

Recommendation: Conditional approval	
20192150	25 Brackenthwaite
Proposal:	Construction of single storey detached residential annexe at rear of house (Class C3); alterations
Applicant:	Mr & Mrs Garry England
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20192150
Expiry Date:	6 January 2020
AVB	WARD: Rushey Mead



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Summary

- The application is before committee as more than five objections have been received.
- 8 objections regarding parking and traffic on Jessons Close, use of rear access would block driveways, impact on light, noise and disturbance to the residents of Jessons Close.
- The main issues are the amenity of neighbouring properties, character and appearance, parking and highways impacts, and drainage.
- The recommendation is for approval.

The Site

The site is a semi-detached house located within the cul-de-sac. The ground level drops from the house towards the rear garden.

The site is surrounded by residential properties to the east, west and south and to the north is Jessons Close which is another cul-de-sac.

The site is within 250m landfill buffer. Rear part of site is within Surface Flood 1 in 1000 years.

Background

19950752 – Single storey kitchen extension to rear of house was approved and implemented.

20060400 – Two storey extension at side and rear; single storey extension at rear of house was approved and implemented.

The Proposal

The proposal as submitted is for a single storey detached residential annexe at the rear of the site and alterations to existing conservatory.

The applicant has amended the proposal and changed the internal layout of the proposed annexe (removes kitchen) and it also removes the timber poles which were proposed at the front of the proposed annexe. The applicant has confirmed materials of the proposed annexe would be to match the existing dwelling.

The proposed alterations would be to an existing conservatory. It consists of bricking up some windows to the rear and replacing the existing roof with a flat roof including glazed lantern rooflight. The overall height of the roof would be 3.4m high. The proposed windows and a door to the side elevation would be obscured glazed.

The proposed single storey residential annexe would be 9.6m deep and 5.6m wide with a flat roof measures 2.6m high. As revised the proposed annexe would have consist of lounge, bedroom and a bathroom. The proposed materials would be to match the existing house.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of sustainable development) Paragraphs 108 and 109 (Highways)

Paragraphs 127 and 130 (Good Design)

Paragraph 163 (Sustainable Drainage)

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report. *Appendix 1 of the Local Plan – Vehicle Parking Standards*

Supplementary Planning Documents (SPD)

Residential Amenity

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

Representations

I have received 8 letters of objections from the properties on Jessons Close and the concerns are as follows:

- The applicant is a builder by trade and uses the rear gate for loading and unloading the building materials. The rear gate was installed illegally without any consent from the residents on Jessons Close;
- The proposed development would take a long time to construct and the builders would use large vehicles and machinery through Jessons Close which would cause visual impact and noise and disturbance to the residents of Jessons Close;
- The proposed development will have impact on the light on properties on Nos. 7 and 8 Jessons Close;
- The proposal would result in dirt from construction and will pollute the driveways on Jessons Close;
- Jessons close is a small close and there are already parking problems. The applicant may construct a driveway to the proposed annexe from Jessons Close resulting in further parking problems in the street and blocking the access to the driveways especially for No. 7 and 8 Jessons Close;
- The proposal would result in safety of the children playing in the close.

Consideration

Principle of development

The site is in a residential area therefore the proposed development is acceptable in principle subject to the residential amenity, character and appearance and parking.

Residential Amenity

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: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

The application site is a semi-detached house located in a cul-de-sac. There is an existing two storey extension at side and single storey extension at the rear. The rear extension takes up the full width of the house. The ground level drops from the house towards the rear garden.

The proposed alterations would consist of bricking up some of the windows to the rear of the existing conservatory and replacing the flat roof with a flat roof including glazed lantern rooflight. The windows and a door to the side elevation facing the neighbouring property 23 Brackenthwaite would be obscure glazed. I therefore consider that the proposed alterations will not have significant detrimental impact on the residential amenity of No. 23 in terms of loss of light, outlook and privacy.

The proposed annexe would be set back by approximately 10.8m (closest) increasing to 15.1m from the common boundary with No. 23. There is an existing high boundary fence on the common boundary with No. 23. The proposed annexe would have principal room windows i.e. lounge and bedroom at the side elevation facing No. 23. However, I consider that the proposed annexe due to its size, design, separation and boundary treatment will not have significant detrimental impact on the residential amenity of the neighbouring properties in terms of light, outlook and privacy.

The proposed single storey residential annexe would be set back by approximately 0.3m from the common boundary with the neighbouring property No. 27 Brackenthwaite. The proposed annexe would be approximately 2.6m high. 27 Brackenthwaite has existing single storey and two storey extensions at side and rear and has an existing single storey detached outbuilding on the common boundary with the site. There is an existing 2m high boundary fence on the common boundary with No. 27. I consider that the proposed annexe due to its design, size, height and boundary treatment will not have significant detrimental impact on the residential amenity of No. 27 in terms of light and outlook. There are no windows proposed to the rear of the annexe facing No. 27. Therefore the proposed annexe will have minimum impact on the privacy of No. 27.

The applicant has confirmed that the annexe would be ancillary to the existing house. The proposed annexe as revised would remove the kitchen facility as it would then be dependent on the host dwelling for this facility. Hence it would not constitute as a separate residential unit due to its dependency on the existing host dwelling. The concerns were raised by the objectors that the proposed annexe would be used as a separate unit and would have separate driveway which would be accessed off Jessons Close. The applicant has not proposed any separate driveway which has access off Jessons Close as part of this application. The proposed annexe is ancillary to the host dwelling and it would not be used as separate dwelling. I have recommended a condition to secure this.

The objectors raised concerns that the proposed annexe will have impact on light on the properties Nos 7 and 8 Jessons Close. The proposed annexe is approximately 12.3m from the rear boundary. The proposed annexe would have one window to the rear elevation which would serve the bathroom. There is an existing high boundary fence to the rear of the site. I therefore consider that the proposed annexe due to its size, height, location and separation distance will not have significant impact on the residential amenity of the neighbouring properties Nos 7 and 8 Jessons Close.

I conclude that the proposal would comply with Core Strategy Policy CS03 and would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Amenity area, Character and 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 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.

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 3 or more bedroom house should have 100sqm garden area and in any event no more than 50% of the existing garden area should be covered by extensions. The application site would retain more than 100sqm of garden area which is in accordance with SPD.

The proposed single storey rear extension and residential annexe would be located to the rear of the site. The proposed single storey rear extension would be replacing the existing conservatory with similar dimensions. The proposed annexe would also be located at the rear which is at the lower level than the existing house. The proposed annexe would have flat roof and would have materials to match the existing house. I consider that the proposed development due to its design, size and location will have minimum impact on the visual amenity of the surrounding area.

The proposed development would be partly visible from Jessons Close. However the proposed annexe would be set back by approximately 12.3m from the rear boundary which is at the back of the footpath on Jessons Close. In addition there is an existing high boundary fence to the rear of the site. I therefore consider that the proposed extensions due to its size, design, location and separation distance will not have significant detrimental impact on character and appearance of the surrounding residential area.

The application form and plans indicates that the external finish materials of the proposed extension and proposed annexe would match those of the existing house which would be visually suitable. This can be conditioned.

I consider the proposed development to be well designed which would be compatible with the pattern of development in the local area. I consider the proposal would not harm the street scene nor detract from the scale of development in the local area. The proposal is therefore acceptable in terms of its design and impact on local character in accordance with the NPPF and Core Strategy policy CS03.

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.

Waste storage and collection

The proposal would not alter the existing bin storage arrangement on the site. The proposed residential annexe would not be a separate residential unit but it will be used in conjunction with the main dwelling. The host dwelling has sufficient bin storage area to the front and to the rear of the site which can be used by the occupiers of the residential annexe.

Highways and Parking

The proposal would not have impact on the existing car parking arrangement on the site. The front driveway can easily accommodate one car parking space without any harm to highway safety. The residential annexe would be used in conjunction with the host dwelling. Hence, it would not require separate parking.

Concerns were raised regarding the noise and traffic due to the building works, loading/unloading of the construction materials, dirt from the proposed construction and vehicles and access to the application site from the rear gate would block the driveways on Jessons Road. I do not consider this to be a significant material consideration for this scale of development.

The applicant has not proposed any vehicular access from Jessons Road. There is an existing pedestrian gate to the rear.

Drainage

The property is located within Surface Flood 1 in 1000 years 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 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.

Conclusion

The proposal would have an acceptable relationship with the neighbouring dwellings and would preserve the character and appearance of the area. It is also acceptable in terms of parking.

The proposal is in line with the policies and guidelines contained within the Local Plan, Core Strategy and the aims of National Planning Policy Framework.

I recommend APPROVAL 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. The annexe shall only be used in conjunction with the main house and shall not be occupied, let, sold or otherwise disposed of as a separate dwelling. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan and because the facility could not operate satisfactorily as a separate unit.)
4. This consent shall relate solely to the amended plans reference nos B001a Rev A and B002a Rev A received by the City Council as local planning authority on 13/01/2020 and the site location plan received 11/11/2019 . (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. RISK FROM LANDFILL GASES
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.
The decision 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 2019 is considered to be a positive outcome of these discussions.

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'.