

<b>Recommendation: Conditional approval</b>	
<b>20181401</b>	<b>232 ABBEY LANE</b>
Proposal:	CHANGE OF USE FROM A DWELLING (1X 3BED) TO THREE FLATS (2X 1BED, 1X 2BED); ALTERATIONS (CLASS C3) (AMENDED PLANS, 21/11/18)
Applicant:	MR RAVI SETH
View application and responses	<a href="http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20181401">http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20181401</a>
Expiry Date:	14 August 2018
SC	WARD: Abbey



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### Summary

- The application is being brought to Committee because more than 5 objections have been received.
- One letter signed by 8 people has raised objections on grounds of parking, harm to the appearance of the area, and potential damage to trees from building works.

- The main issues are the living conditions of future occupants, residential amenity, privacy of neighbours, character/appearance and parking.
- Recommended for approval.

### **The Site**

The application relates to a two-storey semi-detached house, located on the western side of Abbey Lane, about 300m north of the junction with Blackbird Road. This part of Abbey Lane has been built with semis of a type typical of the inter-war era on its western side, while the eastern side of the road is lined with commercial properties, including a number of car dealerships. It is a busy, classified road with a dual carriageway.

The house sits within an irregularly-shaped plot that is approximately 33m deep by just under 9m wide at the site of the house itself. It is surrounded by neighbouring dwellings with their associated gardens on both sides, and beyond the rear boundary of the back garden.

The site is located within an air quality management area, and also falls within an area of archaeological interest, specifically the former deer park belonging to Leicester Abbey.

### **Background**

Planning permission was granted in 2002 for single-storey extensions at the front and rear of the house, and for a two-storey side extension, under application number 20021982 (implemented).

Planning permission was granted in 2007 for a vehicle access at the front of property, under application number 20070093 (implemented).

### **The Proposal**

This application proposes the subdivision of the existing three bedroom house to form three flats, one having two bedrooms on the first floor, and two having a single bedroom on the ground floor. Most of the works carried out would be internal, but the rear corner of the two-storey part of the house is to be demolished and replaced with a brick pillar at ground floor level, opening up and improving the access to the rear of the property. A new door and window are to be introduced to the side of the house at ground floor level.

### **Policy Considerations**

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

#### National Planning Policy Framework (July 2018)

Paragraph 127 states that planning should ensure that developments are visually attractive, with a high standard of amenity for existing and future users.

Paragraph 130 goes on to state that permission should be refused for development of poor design.

Paragraph 109 says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Supplementary Planning Documents

Leicester City Council: Residential Amenity (February 2008)

### **Representations**

A letter of objection has been received, signed by 8 objectors, and raising the following concerns:

- Impact on parking, including concerns that it might cause additional parking on the verge or pavement at the front of the house.
- Concerns that any further extensions to the property would look out of place in the area.
- Potential harm to trees at the front and rear of the property as a result of building works.

### **Consideration**

#### The Principle of Development

The site is located in a predominately residential area. Saved Local Plan Policy H07 sets out a number of criteria to assess when considering applications for flats.

Considering these criteria individually:

- a) The site is located in a predominantly residential area.
- b) There is no unacceptable loss of an alternative use in this case.
- c) Although there will be a loss of a single dwellinghouse as a result, this is a small not a large residential property, and it is not located in one of the areas of Belgrave or Spinney Hills protected by Saved Local Policy H10.
- d) The living conditions of future occupants would be satisfactory (see more detailed discussion below).
- e) Provision has been made at the rear of the property for bin storage, and for cycle parking.
- f) The flats would have access to approximately 120m<sup>2</sup> of shared amenity space at the rear of the property.

Core Strategy Policy CS06 (Housing Strategy) states that flat conversions will be carefully considered, addressing the following criteria:

- Impact on the character of the area.
- Maintaining mixed communities.

- Conversion of existing large family houses will be resisted where there is an identified demand for this type of accommodation.
- Specific considerations are property size and location, amount of private amenity space and parking provision.

The application property is a medium-sized property, and the area is not dominated by flats.

In view of the requirements of the above policies, I consider that the proposal is acceptable in principle, subject to its impacts on residential amenity, its highways impacts, and its design.

#### Living Conditions (*the proposal*)

The two one-bedroom flats on the ground floor would have internal areas of 27m<sup>2</sup> and 35m<sup>2</sup> respectively, while the two-bedroom flat on the first floor would be 49m<sup>2</sup>. I consider that this provides reasonable space for the future occupants. The principal windows to all of the habitable rooms in the flats would face out to either the front or the rear of the property, providing a good outlook and acceptable levels of natural light. As outlined above, there would be approximately 120m<sup>2</sup> of shared amenity space at the rear, more than meeting the Councils standards.

#### Residential Amenity (*neighbouring properties*)

Saved Local Policy PS10 sets out a number of factors that should be taken into consideration when assessing the potential impact of developments on the amenity of existing or proposed residents.

The proposal does not involve extension of the existing building. The new pillar supporting the first floor would however sit immediately adjacent the northern boundary, but given its limited footprint, it will not harm residential amenity through being overbearing or loss of light.

The new door and window in the north-facing side of the house would face towards the side elevation and back garden belonging to number 234, the neighbouring property at this side. Given that they are at ground floor level, with an existing closed boarded fence intervening at the boundary, they will not harm the privacy afforded to this neighbouring property.

#### Design and Visual Amenity

Policy CS03 of the Leicester Core Strategy (2014) states that new developments are expected to contribute positively to an area's character and appearance through high quality architecture and design.

Saved Local Policy PS10 lists the visual quality of the area and its ability to assimilate development as factors that will be taken into account when determining planning applications.

As outlined above, the only changes to the external appearance of the house are the demolition of one corner at the rear, and introduction of a supporting pillar in its place, and also the introduction of the door and window to the northern side elevation.

The demolition of the corner, and introduction of the supporting pillar will take place at the rear of the house, where they will not be prominent from any public vantage point, so I do not consider that this change would be significantly harmful to the character of the area.

Similarly, the new door and window at the side will not be prominent either, and will not have a significant impact on visual amenity.

### Parking and Highways Impacts

Core Strategy Policy 15 states that parking for residential development should be appropriate for the type of dwelling and its location, taking into account the amount of existing available off-street and on-street parking, and the availability of public transport. It also seeks to manage demand for car use, including by ensuring the provision of high quality cycle parking to encourage a modal shift away from the car. Saved Policy AM12 of the Leicester Local Plan refers to the parking standards in Appendix 01 of the same document. These specify 1 parking space for a 1-bedroom dwelling, 2 spaces for a 2-bedroom one, and 2 spaces for one with 3 or more bedrooms. This would equate to a requirement for a total of 4 spaces for the proposed flats, as opposed to just 2 for the existing house. In part c) the same policy also states that reductions below the maximum standards in locations within 250m walking distance of good public transport facilities.

Although the 2 parking spaces available (on highways land) at the front of the property are below the maximum standards cited above, I consider that the availability of bus services to and from the city centre running along the southern part of Abbey Lane means that it would comply with AM12 part c), and also that the inclusion of secure cycle parking in the proposal means that it would comply with CS Policy 15.

This part of Abbey Lane is a busy, classified road, with parking controlled on the public highway at the front of the house. These parking controls provide a satisfactory means of ensuring that any increased demand for parking is not detrimental to highway safety. The issue of possible parking on the verge or pavement has been raised by objectors, but although this type of illegal parking can undoubtedly create a nuisance, and also be harmful to the appearance of the area, the control of illegal parking is not a matter for the planning system.

### Other Issues

The issue of potential harm to trees from building works has been raised. A mature tree is present on Council-owned land at the front of the property, and another mature tree is located at the rear, set back some metres behind the single-storey projection at the rear of the house. Both trees are more than 7m away from the minor building works proposed in this application, and so potential harm to trees is not expected.

Although the site is located in an area of archaeological interest, the proposed works are mostly internal, involving only minor demolition and rebuilding, and will not significantly increase the built area of the house. I therefore consider that it would be disproportionate to impose any conditions relating to archaeology.

#### Conclusion

The proposal would provide satisfactory living conditions for future occupiers of the new residential units created. It would have an acceptable relationship with neighbouring dwellings, and would have an acceptable impact upon the character and appearance of the area. The provision of on-site car parking is sufficient given the availability of other transport modes.

I 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 external elevations shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. No part of the development shall be occupied until 3 secure and covered cycle parking spaces have been provided and retained thereafter (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
4. This consent shall relate solely to the amended plans ref. nos. 2018/05/159/A pages 2 of 7, 4 of 7, 5 of 7 received by the City Council as local planning authority on 21st November 2018, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. RISK FROM LANDFILL GASES

#### **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\_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.

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\_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\_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.