

# COMMITTEE REPORT

<b>20241499</b>	<b>76 Peters Drive</b>	
Proposal:	Installation of window at front; construction of single storey extension at front and rear; two storey extension at side and rear of house (Class C3); alterations	
Applicant:	Mr E Alli	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	14 November 2024	
DJ	TEAM: PD	WARD: Thurncourt



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## Summary

- The application is brought to committee at the request of Councillor Osman who has queried consistency of assessment of similar householder applications where permission was secured at appeal.
- The main issues are: the visual impact on the character and appearance of the dwelling, on the neighbouring dwelling, the wider block of dwellings and street scene.

- The application is recommended for refusal.

## The Site

The site is a townhouse located on the east side of Peters Drive. The attractive terrace of properties is of a distinctive 'arts and crafts' influenced barn style design with prominent gables which make a significant contribution to the streetscene.

The site is located within a critical drainage area.

## Background

19781986 – Erection of garage at side of dwellinghouse – conditionally approved in 1978.

20240996 – Construction of single storey extension at front and rear; two storey extension at side and rear of house (Class C3) – refused in 2024 for 1 reason:

1. The proposed two storey side extension by reason of its size, massing and design, would have a detrimental visual impact on the application property, the wider block of terraced properties (Nos.72-76 Peters Drive) and the neighbouring property of 78 Peters Drive, as well as the wider street scene of Peters Drive. 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 a resubmission of the recently refused application above with a minor change to the ridge height, and is for the construction of:

- A single storey extension at the front. The extension will be 3.0m wide, 0.9m deep, 2.9m high to the eaves and 4.4m high to the ridge. The extension will be part of an entrance porch.
- A 2 storey extension at the side and rear with a ridge height reduced by 0.2m from the refused scheme. The extension will be 6.6m wide, 10.5m deep, 5.2m high to the eaves and 8.0m high to the ridge. There will also be a dormer window on the front elevation which will be 1.6m wide, 0.5m deep and 1.6m high to the flat roof. The ground floor of the works will be for an office, W/C, Utility Room and part of a kitchen/Family Lounge, whilst the first floor will be for 2 additional bedrooms one of which will also contain a dresser and en-suite.
- A single storey extension at the rear. The extension will be 3.5m wide, 5.0m deep and 3.5m high to the flat roof. The works will be for part of the proposed kitchen/ Family Lounge.

The proposal also includes alterations to the existing windows on the ground floor of the front elevation.

## 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)

Paragraph 44 (Sufficient information for good decision making)

Paragraph 57 (Six tests for planning conditions)

Paragraphs 135 and 139 (Good design and ensuring high standard of amenity)

Paragraph 181 (Flooding and Drainage)

### 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

No public representations have been received.

## 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 nor have a detrimental impact on the character and appearance of the streetscene and neighbouring area.

### Design

The site is one of three joined townhouses with both of the end units having a barn style roof. The dwellings are highly symmetrical which with their distinctive gabled design and hipped roofs with tile hung and brick detailing giving positive visual impact on the street scene which is a significant factor in the assessment of this application.

The proposal is made up of three elements (which are integrated with each other), the single storey front extension, the two storey side and rear extension and the single storey rear extension.

With regards to the single storey front extension, whilst the porch would be visible from the street scene, it is considered that, due to its size and roof design, the

porch is visually sympathetic to that of the existing dwelling and would not cause any substantial visual harm to the site or wider street scene.

The single storey extension to the rear would replace an existing conservatory and whilst there would be an increase in depth, the extension would not be visible from the street scene and would appear as a clearly subordinate addition to the host property.

However, the proposed two storey extension to the side and rear is a substantial increase to the cubic volume of the host property and is only 0.5m lower than the ridge of the main dwelling.

The proposed side extension is a substantial increase of the built form facing onto Peters Drive's street scene creating a much larger frontage and failing to be a subordinate addition to the host property.

This along with the changes to the windows of the front elevation, result in a discordant and jarring design, out of keeping with the original property, intrusive in the streetscene and which will not be symmetrical to its counterpart at No.72 Peters Drive.

It is also noted that due to the height and distance to the boundary, the proposal will likely be higher than the ridge of No.78 Peters Drive causing the extension to dominate over the neighbouring property.

Whilst not within the immediate vicinity of the proposed site, there are similar style dwellings elsewhere on Peters Drive. Of these, three have received planning permission for side extensions at Nos. 9, 13 & 65.

No.9 received planning permission (Ref.028055) for a flat roofed first floor extension above their existing garage in 1973.

No.13 was approved in 2011 (application ref: 20111189) This extension is located on the same block of dwellings as No.9 and was sensitively designed with a barn style roof.

No.65 was approved in 2014 (application ref: 20142047) and has a hipped roof design to align with the host property in a sensitive manner.

Nos. 9 and 13 were both approved under previous national guidance which predated the 2012 NPPF, whilst No.65 was approved under the first version of the NPPF which had a substantially lower emphasis on good quality design.

Application 20240996 at No.76 Peters Drive was the previous submission and is broadly similar to the current application with the main difference being the ridge height was 0.2m higher than the current proposal. During the assessment of application 20240996, the LPA requested a design amendment to the planning agent (which is similar to that approved at No.65 Peters Drive) which was considered to be more sensitive and in keeping with the host/adjacent properties,

and street scene and which would still provide a similar amount of additional accommodation to the original proposal.

Unfortunately the applicant resisted the suggested amendment to the application which was therefore refused, and neither has the suggested amendment been incorporated within the current application.

The primary difference between the current application at the previously refused application being a 0.2m reduction of the ridge height, so I remain of the view that the design as recently refused remains unacceptable. I consider that the proposed works continue to fail to be a subordinate addition to the host property, and represent inappropriate design which will unbalance the block of properties and will have a discordant visual impact on Peters Drive. The works are therefore contrary to Policy CS03 of the adopted Core Strategy.

#### Residential amenity (*neighbouring properties*)

Due to the location of the site, the primary properties with the potential of being impacted are, Nos. 74 & 78 Peters Drive, and No.79 Barbara Avenue.

The proposed rear elevation is located circa 26m from the rear elevation of 79 Barbara Avenue. It is therefore considered there would be no substantial loss of light, privacy or outlook to this property.

With regards to No.74, the proposed single storey extension would only marginally increase beyond the existing conservatory and is shown not to breach the properties 45 degree line from the rear conservatory. It is therefore considered there would be no substantial loss of outlook, light or privacy to No.74.

At No.78, there are side facing windows overlooking the site, however these are all obscure glazed meaning there will be no loss of outlook to the property, nor are the 45 degree lines being breached by the proposed 2 storey side extension. It is therefore considered that there would be no loss of outlook, privacy or light to No.74.

With regards to the noise levels on the site, the property is a residential unit within a residential area. It is therefore considered the noise levels would not substantially increase.

#### Drainage

The site is located within 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

As part of the request for the application to be determined via committee decision, Councillor Osman stated that the officer delegated decision was inappropriate in

the context of 4 householder appeals allowed within the last 6 months as reported to your meeting on 18<sup>th</sup> November 2024 (Appeals Report: April to October 2024).

Cllr Osman fails to acknowledge the 12 dismissed appeals in respect of householder applications referred to in the report where officer delegated decisions were upheld by the Planning Inspectorate.

As planning applications fall to be determined on their own merits, seeking to justify application decisions based on other cases as suggested by Cllr Osman would not be appropriate, and in any event the 4 decisions which were allowed pertain to householder extensions which are not considered to be comparable to the circumstances of the current application as set out below:

- 40 Park Rise – Construction of dormer extension at front; & single storey extensions at side and rear of house (Class C3)(Planning permission granted on appeal-23/8/24) – There is no similarity in design considerations between this and the application at 76 Peters Drive,
- 16 The Wayne Way – Construction of two storey extension at front; single and two storey extension at rear of house (Class C3) (Planning permission granted on appeal - 12 August 2024) – There is no similarity in design considerations between this and the application at 76 Peters Drive,
- 1 Hutton Place – Construction of single storey extension at rear of house (Class C3) (Planning permission granted on appeal - 11/06/2024) – There is no similarity in design considerations between this and the application at 76 Peters Drive,
- 593 Welford Road – Certificate of lawful proposed development for construction of hip to gable extension; two rooflights at front; dormer at rear of house (Class C3) (Certificate of lawful proposed development granted on appeal - 17 June 2024) – Certificate of Lawfulness application

As applications need to be determined on their own merits and none of the allowed appeals are considered to be comparable to the current planning application, it is considered that they hold no substantive weight to be considered in respect of the current proposal.

## Conclusion

Overall, the proposal has been considered from the perspectives of the principle, the design, the neighbouring amenity and drainage.

Whilst with regards to the principle, the neighbouring amenity and drainage, the works have been deemed acceptable. The proposal has been deemed unacceptable with regards to the visual harm identified.

I recommend REFUSAL for the following reasons:

## REASONS FOR REFUSAL

1. The proposed two storey side extension by reason of its size, massing and design, would have a detrimental visual impact on the application property, the block of three properties (Nos.72-76 Peters Drive) and the neighbouring property of 78 Peters Drive, as well as a discordant impact the wider street scene of Peters Drive. As such, the proposal would represent a poor design in conflict with policy CS03 of Leicester Core Strategy (2014) and paragraphs 135 and 139 of the National Planning Policy Framework (2024).

## 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 no 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**

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| 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'. |