

<b>Recommendation: Conditional approval</b>	
<b>20181449</b>	<b>349 UPPINGHAM ROAD</b>
Proposal:	CONSTRUCTION OF TWO STOREY (1 x 5 BED) DETACHED DWELLING TO REAR OF HOUSE; (CLASS C3) (access via Humberstone Park Close).
Applicant:	MR HANSROT
View application and responses	<a href="http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20181449">http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20181449</a>
Expiry Date:	26 September 2018
SSB	WARD: Thurncourt



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**Summary**

- This application is brought before committee as more than 5 objections have been received.
- Objections on grounds of scale, access, loss of light and privacy
- The main issues are privacy; residential amenity; character and appearance; design, access and parking.
- Recommendation is for APPROVAL.

## **Introduction**

The application site is part of the rear garden of a detached house in an area which is primarily residential in design and character. Vehicular access would be from Humberstone Park Close.

There are two protected trees along the western boundary in the neighbouring garden at 347 Uppingham Road. The site is within a critical drainage area and also in a 1:1000 year flood zone.

## **Background**

20070381 Planning permission was granted for four dwellings with access from Ambassador Road. This included access to a new garage at the rear of 349 Uppingham Road. This has been implemented with access from Ambassador Road.

## **The Proposal**

The applicant proposes:-

- a single detached two and a half storey dwelling on the site;
- It would be of contemporary design and have 5 bedrooms, four on the first floor and one in the loft space;
- Private amenity space is proposed to the rear.
- The existing garage would be for the new property and additional parking provision is illustrated at the front with access from Humberstone Park Close which is a private drive.
- The existing house would retain parking on the Uppingham Road frontage.

The materials proposed are UPVC doors and windows and tiles and bricks.

## **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. 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.

Paragraph 59 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 68 of the NPPF states that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The policy goes stating that local authorities are required to support the development of windfall sites through decisions- giving great weight to the benefits of using sustainable sites within existing settlements for homes.

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 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 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.

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.

Paragraph 148 requires the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 170 of the NPPF encourages decisions to contribute to and enhance the local and natural environment.

Paragraph 175 advises that local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, and that planning permission should be refused for development resulting in the loss of aged or veteran trees unless the need for the development clearly outweighs the loss.

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

Residential Amenity SPD 2008.

Appendix 1 of the local plan- Vehicle Parking Standards is relevant.

### **Consultations**

Trees No objection.

Highway Authority – No objection subject to conditions

### **Representations**

Seven objections have been submitted expressing the following concerns:-

- Additional dwelling will represent over development of the site;
- Scale is over bearing and will result in loss of amenity;
- Permission should be obtained from the owners of the private drive as there is no access off Humberstone Park Road; this is a private drive;
- Will result in a loss of light; overlooking and loss of privacy;
- It will ruin the appearance of the surrounding area;
- Covenant restricts any further development;
- Access road not designed for use by HGV's;
- New development would hinder the turning space;

### **Consideration**

The proposal is acceptable in principle subject to guidance contained in the NPPF and the Residential Amenity SPD as it is within a residential area.

The main issues are the impact upon privacy; residential amenity; character and appearance; design, sustainable drainage, access and parking.

### Privacy and Amenity

The development would be adjacent to the flank wall of 3 Rockery Close, a detached property. This is of a similar size and design to the proposal but with a smaller rear

garden. A minimum separation distance of 3.6m would be retained between the new and existing properties to the side.

There are no principle room windows on the side of either of the adjoining properties and there is a minimum separation distance of 21m is retained between properties to the front and rear. No windows are proposed in the flank walls of the development. There are therefore no issues in terms of loss of privacy, outlook or amenity.

I am satisfied that the proposal would not have an unacceptable impact upon the amenity of the neighbouring occupiers in terms of daylight, outlook or an unacceptable loss of sunlight to any of the neighbouring properties.

A separation distance in excess of 11 metres would be maintained between the development and the rear boundary with the existing house. Whilst the windows at the front of the development would be more than 21m away from No.9 Humberstone Park Close.

I am satisfied that there would be no unacceptable impact upon the privacy of any other neighbours. I consider 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 privacy and amenity of the neighbouring occupiers.

#### Design and Appearance

A Design & Access Statement has been submitted with the application. This states that the development would both complement and continue the existing features of the neighbouring properties and surrounding context. The use of a gable roof construction and a bay window to the front of the property is consistent with the existing properties. The mass, scale, height and orientation of the new dwelling also reflects the existing context. The material palette is also a continuation of the local vernacular. These facets of the scheme will ensure that the proposal relates to the adjacent buildings.

In terms of the street scene, the proposal replicates the form and appearance of the existing area. The existing garage suits reasonably well with the proposed dwelling. I consider the design and appearance of the proposal reflects the existing landscape and it blends in reasonably well with the existing development.

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.

#### Residential Quality

The proposal would have a net floor area of 146 square metres on the first and ground floor. I consider the proposal complies with the local plan standard and would provide adequate space for the future occupiers.

All of the principal rooms would have at least one window providing light and outlook, as well as opportunity for natural ventilation. A rear garden area of over 200 square

metres would be available to the future occupiers as private amenity space. Thus significantly exceeding the minimum requirement of the 100 square metres recommended in the SPD.

The proposal would be required to comply with the building regulations standard M4(2) (accessible and adaptable dwellings) which is likely to be achieved. A condition to this effect is recommended.

I consider that the proposal complies with Policies CS03, CS06 and PS10, and would provide satisfactory living conditions for future residential occupiers of the development.

### Flooding and Drainage

The site is in a critical drainage area. The applicant states that the scheme will be designed to prevent any increase in flood risk by using permeable materials. I therefore recommend a condition requiring SUDs measures to be agreed and implemented.

I conclude that the proposal along with the appropriate condition would comply with Policy CS02 of the Core Strategy (2014) and with saved Policy BE20 of the Local Plan (2006), and is acceptable in terms of flooding and drainage.

### Parking

Appendix 1 suggests 2 car parking spaces for 3+ bedroom dwellings. The parking layout shows provision for four parking spaces two in the garage and two to the front of the property. I therefore consider adequate parking provision would be provided.

The proposed dwelling will be accessed via Humberstone Park Close, which is a shared private drive. Parking for the proposed dwelling will include a garage that is currently accessed off Humberstone Park Close and serves the existing dwelling.

The existing dwelling (349) has vehicular access and parking directly off Uppingham Road, which provides parking that meets current requirements. Therefore the proposal will not reduce the level of parking for the host dwelling to an unacceptable level.

The number of dwellings served by the shared private road is not increasing, it would be unreasonable to seek to resist the proposal on the grounds of the shared private road not being suitable. Similarly, whilst turning on the shared private road is restricted it would be unreasonable to refuse the development for that reason.

I conclude that the proposal would comply with Policies CS14 and CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006), and is acceptable in terms of parking.

### TPO Trees

The access and constructions is all at the bottom of the garden far enough away from the TPO trees so as not to be an issue. The TPO trees in the adjoining garden would therefore not be affected. The conifer trees are not worthy of protection and retention.

### Other Issues

I consider that the issue of rights over the access is a civil matter between the parties concerned. I do not consider that the scale of the proposal is likely to have an adverse impact upon the neighbouring properties as the development is located within a fairly large plot.

### Conclusion

The proposal will contribute towards the Council's five year housing land supply and provide a wider choice of housing within the city.

The development is unlikely to give rise to an unacceptable risk in terms of flooding and drainage.

The relationship with neighbouring properties and the impact on the wider area would be acceptable.

The development would provide good living conditions for future occupiers.

Parking and access provision would be satisfactory.

I consider the proposal complies with the policies of the NPPF, local plan and the Core Strategy and with SPD guidelines

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. Before any construction above the foundations is begun, the materials to be used on all external elevations and roofs (slates) shall be submitted to and approved by the City Council as local planning authority and the construction shall be in accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development).
3. 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 Core Strategy policy CS6)

4. Before any construction above the foundations is begun, 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. The properties shall not 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.)
5. The parking area shall be provided before the occupation of the dwellings and shall be retained and kept available for that use. (To ensure that parking can take place in a satisfactory manner; and in accordance with policy A01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 1st August 2018, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

#### **Policies relating to this recommendation**

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| 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.   |
| 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.  |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.   |
| 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.  |