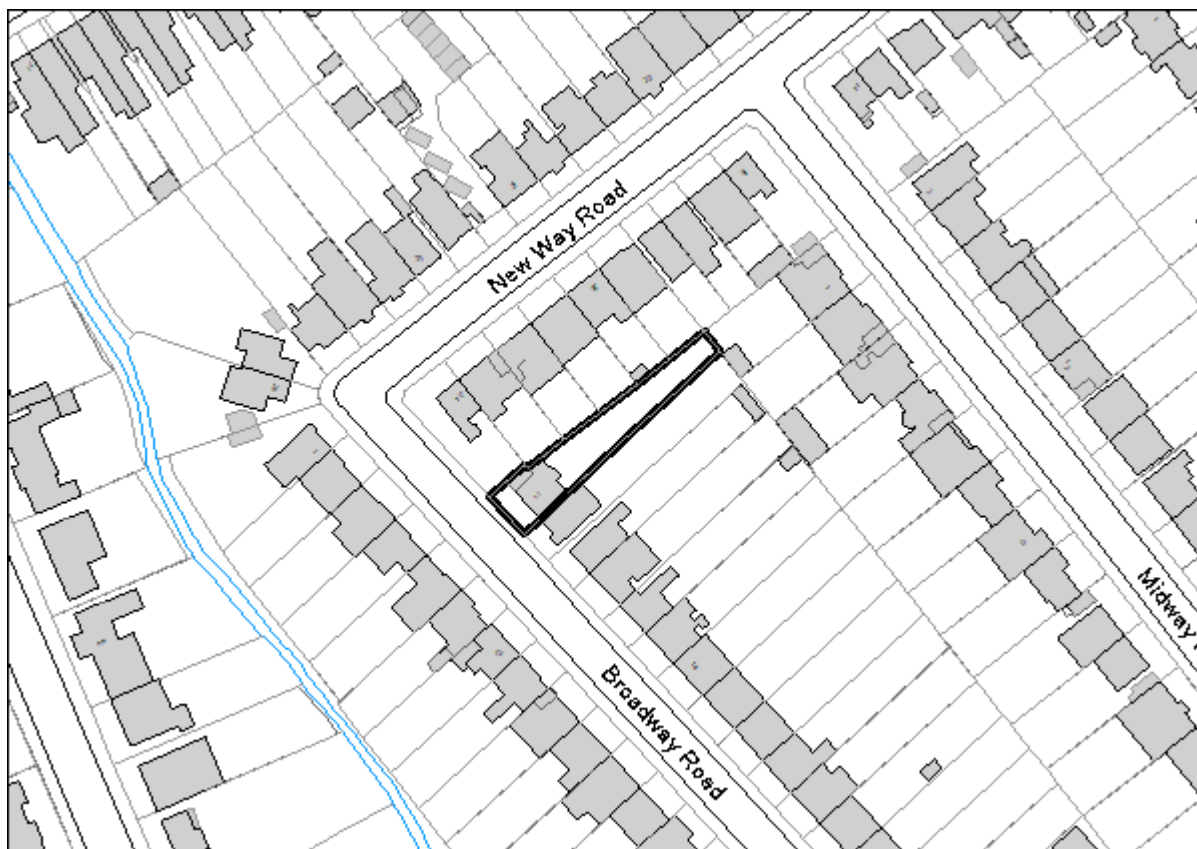


COMMITTEE REPORT

20240806	2 Broadway Road	
Proposal:	Retrospective application for construction of a hip to gable roof alteration and dormer to the rear of house (Class C3)	
Applicant:	Mr O Ebrahim	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	17 July 2024	
DJ	TEAM: PE	WARD: Stoneygate



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Summary

- The application is reported to committee at the request of Councillor Sood. The extension has been largely constructed, and the current application involves an attempt to reduce the impacts of the proposal with amendments. The referral of this application allows the committee to consider urban design implications of the proposal.

- 1 representation has been received objecting to the application. 3 letters of support have been received.
- The main issues are the design and impact on neighbouring amenity.

The Site

The site is a semi-detached dwelling located on the north - east of Broadway Road.

The site is located within Flood Zone 2 and a critical drainage area.

Background

20221897 – Construction of single storey extension at rear of house (Class C3) – conditionally approved in 2022.

20240305 – Retrospective application for the construction of a second-floor extension at rear of the house (Class C3) – refused in 2024 for the following reason:

1. The proposed second floor extension by reason of its size and location, would have a detrimental visual impact on the application property, the neighbouring property of 4 Broadway Road and Broadway Road's street scene. As such, the proposal would represent a poor design in conflict with policy CS03 of Leicester Core Strategy (2014) and paragraphs 131 and 139 of the National Planning Policy Framework (2023).

The Proposal

The proposal is for partially retrospective planning permission for the construction of a hip to gable roof alteration, seeking consent for changes proposed to be made to present the second floor extension in the form of a rear facing dormer window.

The dormer window would be 5.8m wide, 3.7m deep and 2.8m high to the flat roof and have a rear facing Juliet balcony.

The hip to gable alteration is proposed to match the height, width and depth of the existing building.

Whilst hip to gable roof alterations and dormer windows can be completed via Schedule 2, Part 1, Class B of the General Permitted Development Order (2015) (As Amended), this application is not eligible to be subject of a lawful development certificate as the works have been commenced and constructed as a second storey extension needing planning permission- this was applied for and refused under application 20240305.

An extension which is built, cannot retrospectively be adapted to be deemed as permitted development, so the proposal must therefore be considered against the applicable policies in the Development Plan.

Policy Considerations

National Planning Policy Framework (NPPF) 2023

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

Paragraph 11 (Presumption in favour of Sustainable Development)
Paragraphs 39 and 40 (Pre-applications)
Paragraphs 43 (Sufficient information for good decision making)
Paragraph 56 (Six tests for planning conditions)
Paragraph 131 (Good Design)
Paragraph 135 (Good design and amenity)
Paragraph 139 (Design decisions)
Paragraph 165 (Avoiding flood risk or making development safe)

Development Plan Policies

Development plan policies relevant to this application are listed at the end of this report.

Other legal or policy context

Residential Amenity SPD (2008)
Leicester Street Design Guide (2020)

Consultations

No consultation responses have been received.

Representations

1 objection has been received which raises the following concerns:

- Loss of light to neighbouring garden
- Unsightly addition
- Loss of privacy from gable window
- Concerns regarding the structure's foundations with the additional storey.

3 comments have been received in support of the proposal referring to the acceptability of the proposal and other existing structures in the area.

Consideration

Principle of development

Being a residential area, the proposal is acceptable in principle provided it does not have a detrimental impact on the amenity of neighbouring properties and does not have a detrimental impact on the character and appearance of the neighbouring area.

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.

The site is one of a pair of semi detached dwellings located on Broadway Road just to the south of the road becoming New Way Road. Given that application site is the first house with even numbers from the junction with New Way Road it has substantially more visible front and side elevations which are more prominent in the street scene than other properties, and the design standards expected in such locations should respect this prominence.

The hip to gable alteration is flush with the existing side elevation of the main building and would also match the height of the existing ridge line. The proposed dormer window is set in by 0.2m at the side and is 0.1m lower than the ridge of the main dwelling. Whilst it is noted that this dormer not being flush to the side elevation and it will marginally reduce the visual harm, it is considered that there would still be a substantial bulking effect which be a discordant element causing substantial visual harm to adjoining houses on New Way Road and wider street scene.

A similar conclusion was reached by the Planning Inspectorate in appeal 20211618 (Inspectorate Ref: 3288669) at 9 Egerton Avenue, for Construction of single storey extension at front; hip to gable roof; dormer at rear; installation of 3 rooflights at front of house (Class C3), where the inspector stated:

In my judgement, the proposed dormer window by reason of its design and size would appear as a bulky, dominant and unsympathetic addition to the property. I note that the appellant has attempted to retain the semblance of the hipped roof at the frontage of the property by setting the dormer window back. However, this attempt would not prevent the existing roof from being subsumed by the dormer window, resulting in the property appearing as a three-storey dwelling with a flat roof, and appearing wholly at odds with the surrounding character. The blank and featureless front and side elevations of the dormer window would only exacerbate its unattractiveness. While it may sit within the existing ridgeline, I do not find the proposed dormer window would be subservient as the appellant suggests.

Furthermore, as the application property is one half of a pair of semi-detached dwellings, with existing hipped roofs, the dormer extension, which is clearly visible from the street scene, would result in substantial visual harm by unbalancing this pair of semi detached houses.

It is noted that there are similar works completed at No.6 Broadway Road (but the dormer is set back from the front). However, no planning application has been submitted for this development, which has become immune from enforcement action due the passage of time beyond the 4 years cut off point. Furthermore, the side elevation of the application property is more prominent and exposed when viewed from the main road and the houses on New Way Road. Therefore, these two are not comparable cases.

It is therefore considered that the dormer window and alteration of the roof from a hip to a gable causes significant visual harm to occupiers of both the neighbouring houses on New Way Road, the neighbouring dwelling (no.4 Broadway Road) and the wider Broadway Road street scene contrary to policy CS03 of the adopted Core Strategy 2014 and NPPF 2023 paragraphs 131 and 139.

Residential amenity (neighbouring properties)

The proposal includes a window in the side elevation which is to serve a stairwell. There are existing windows in the side elevation at first floor level. This new window in the gable would look directly into the gardens of 32-34 New Way Road as this is for a stairwell, if the application is to be approved, it is recommended that a condition requiring obscure glazing in the window to prevent overlooking should be included.

With regards to the loss of privacy to neighbouring properties from the rear facing Juliet balcony and window, it is noted that the window is obscure glazed meaning there would not be loss of privacy to neighbours from this small window. The balcony's primary outlook will be rear facing onto the applicant's garden which is 41m deep meaning that the loss of privacy to 1 Midway Road would be minimal. Whilst there would be views onto the neighbouring gardens of properties on New Way Road and 4 Broadway Road, due to the angle, these would not be severe enough to warrant a refusal.

There is a separation distance of approximately 16.5m between the two storey element of 32 New Way Road and the proposed gable of the application property. A minimum of 15m separation distance is required as per guidance in the Supplementary Planning Document 'Residential Amenity' (Appendix G). With regards to an overshadowing impact and loss of outlook from Nos. 32-34 New Way Road, whilst there would be an increase on the massing of the house causing shadows to increase within the garden area, due to the distance between the properties, it is considered unlikely that there would be an unacceptable loss of outlook or light to either property.

With regards to noise, as the site is a residential property in a residential within a residential area, it is considered there would be no unacceptable noise increase from the site.

It is therefore considered that subject to a condition requiring the side facing window to be obscure glazed, that the proposal does not cause an unacceptable level of harm to the amenity of the neighbouring properties on New Way Road in terms of loss of light and outlook. The proposal is therefore considered not in conflict with saved policy PS10 of the Local Plan.

Drainage

The site is within Flood Zone 3 and a critical drainage area. However, I consider the proposal would not have adverse impact in terms of increased surface water run-off. 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

A comment was received which raised concerns regarding the foundations of the property. This is a building control matter, not planning and therefore cannot be considered as part of this planning application.

Conclusion

Overall, it is considered that whilst the proposal is acceptable with regards to the principle of development, the neighbouring amenity and drainage the design of the proposal would lead to significant visual harm to the adjoining houses and the street scene and I recommend REFUSAL for the following reasons:

REASONS FOR REFUSAL

1. The proposed roof alteration and dormer extension by reason of its size and location, would have a detrimental visual impact on the adjoining properties on New Way Road, the application property, 4 Broadway Road (the adjoining half of a pair of semis by unbalancing the pair) and Broadway Road's street scene. As such, the proposal would represent poor design in conflict with policy CS03 of Leicester Core Strategy (2014) and paragraphs 131 and 139 of the National Planning Policy Framework (2023).

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.

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_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'.