**Recommendation: Conditional approval**

<table>
<thead>
<tr>
<th>20140566</th>
<th>82 LUTTERWORTH ROAD</th>
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<tbody>
<tr>
<td><strong>Proposal:</strong></td>
<td>VARIATION OF CONDITION 17 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 20121749 (TO ALLOW CHANGES TO THE ELEVATIONAL DESIGN AND ROOF SHAPE OF THE HOUSES, TWO BEDROOMS IN ROOF SPACE OF HOUSE TYPE B, REDUCTION OF DOUBLE GARAGE TO SINGLE ON HOUSE TYPE B)(AMENDED)</td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>ONSEN HOMES</td>
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<tr>
<td><strong>App type:</strong></td>
<td>Operational development - full application</td>
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<tr>
<td><strong>Status:</strong></td>
<td>Minor development</td>
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<tr>
<td><strong>Expiry Date:</strong></td>
<td>27 June 2014</td>
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AP WARD: Aylestone

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**Summary**

- This application was deferred from the last planning committee to allow officers to investigate if works carried out on site were in accordance with the previously approved scheme.
- From the site visit, I can confirm that the critical dimensions to the new dwellings currently being constructed are in accordance with the approved plans.
Application brought to committee at the request of Councillor Porter and six objections have also been received from neighbouring properties.

Main issues to consider are the changes to the proposed houses from those previously approved by Committee in 2007, subsequent approval for extensions to the time limit for implementation, and their impact on neighbouring amenity.

The layout of the development, vehicular access, plot sizes, house locations, parking provision on house type A, garden lengths and sizes all remain as approved in 2007.

Recommended for approval

Introduction

The application relates to a site at the rear of an existing large detached property on the east side of Lutterworth Road. The site is within a residential area. The property has an existing vehicular access off Lutterworth Road with a loop within the site to allow vehicles to enter and leave in a forward direction.

The properties on this side of Lutterworth Road have large rear gardens extending approximately 70m to the rear of the houses. To the east are the residential properties on Sturdee Road. These have rear gardens, which bound the Lutterworth Road properties and are approximately 30m in length.

The applicant is on site implementing the consent granted in 2012.

Background

Planning consent was granted by the Planning and Development Control Committee in September 2007 (20071208) for four two-storey detached houses (Class C3).

Consent was granted in 2010 (20100564) for an extension to the time limit to implement the 2007 consent.

Consent was granted in 2012 (20121749) for an extension to the time limit to implement the 2010 consent. This was possible under the ‘Greater flexibility for planning permissions’ guidance – issued by the Department for Communities and Local Government (November 2009 and republished October 2010). This provides guidance to local planning authorities on, amongst other things, how the determination of applications for extension of time should be approached.

The Proposal

The applicant has applied to make the following changes to the previously approved development:

- changes to the elevational design and roof shape of the houses,
- two bedrooms in roof space of house type b,
• reduction of double garage to single on house type b)

As in the 2007 approved development each house will have two parking spaces and private gardens. Vehicular access will be provided by means of a private drive delivered by the demolition of a single storey building at the south side of the main building and the removal of the existing bay window to the side elevation.

The existing vehicular access will be widened to 5.5m from the back of footway extending into the site by approximately 12.5m. It is proposed to extend the footway up to the access point into the site. A 0.6m wide service strip will then be provided along the north side of the access road to the proposed houses.

The access road as it runs to the south of the existing house will be 4.8m wide. A turning head is provided at the end of the private drive to allow vehicles to always leave the site in a forward direction.

Policy Considerations

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

Supplementary Planning Guidance – Vehicle Parking Standards.

Supplementary Planning Document – Residential Amenity

National Planning Policy Framework

Representations

Seven objections have been received including one from Councillor Porter. The grounds of objection are:

• The houses appear to be three storey which would be out of character with the area;

• Visual amenity and privacy more compromised than original 2007 consent due to reduction in height of hedge and trees on boundary;

• Removal of previously proposed double garages on larger plots and therefore insufficient parking;

• Larger plots now have two bedrooms in the roof and glazing is not obscure causing overlooking;

• Changes to the roof of the larger plots means that there will be a larger brick wall to the side.

Consideration

The application site is within a residential area therefore the principle of developing further houses in the area is in accordance with development plan policies. The previous approvals for four houses on this site have already set the principle that this development is acceptable.
Design

The designs of the houses are contemporary 3 and 5 bed detached houses. As the new houses will not be visible from Lutterworth Road or Sturdee Road I do not consider that they need to match the existing houses. Also the existing properties along the east side of Lutterworth Road are of varying sizes and styles therefore it would be difficult to require a particular style for the site. The proposed materials are brick and render as approved in 2007.

The houses are two storey with accommodation in the roof space. They are not described as three storey as they do not have a full second floor and then roof. The roof design has been simplified to remove the previously approved large gable and house type B now has small dormer windows to the front roof slope. The proposal has been further amended to remove the rear dormers on house type B and replace them with obscure glazed roof lights. The height of the side elevation of the house type B close to the boundary with No. 84 is the same as that previously approved with the same slope to the roof going away from the boundary with No. 84.

The canopy projection over the front entrance and garage on house type B has been replaced with a simpler design canopy.

Each proposed house has a private rear garden and a small area of garden to the front meeting the requirement for private amenity space.

Layout and residential amenity

The layout of the development remains as previously approved in 2007. This has been checked on site by officers. The foot prints of the new dwellings are in the same location as the planning permission. There may be minor changes to the dimensions of the dwellings due to the previous approval being based solely on the ordnance survey plan and the plots now being laid out accurately using a theodolite, but these are within the tolerances expected and do not affect the critical dimensions considered as part of the application. As such these small changes have not resulted in the building work taking place being materially different to that approved previously.

The scheme retains a large garden for the existing property at No.82 retaining a garden length of approximately 17m to the proposed boundary with two of the new houses. The four new houses will have a distance of 11m from their rear elevations to their rear boundaries. The distance between the principle room windows of the existing house and the proposed will be 28m, which is above the required 21m between directly facing principle room windows. I consider that the privacy of the existing property will be retained.

The closest principle room windows on the proposed houses relating to the neighbouring Lutterworth Road properties, Nos. 80 and 84, are 22m and 27m away from the nearest principle room windows on the existing residential properties. The rooms do not directly face one another therefore a distance of 18m is sufficient. 78/80 Lutterworth Road is a care home and a large extension has been built at the rear.
The two properties proposed to the rear of the site would have the required 11m from the rear boundary. The properties on Sturdee Road have garden lengths of 30m providing more than the required 21m between directly facing principle room windows. The amended proposed houses now have obscure glazed roof lights serving the two bedrooms in the roof space on the rear. The bathroom will not have a window and I consider the distances between the bedroom windows to be substantial enough to prevent overlooking and loss of privacy. It is not possible to maintain light to the gardens of existing properties however I do not consider that the proposed height of the houses will cause much loss due to the long lengths of neighbouring gardens and the existing trees which already overshadow them.

The hedgerow and trees within the site are not formally protected. They can therefore be removed without further consent. The retention of the hedge along the boundary with No. 84 was conditioned to be retained in the 2007 consent to help allay the concerns of the neighbouring residents however the distances between the proposed houses and the existing house at No. 84 exceed the required standards to protect privacy and prevent overlooking of the properties principle rooms. It is not possible, particularly with such a large garden area, to protect the privacy of the neighbouring gardens. The trees and hedgerow will need maintenance including reduction in height to keep them healthy over time. The applicant proposes to retain these landscape features as they add to the appearance of the site and development.

Parking

The parking requirements for properties in this location are, for properties of three or more bedrooms, two spaces. Although house type B now has a single garage proposed these two houses retain the required two off street parking spaces. House type A retains two parking spaces as previously proposed.

I consider that the road allows extension into both the adjoining sites. It is shown capable of further extension. The City Council standards are now more flexible on number of dwellings served off a private drive.

In relation to the trees to the front of the existing property the two most valuable of these have been made subject to a TPO and the applicant is aware of this. The applicant proposes the retention of other trees to the front of the site and along the northern boundary, the existing hedges on either side boundary and the trees to the very rear of the site as in the 2007 consent.

I consider the proposal to amend the previously approved plans for this development to be acceptable. I recommend APPROVAL subject to the following conditions:

**CONDITIONS**

1. The development shall be built using the following agreed materials: Brick – Wienerberger Bellbrook  
   Render – White  
   Roof – Grey slate tiles  
   Windows – Grey uPVC (RAL 7022)  
   French doors – Grey uPVC (RAL 7022)
Velux – Grey uPVC (RAL 7022)
Front door, fascias & garage door – Softwood with dark stain
Groundcover – Mix of TarmacAdam, Concrete Paving slabs and Breedon gravel
Lintels – Caststone Company Limited Hampton
(In the interests of visual amenity, and in accordance with policy CS3 of the Core Strategy)

2. The proposed obscure glazing to roof lights on plots B1 and B2 and all bathroom windows shall be provided before the houses are occupied and shall be retained thereafter. (In the interests of residential amenity and in accordance with Policy PS10 of the City of Leicester Local Plan)

3. 2 metre by 2 metre sight lines on each side of each vehicular access shall be provided at the time of development and shall be retained. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan.)

4. The development shall not be occupied until a footway crossing has been provided at each vehicular access to the satisfaction of the City Council as local planning authority. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan.)

5. The access drive shall be surfaced with tarmacadum, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary. (In the interests of highway safety and in accordance with Policy AM12 of the City of Leicester Local Plan).

6. A turning space to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan.)

7. All existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with the details agreed under discharge of condition approval 20140364, DSA plan no. 0918 002A. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan.)

8. All trees on the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with the details agreed under discharge of condition approval 20140364. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan.)
9. The use of the garages shall be incidental to the enjoyment of the properties as dwellings. (In the interests of residential amenity, and in accordance with policies PS10 and AM12 of the City of Leicester Local Plan.)

10. A minimum of two car parking spaces shall be provided within the curtilage of each dwelling at the time of development and shall be retained. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan.)

11. Despite the provision of the Town and Country Planning (General Permitted Development) Order 1995, no enlargement, improvement or other alteration to any dwellinghouse of types specified in Part 1, Class A, B, C, D, E of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (The form of development is such that work of these types may be visually unacceptable or may lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan).

12. The drainage works for the development shall be implemented in accordance with the agreed scheme and within the timescale approved under discharge of condition approval 20140364 drawing reference 1269-P07. (To prevent the increased risk of flooding and in accordance with policy CS2 of the Core Strategy)

13. The slab levels of each dwelling shall be as approved under discharge of condition approval 20140263, 51.45 for Type A dwellings and 51.96 for Type B dwellings. (In the interests of amenity of the adjoining residential properties and in accordance policy PS10 of the City of Leicester Local Plan).

14. The landscaping scheme approved under discharge of condition approval 20140364, DSA plan no. 0918 002A, shall be carried out within one year of completion of the development. For a period of not less than 5 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan.)

15. The existing hedges to the side and rear boundaries shall be protected during construction and retained thereafter. (In the interests of residential and visual amenity and in accordance with policies UD06 and PS10 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).

16. This consent shall relate solely to the plans Plan ref. 1269 P-006; P-007; P-008; P-002a; P-001b; P-003b; P-004b; P-005b and P-010 received by the City Council as local planning authority on 28 March, 17 April and 21 May 2014. (For the avoidance of doubt.)
### Policies relating to this recommendation

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<tr>
<th>Code</th>
<th>Description</th>
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<tr>
<td>2006_AM01</td>
<td>Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.</td>
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<td>2006_AM12</td>
<td>Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.</td>
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<td>2006_H03</td>
<td>Provides guidance on minimum net densities to be sought for residential development sites according to location.</td>
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<td>2006_PS10</td>
<td>Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.</td>
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<tr>
<td>2006_UD06</td>
<td>New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.</td>
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<tr>
<td>2010_CS01</td>
<td>The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.</td>
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<tr>
<td>2010_CS02</td>
<td>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.</td>
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<tr>
<td>2010_CS03</td>
<td>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'.</td>
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<tr>
<td>2010_CS06</td>
<td>The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.</td>
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<tr>
<td>2010_CS07</td>
<td>New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.</td>
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<tr>
<td>2010_CS14</td>
<td>The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.</td>
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<tr>
<td>2010_CS15</td>
<td>To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.</td>
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<tr>
<td>2010_CS17</td>
<td>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.</td>
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