

COMMITTEE REPORT

20230576	54 Grasmere Street	
Proposal:	Demolition of single storey outbuilding at rear; construction of single storey extension at rear of house (Class C3)	
Applicant:	Mr Ramesh Patel	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	3 August 2023	
BL	TEAM: PD	WARD: Saffron



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Summary

- Application is brought to committee as the applicant works for Leicester City Council
- Main issues are design and residential amenity
- Application is recommended for approval

The Site

The application relates to a mid-terraced property situated within a primarily residential area. The site is within an area covered by an article 4 Direction to control houses in multiple occupation and also an area covered by a regulation 7 directive in respect of To Let Boards. The site is within a critical drainage area and Flood Zone 2.

Background

No relevant planning history

The Proposal

The proposal comprises the demolition of an existing single storey outbuilding at the rear and construction of a single storey extension at the rear of the house.

The extension would measure 6.4m in depth x 3m in width x 4m in height (2.9m to eaves). The extension would accommodate a bedroom, shower room and en suite. It would include side windows and doors and a mono pitched roof.

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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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)

Leicester Street Design Guide (2020)

Representations

None Received.

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.

Grasmere Street is made up of primarily terraced properties. A rear extension is a common feature on many properties within this stretch of the road, namely property numbers 36, 38, 44, 60, 72. Each extension varies in scale and design but has a mono-pitched roof that respects that of the main property and matches in terms of material. Due to the diversity of these extensions, and their abundance, I consider them to form part of the character of the area.

The proposed extension on number 54 follows this design and roof type. Whilst the proposed works would increase the volume of the existing extensions, the overall development would not significantly deviate from the current situation and surrounding area. 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 area.

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.

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 be significantly detrimental to any neighbouring occupiers. The extension would replace the existing extension situated next to boundary shared with number 56. Number 56 also has an extension on this boundary. Whilst I note the height would be slightly larger, I do not consider the slight increase in overall size to cause an overbearing impact that would be detrimental to the occupiers at number 56, nor impact the sunlight to their garden to a harmful extent.

The extension would have windows facing and intersect a 45-degree line drawn from the nearest ground floor principal windows of the neighbour at number 52. However, site photos show there is a 2m high fence, which would sufficiently obscure the appearance of the extension and prevent any overlooking to the neighbour.

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.

Residential amenity (Host property)

The adopted Residential Amenity SPD states that extensions should leave sufficient garden space for general use and penetration of light and sun and recommends that a terraced property should have 75sqm of private amenity space and in any event no more than 50% of the existing garden area should be covered by extensions.

The current amenity space to the rear is approximately 33sqm and is already below the requirement stated in the Residential Amenity SPD.

The extension would further reduce this amenity space by 12sqm. Though I do not consider this to be detrimental enough to warrant refusal, as the proposal would only result in the limited loss of an already reduced amount of amenity space that I consider would leave sufficient garden space for general use and penetration of light and sun.

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.

Drainage

Environment agency maps show that the application site is at a medium risk of surface water flooding and has a low probability of flooding from rivers and the sea.

The site is also within a critical drainage area. However, I consider that a requirement for flood resilient measures or 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 and flooding.

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 new walls and roof shall be constructed in materials as described in the application form received on 04/04/2023. (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:
Location, Site & Existing Floor Plans & Elevations - CS/0D/001/Existing/PA - Received 04/04/2023
Proposed Floor Plans & Elevations - CS/0D/002/Proposed/PA - Received 04/04/2023
(For the avoidance of doubt).

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.

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. |
| 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'. |

