

Recommendation: Conditional approval	
20181751	22 ST PHILIPS ROAD
Proposal:	ALTERATIONS TO GARAGE TO INSTALL FRONT BAY WINDOW; SINGLE AND TWO STOREY REAR EXTENSION; ALTERATIONS (CLASS C3) (AMENDED PLANS RECEIVED 08/10/2018 & 18/10/2018)
Applicant:	MR S PATEL
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20181751
Expiry Date:	22 November 2018
PK	WARD: Stoneygate



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Summary

- Application is brought to committee as more than 5 objections received
- 8 letters of objections including from Councillor Chaplin on grounds of loss of privacy; overbearing; impact on daylight; size of extensions; impact on traffic and parking; loss of garden and green space; out of character development.
- Councillor Chaplin asks that there is a members site visit
- Main issues to consider are impact on amenity and character.

- Application recommended for approval

The Site

The site relates to a two storey semi-detached dwelling situated on the southern side of St Philips Road in Stonegate ward. The site is in a residential area. The land levels on the street slope up towards the north, towards Stoughton Drive North. The site is within a Critical Drainage Area.

Background

20181743 – Notification of proposed single storey extension at rear of dwellinghouse of dimensions: 6.0 metres beyond the rear wall of the original dwellinghouse; maximum height of 4.0 metres; height of the eaves 2.7 metres (Class C3) – the applicant was notified that prior approval not required on 11/09/2018.

20182298 - Notification of proposed single storey extension at rear of dwellinghouse of dimensions: 6.0 metres beyond the rear wall of the original dwellinghouse; maximum height of 3.9 metres; height of the eaves 2.8 metres (Class C3) – application not determined at the time of writing this report

The Proposal

The proposal relates to alterations to the garage for the removal of the front garage door and replacement with a bay window and bricks along the front elevation. There is also a part single, part two storey rear extension at the rear.

The single storey rear extension would replace an existing glazed rear projection along the common boundary with no.24. The extension would have a projection of 3 metres with a hipped roof which would have a maximum height of 3.9 metres where it met with the two storey rear, and the eaves would drop towards the neighbouring property to a height of 2.8 metres.

The two storey rear extension would have a depth of 4.6 metres beyond the existing rear wall of the dwelling. It would have a hipped roof with a maximum ridge height of 7.9 metres which would be set-down from the original ridge.

Amended plans have been received which remove the hip to gable roof extension, flat roof rear dormer and detached outbuilding at the rear.

The amendments also removed the roof lights proposed to the front roof slope.

The proposed two storey rear extension has also been amended. Previously this element of the development was part single and part two storey with a single storey projection 7.1 metres and two storey projection of 4 metres. It is now proposed that only a two storey hipped roof extension with a depth of 4.6 metres is proposed.

Policy Considerations

National Planning Policy Framework (NPPF) 2018

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Part 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 which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

In making an assessment Paragraph 108 of the NPPF (2018) 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.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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.

Development Plan policies

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

Most relevant Core strategy policies and Local plan policies are CS03 and the most relevant Local Plan saved policy is PS10.

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Appendix 1 of the City of Leicester Local Plan

Representations

A total of 8 objection letters have been received from 7 residents raising the following issues:

- The proposed extension would be out of character and overdevelopment of the site;
- The proposals would result in loss of light to no.20, it would result in loss of privacy, overlooking and block views to trees;
- The proposed development would reduce the amount of off-street parking available in an area where parking and traffic is already an issue;
- The proposal would reduce the garden area on site and green corridor;
- The proposal would increase surface water run-off in the area, and;
- The applicant should be required to maintain the guttering between the rear conservatories.

Following the submission of amended plans, two further letters of objections have been received from residents who have already objected to the originally submitted plans. The letters maintain the objections on issues such as impact on daylight and overbearing.

Councillor Chaplin considers that Members should have a site visit and that the extensions are unacceptable for the following reasons:

- Inappropriate materials
- will impact on light for neighbours
- reduces the open garden space that the family houses were designed to have, keeping the area open and green.
- There are concerns about parking in an already crowded parking area.
- The plans taken as a whole are an over- development of the site.

One previous objector has withdrawn their objection.

Consideration

Principle of development

The principle of householder extensions to a residential property in a predominantly residential area is acceptable subject to an assessment on issues such as residential amenity, character and design, flooding and parking.

Impact on 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.

Section 3 of the Council's *Residential Amenity* SPD (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and 21 metres between facing principal room windows. It also states that a two storey rear extension should not project beyond a 45 degree line from the nearest point of any ground floor principal room window at an adjacent property. It

further advises that a single storey rear extension on or close to the boundary of an adjoining house will in most cases be acceptable up to 3 metres deep.

24 St Philips Road

The proposed single storey rear extension along the common boundary between the application site and no.24 would have a depth of no more than 3 metres. This extension would have the same depth as the rear conservatory at no.24 and therefore I consider this element of the proposed development not to result in any detriment in respect of daylight and sunlight to the adjoining neighbour.

The two storey rear extension would not intersect a 45 degree line when taken from the edge of the conservatory at no.24 and therefore I consider that this room would not result in any harmful loss of daylight.

There are no windows proposed in the side (south) elevation of the proposed two storey rear extension and therefore I consider that there would be no harmful loss of privacy to the adjoining neighbour.

The proposed development would result in rear facing windows at first floor and as part of the rear dormer. I consider the additional windows would have a similar relationship with the adjoining neighbour as existing first floors windows in residential areas. As such I do not consider these windows would result in only oblique views which would not significantly result in loss of privacy and/or overlooking to the gardens of adjacent properties.

20 St Philips Road

The application site is situated on a lower land level to the adjacent neighbour. The level difference is approximately 1 metre. The property at no.20 is a three storey semi-detached house with a front and side gable. The neighbouring property has been extended with a single storey rear extension.

The rear elevation of no.20 has a rear window which serves a utility closest to the common boundary with the application site and then patio doors which serve an open plan kitchen and dining area in an 'L' shape. The proposed part single and part two storey rear extension would not intersect a 45 degree line when taken from the edge of the patio door which serves the kitchen and dining area. There is a side facing kitchen window serving the same room and this would be impacted by the two storey rear extension in respect of loss of light and overbearing; however the outlook of this window has been compromised by the rear extension at no.20. Furthermore the kitchen and dining room is of an open plan design with an outlook to the rear and therefore although I recognise that the side window would result from some harm in respect of daylight, it would continue to benefit from outlook and light from the rear.

At ground floor level there is a further window which serves a second living/play room. This window is located centrally within the side elevation of no.20 and faces the side of the original dwelling; therefore I consider the two storey rear extension would not have a material impact on daylight and outlook from this window. The original dwelling

already intersects a 45 degree line from this window. I recognise there may be some overshadowing as the application site is situated to the south of no.20; however this window is already overshadowed by the bulk of the original dwelling and therefore I consider the proposed development would not result in significantly greater harm to warrant refusal on this basis alone.

On the first floor side elevation, the adjoining property has two windows, one serving bathroom (located to the front) and the other serving a bedroom. On the second floor there are a further two side windows, of which at least one serves a principal room. The neighbouring property is situated on a higher land level than the application site.

By virtue of the amended plans which have removed the hip to gable roof and rear dormer, I consider that these windows would not be detrimentally impacted by the proposed development.

The proposed two storey rear extension would be set-down from the ridge of the main dwelling and would appear as a continuation of the rear gable projection.

The rear extension would have a ridge height of 7.9 metres with a hipped roof. The side elevation of the extension (and side wall of the original dwelling) would be 3 metres from the side elevation of no.20. The highest point of the rear extension would be a further 2 metres away from this window. In context of the separation distance and the differences in levels between the two sites I consider that there would be no significant change in daylight to and outlook from this window.

The rear extension would be visible from the side window; however visibility of an extension does not amount to harm in itself. The rear extension would not have a significantly detrimental impact on the side window.

At second floor, the bottom sills of the side windows are located above the ridge of the proposed rear extension. I therefore consider that the amended scheme would not have a material impact on daylight to and outlook from these windows.

In respect of overlooking and loss of privacy, on the amended plans there is one new side facing window proposed. The window would serve a bathroom at first floor. To avoid any harmful overlooking between the application site and no.20, I consider it necessary to attach a condition requiring the new side window on the north elevation to be installed and maintained as obscure glazed and only top-opening. Subject to this I consider the proposal would not result in any detriment in respect of privacy and overlooking.

88 Holmfield Road

As a result of the proposed development, a separation distance of 60 metres would be retained between the first floor rear facing principal room windows at the application site no.88 Holmfield Road at the rear of the application site. The SPD recommends a distance of 21 metres should be retained. I acknowledge that by virtue of the proposal the dwelling may be more visible through the clearing of the garden and roof

extensions; however greater visibility is not in itself harmful. I therefore consider the proposed development would not result in significant loss of privacy and overlooking. By virtue of the separation distance between the two properties I consider the proposal would not result in any harmful loss of light and loss of daylight. I therefore consider the proposed development would maintain an adequate relationship with the neighbouring properties at the rear on Holmfield Road.

General

I do not consider that the proposed alterations to the front elevation in respect of the removal of the garage door and replacement with bay window would harm the amenity of other occupants of St Philips Road. Furthermore, by virtue of the siting of the rear extensions I do not consider there to be any detriment to the amenities of nearby properties.

The proposed rear extension represents a common type of residential extension in residential area such as this. By virtue of its siting to the south of no.20 I recognise that the extensions would be visible from side windows at the neighbouring property; however I consider that the proposal as amended has been designed sympathetically to the sites constraints to have an acceptable impact on the residential amenities of neighbouring properties.

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.

Living Environment

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 living environment created for future occupants.

The proposed development would create an enlarged living environment for the existing and future occupiers of the site. All of the living areas would have an adequate outlook to the front or rear of the site which is acceptable.

As a result of the proposal, there would be 220 square metres of useable garden area for the application site. The Residential Amenity SPD advises that dwellings in outer areas with 3+ bedrooms should have a minimum of 100 square metres of garden area. The proposal would provide a suitable garden area which would accord with SPD.

I conclude that the proposal would create an acceptable living environment for the existing and future occupiers of the site in accordance with saved policy PS10 of the City of Leicester Local Plan.

Impact on character

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. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area.

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 proposed extensions would be of a modest size and scale in respect of mass and built form compared to the original dwelling. As amended the extensions would be limited wholly to the rear of the application site and would only be visible from the rear gardens of neighbouring properties. Views from public vantage points along St Philips Road and adjacent roads would be limited to small gaps between dwellings. I consider the proposed rear extensions would not appear unduly dominating, nor detract from the residential quality of the host property.

The proposed two storey rear extension would follow on from an original rear gable roof and would be set down from the ridge height. The hipped roof form would appear as a continuation of the rear roof style and therefore would not appear at odds with the design of the original dwelling.

The alterations to the front elevation of the dwelling would not result in a significantly detrimental impact on the character and appearance of the site within the street scene. The conversion of the garage with a new bay window would assimilate into the local character. Moreover, the bay design of the front window would relate to the original bay window at the property.

The application form and submitted plans, as amended, state that matching materials are to be used. I consider that this would be appropriate for such a development. A condition requiring matching external finishes is considered appropriate and necessary.

I am satisfied that the development would not be too intensive or out of proportion to the surrounding suburban area. I conclude that the proposal would comply with Core Strategy Policy CS03, and would not conflict with saved Local Plan Policy PS10 and is acceptable in terms of the character and appearance of the area.

Highways and Parking

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location, and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to published parking standards.

Appendix 01 of the Local Plan (2006) sets out guideline standards for car parking in new developments. For dwellings, a maximum of 2 spaces for 3+ bedroom dwellings is recommended.

The integral garage at the site is proposed to be converted as part of the proposed development which would be carried as permitted development. Nonetheless, the garage has an internal area measuring 6.3 metres by 2.3 metres which does not accord with the City Council's standards to be counted as a vehicle parking space.

The proposed conversion of the garage would remove the projecting garage door on site, creating a larger vehicle parking space to the forecourt of the site. The improvements and retention of one off-street car parking space is considered acceptable in this instance. There are no parking restrictions along St Philips Road and adjacent roads and therefore I consider the proposal not to result in any greater demand for on-street parking other than the existing situation and therefore severe harm to parking in the local area cannot be demonstrated.

I conclude that the proposal would comply with Core Strategy Policy CS15 and saved Local Plan Policies AM02 and AM12, and that any residual cumulative transport impacts of the development would not be likely to be severe.

Trees

Policy CS03 of the Leicester Core Strategy (2014) sets out the urban design objectives for new development including the creation of spaces that are fit for purpose.

Some objectors have advised that the proposal would result in the loss of trees on site which has not been identified on the application forms. The trees within the rear garden of the site are not protected by virtue of a tree preservation order and therefore can be removed at any time without planning permission. The application site is a residential property and the proposal would not alter the character and use of the site which would remain as a private residential garden.

I consider the proposed development not to result in any detriment to the landscape features of the residential gardens at the application site and neighbouring sites. I conclude that the proposal would comply with Core Strategy Policy CS03 and is acceptable in terms of its impacts upon trees and landscaping.

Sustainable Drainage

The site is within a critical drainage area. The side extensions would occupy parts of the site that are partly hardsurfaced, however there would be an incremental increase in hardsurfaced area from the extensions. Nevertheless, 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 with saved Policy BE20 of the Local Plan (2006), and is acceptable in terms of sustainable drainage.

Conclusion

The proposal would have an acceptable relationship with the neighbouring dwellings and would not have an unacceptable impact upon the character and appearance of the area.

I therefore recommend that the application be APPROVED 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 CS03.)
3. Before the occupation of the proposed extension new windows facing 20 St Philips 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 occupiers of 20 St Philips Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. This consent shall relate solely to the amended plans ref. no. 1, 2, 3, 5, 9 and 10 received by the City Council as local planning authority on 08/10/2018 and , amended plans ref. no. 4, 6, 7 and 8 received by the City Council as local planning authority on 18/10/2018 unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site.
2. The development which is subject of this application should not be carried out in conjunction with another planning permission, as a single building operation. This could result in a development which would be unauthorised and open to an enforcement action by the council.

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_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_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.