site has been identified as being at risk of contaminated land and landfill gas dangers. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

### **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_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'.

