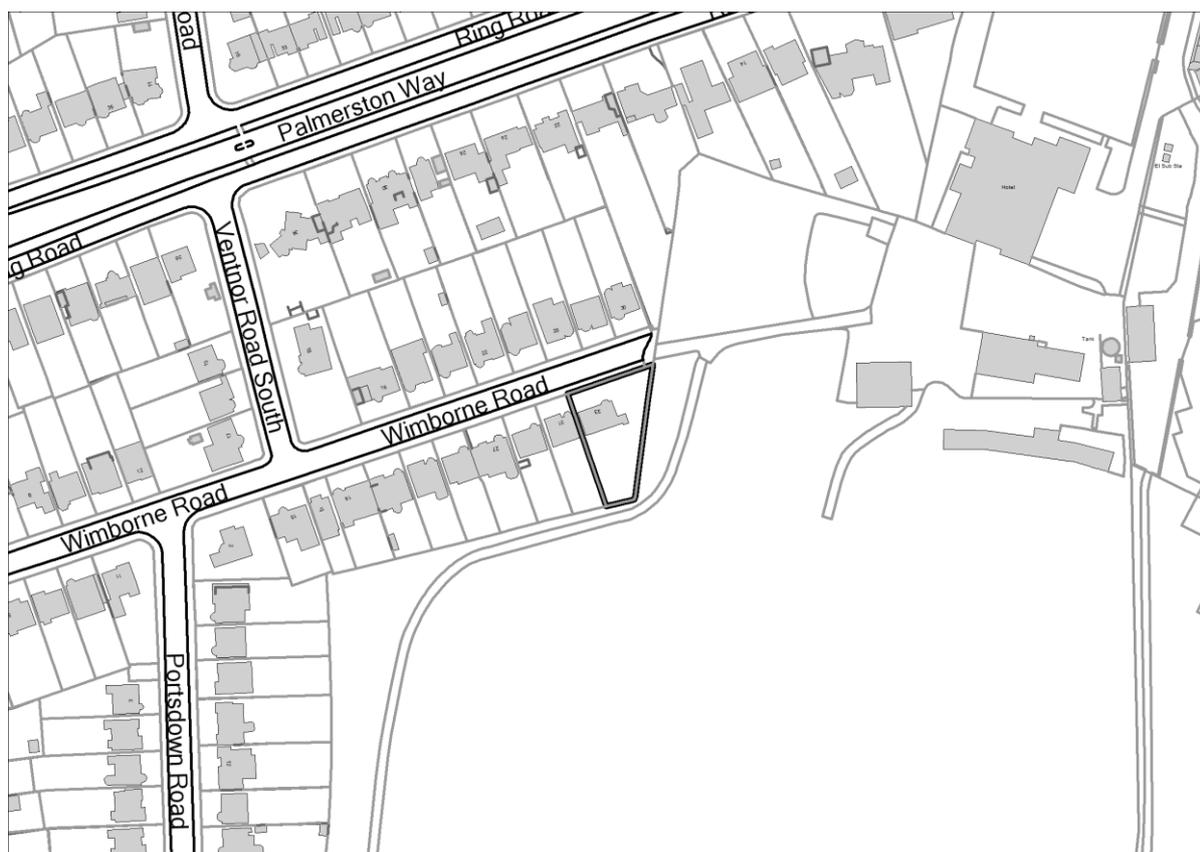


Recommendation:	
20200995	33 Wimborne Road, Land Adjacent to
Proposal:	Demolition of extension at side of house (Class C3); construction of one two storey dwelling (1 x 3 bed) (Class C3) (amended plans received 17/11/2020)
Applicant:	Mr and Mrs M Walters
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20200995
Expiry Date:	21 August 2020
RB	WARD: Knighton



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Summary

- The application is brought to committee due to the number of objections.
- 7 objections on grounds of the size of the site, neighbouring amenity, loss of outlook, loss of daylight, potential noise and disturbance and inadequate parking and highway safety.

- The main issues are the impact on the residential character of the area, impact on amenity of nearby occupiers, living conditions, flooding and drainage, and highway safety and parking.
- The application is recommended for approval subject to conditions.

The Site

The application site is the side garden of 33 Wimborne Road. The site is located to the east of 33 Wimborne Road and is adjacent to Oadby Golf Course to the side and rear. The local area is predominantly residential.

The Proposal

The proposal is for the construction of a two storey attached dwelling to the south-east of the host dwelling. This area is currently the side garden for no.33. An existing extension will be demolished at the side of 33 Wimborne Road to enable the development.

The proposed dwelling would have a width of 9 metres and depth of 8.1 metres to match the host dwelling. The property would have a bay window to match the host property also. The proposed dwelling would have a hipped roof with a ridge height of 7.3 metres and 5m to the eaves, which would also match the host dwelling.

The property would have a lounge, kitchen diner and WC on the ground floor and three bedrooms, one at the front with an ensuite shower room, and two at the rear, and a bathroom on the first floor.

The property would have a front garden with two off street vehicle parking spaces. Independent access to the rear garden would be retained and the garden would have a depth of approximately 18 metres and a width of 8.6 metres at its widest point which would narrow towards the end.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester city Council does not currently have

a 5 year housing land supply therefore the policies relating to housing are out of date.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 places an emphasis on local planning authorities to support development that makes efficient use of land. It requires decision makers to take into account issues such as the need for different types of housing, including the availability of land suitable for accommodating; local market conditions and viability; the availability and capacity of infrastructure and services, including the potential for further improvement; the desirability of maintaining an area's prevailing character and setting (including residential gardens) and; the importance of securing well-designed, attractive and healthy places.

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development. Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity supplementary planning document (2008)

Local Plan Appendix 1 – Vehicle Parking Standards

Consultations

Traffic and Travel Planning: No objection subject to conditions

Trees and Woodlands: No objection subject to an arboricultural impact assessment being submitted to the Local Planning Authority prior to the commencement of the development.

Lead Local Flood Authority: No objection subject to conditions for submission of Drainage details and SuDS measures

Oadby and Wigston Borough Council: No comments received.

Representations

Seven objections have been received for the following reasons:

- Loss of outlook
- Loss of sunlight to properties opposite the proposal
- Increase in the amount of traffic as a result of the proximity to Oadby Golf Course.
- The size of the proposed site is not large enough to accommodate a dwelling of the size of the proposal.
- Parking and highways problems due to the lack of a turning head at the end of the cul-de-sac

Consideration

Principle of development

The site is located in an area characterised as residential with the properties either side being in residential use. Policy CS06 of the Core Strategy states that in the established residential areas there is limited scope for growth, however, housing infill developments do support the development of sustainable communities and provide a small gain in terms of housing supply. It goes on to require new housing

developments to provide an appropriate mix of housing and in particular larger family housing. I consider the proposal is in accordance with Policy CS06 and will assist in providing a small contribution to the City's five year housing land supply. I therefore consider the proposal is acceptable in principle subject to amenity, design, parking and surface water criteria.

Design

Policy CS3 of the Core Strategy talks about designing quality places. It requires developments to be designed well and to contribute positively to the character and appearance of the local natural and built environment. Development should also respond positively to the surroundings and be appropriate to the local setting and context and take into account Leicester's history and heritage.

The local area is dominated by large two storey dwellings, which are either detached or semi-detached. The proposed dwelling would have hipped roofs with a relatively strong front building line. A bay window is proposed at the front of the property, which is in keeping with the design of nearby properties. The proposed dwelling, would follow the building line of the host property. The proportions of the proposed dwelling would match the host property and others along Wimborne Road. I do not consider that the proposal would appear out of character with the existing properties on Wimborne Road.

The proposal includes the provision of two parking spaces to the front of the site. I consider this is a common form of site layout for residential properties within the area.

The application form identifies that matching materials would be used. Although it is acknowledged that matching materials may not match, due to the weathering process of the materials of the host dwelling, I consider this to be the most appropriate material response. Although there may be some difference in brick and tile colours, I consider this would not detract from the residential character of the street scene and as the property is located at the end of the road it would not be visually dominating either. A condition to secure matching materials is considered reasonable and necessary.

I consider the proposal is in accordance with Policy CS03 and paragraph 64 of the NPPF in terms of design quality. The proposal is well-designed and would not harm the character and appearance of the site, street scene and wider area.

Living conditions

Saved Policy PS10 of The Local Plan and the Residential Amenity SPD identifies factors concerning the amenity of existing and future occupants for new residential development. These relate to outlook, character, nature of development and nearby uses and the provision of parking and bin storage.

The proposed dwelling, including the access into the property has been designed to meet Part M4(2) of the Building Regulations to ensure that the property can be reasonably adapted to the changing needs of residents over the course of their lifetime. A condition to secure the optional accessibility standard is recommended.

The site is currently a residential garden and the predominant character of the area is residential, therefore the proposed use of the site would be compatible with the area. In terms of creating a satisfactory living environment, all the rooms would be provided with an outlook to the front and/or rear serving principal rooms on the ground and first floors. There are proposed windows to the side of the property facing Oadby Golf Course. I consider it necessary for these windows to be conditioned to be obscure glazed, as the land to the side of the property may be developed in the future, which may lead to a loss of privacy of the future occupants of the dwelling. I also consider it necessary for the WC and hallway windows at the side of the property and the bathroom and ensuite windows at the front of the property to be obscure glazed in the interests of the privacy of any future occupants.

The vehicular parking has been designed to the front which is acceptable. Cycle and bin storage can be provided within the rear or side gardens as independent access has been retained.

The Residential Amenity SPD advises that three bedroom dwellings should have a rear garden area of 100sqm. The proposal would have a garden area of approximately 90sqm which is less than the guidance. I consider the proposed garden area would be useable for typical activities and would not be overshadowed by adjacent properties, nor would it be unreasonably overlooked. I consider although smaller than the recommended guidance, it would be sufficient to provide a suitable private outdoor space for future occupiers.

It is proposed to construct a 1.8 metre high fence between the existing and proposed property. I consider this to be acceptable and would maintain privacy between the dwellings.

The private garden of the host dwelling would also be reduced by the development. The area would be approximately 90sqm which is below the guidance of the SPD, however as with the proposed property the amenity space would be able to accommodate typical activities within the garden and would not be overshadowed.

The site has the ability to assimilate the development and hence does not conflict with Policy PS10 of the City of Leicester Local Plan and the NPPF.

Residential amenity (*neighbouring properties*)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbours and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport. The Residential Amenity SPD supports policy and provides specific guidelines for development.

The proposed dwelling would be located at the end of Wimborne Road. It would follow the building line of the host dwelling and therefore I consider it would not result in any harm in terms of overbearing, overshadowing, daylight and outlook to the host dwelling.

Turning to the dwellings across the road, I consider a sufficient separation distance would be retained from them to avoid any harm to the amenity of those occupiers. I do not consider that the loss of daylight or outlook would be any different to the existing relationships of properties that are opposite each other along Wimborne Road.

Oadby Golf Course is located to the side and rear boundary. Due to the constraints of the site, the triangular shaped rear garden area will have different separation distances to the boundary. Although SPD Residential Amenity (2008) recommends that there is a separation distance of 11m between principal room windows and undeveloped land and gardens, I consider that the provision of a new dwelling would outweigh any harm caused by the separation distance. The rear of the property is screened by trees, so I consider that any overlooking or loss of privacy would be minimal.

The proposed dwelling would not result in any unreasonable increase in noise and disturbance for neighbouring residents. The proposed use is compatible for the local area and any activity on site would be similar to the properties in the area.

I consider whilst the proposal would result in a change in the street scene with the introduction of built form, the proposal would not have an adverse impact on neighbouring properties in terms of noise, loss of light and outlook. I therefore consider the proposal is not contrary to Policy PS10 of the Local Plan.

Highways and Parking

The parking requirements for the dwelling would be a minimum of 2 vehicle parking spaces as required within Appendix 1 of the City Council Local Plan. The proposed development provides two parking spaces to the front which is acceptable. It is noted that the property would be located at the end of the cul de sac and that there are no parking restrictions on the street. However, the road is of a standard size and I consider the provision of off-street parking would avoid any awkward manoeuvring at this end of the road. Cycle parking can be accommodated in the rear garden and I therefore consider the proposal would be acceptable in this respect.

Several objections have been received regarding increased traffic as a result of the proposed development. Paragraph 109 of the NPPF 2018 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It cannot be demonstrated that the proposed dwelling would result in a severe cumulative impact on the local highway network. It would be unreasonable to expect the proposed development to deal with any existing problems of parking and congestion in the immediate area.

The Local Highways Authority have suggested conditions to ensure the parking and access is provided prior to first occupation. Other suggested amendments include the provision of 2 metre by 2 metre sight lines, alterations to the footway crossing and street works. I consider it reasonable and necessary to attach such conditions.

The host dwelling would lose existing parking to the side. However, there would still be at least two existing parking spaces that remain.

I therefore conclude that the proposed development would not conflict with Appendix 1 (Vehicle Parking Standards) of the Local plan in terms of highways.

Drainage

As a new dwelling the proposal would increase the amount of impermeable surfacing on site and therefore the Lead Local Flood Authority have recommended that conditions should be attached to require the submission of a drainage strategy and a sustainable drainage scheme. I consider this is reasonable and necessary. The proposal is in accordance with Policy CS02 of the Core Strategy.

Nature conservation/Trees/landscaping

The existing application site relates to a private garden. There is some mature landscaping to the common boundary with Oadby Golf Course. However, this is limited to hedges, shrubs and small trees.

The Trees and Woodlands team have advised that an Arboricultural Impact Assessment is undertaken before the commencement of the works to ensure that the foundations of the proposed dwelling are built to accommodate the trees and their future growth.

The proposal would result in the removal of some landscaping to facilitate the development. The submitted plans indicate the provision of lawn and some landscaping to the front and side. The plans show permeable surfacing to the front and patio to the rear which is acceptable considering the scale of the development.

Although a protected species survey has not been carried out, I consider a note to applicant is necessary to advise that the proposal avoids harm to protected species.

Subject to a note to applicant, the development would not result in significant harm in respect of natural landscaping and would not conflict with the aims of the NPPF and Core Strategy Policies CS03 and CS17.

Conclusion

The proposal would make a small contribution to the City's five-year housing land supply.

The proposal represents an acceptable size and standard of family sized residential unit in an existing residential area which would not significantly harm neighbouring amenity or the amenity of future occupiers.

The proposal would provide adequate amenity space for future occupiers and would not have a severe impact in highways terms.

The proposal is in accordance with the aims of the NPPF, development plan policies and guidelines – Supplementary Planning Document "Residential Amenity".

I recommend that the application is APPROVED subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (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 and Core Strategy policy CS3.)

3. No part of the development shall be occupied until the following works have been carried out in accordance with the written details approved in advance by the City Council as local planning authority: (a) footway crossing(s) at each vehicular access; (b) alterations to footway crossing(s); (c) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. Before the occupation of the development the garage(s) and parking space(s) shown on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)

5. Before first occupation of either dwelling, the proposed access shown on the approved plans, shall have been provided and surfaced in a hard bound material for a minimum distance of 5 metres behind the back edge of footway and shall be positively drained so as to prevent surface water running from the site into the highway, and shall thereafter be permanently so maintained. (In the interests of road safety and in order to achieve a satisfactory form of development.)

6. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. This is a PRE-COMMENCEMENT condition).

7. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. This is a PRE-COMMENCEMENT condition).

8. Prior to the commencement of development, an Arboricultural Impact Assessment shall be submitted to and approved by the City Council as local planning authority. This assessment shall include

- details of the accurate position of all the trees/hedgerows both on the site and those on adjacent land (including canopy spread and root area),
- species of all trees/hedgerows on the site and those on adjacent land and an assessment of their health, vigour and amenity value,
- a schedule of trees/hedgerows proposed to be retained or removed and why
- tree protection measures during the construction process and life of the development.

The proposed development shall be carried out in accordance with the approved Arboricultural Impact Assessment. (in accordance with policy UD06 of the City of Leicester Local Plan. This is a PRE-COMMENCEMENT condition).

9. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Policies CS03 and CS06 of the Leicester Core Strategy (2014)).

10. Before the occupation of the proposed dwelling new side windows facing Oadby Golf Course and the new side windows facing 33 Wimborne Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of the future occupiers of the proposed dwelling and in accordance with policy PS10 of the City of Leicester Local Plan).

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in (amend as necessary e.g. Part 1, Classes A, B, C, D and E of) Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties and the proposed house; and in accordance with policy PS10 of the City of Leicester Local Plan (2006) and Core Strategy (2014) policies CS03 and CS06).

12. This consent shall relate to the submitted plans received by the City Council as local planning authority on 17/06/2020 and 26/06/2020 and the amended site plan received by the City Council as local planning authority on 17/11/2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highway.management@leicester.gov.uk

2. Development on the site shall avoid the bird nesting season (March to September), but if necessary a check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

'Bats are a rare and declining group of species. Hence, all British species of bat are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both'.

3. 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_AM01 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.

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.

2006_UD06 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.

- 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'.
- 2014_CS06 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.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS15 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.