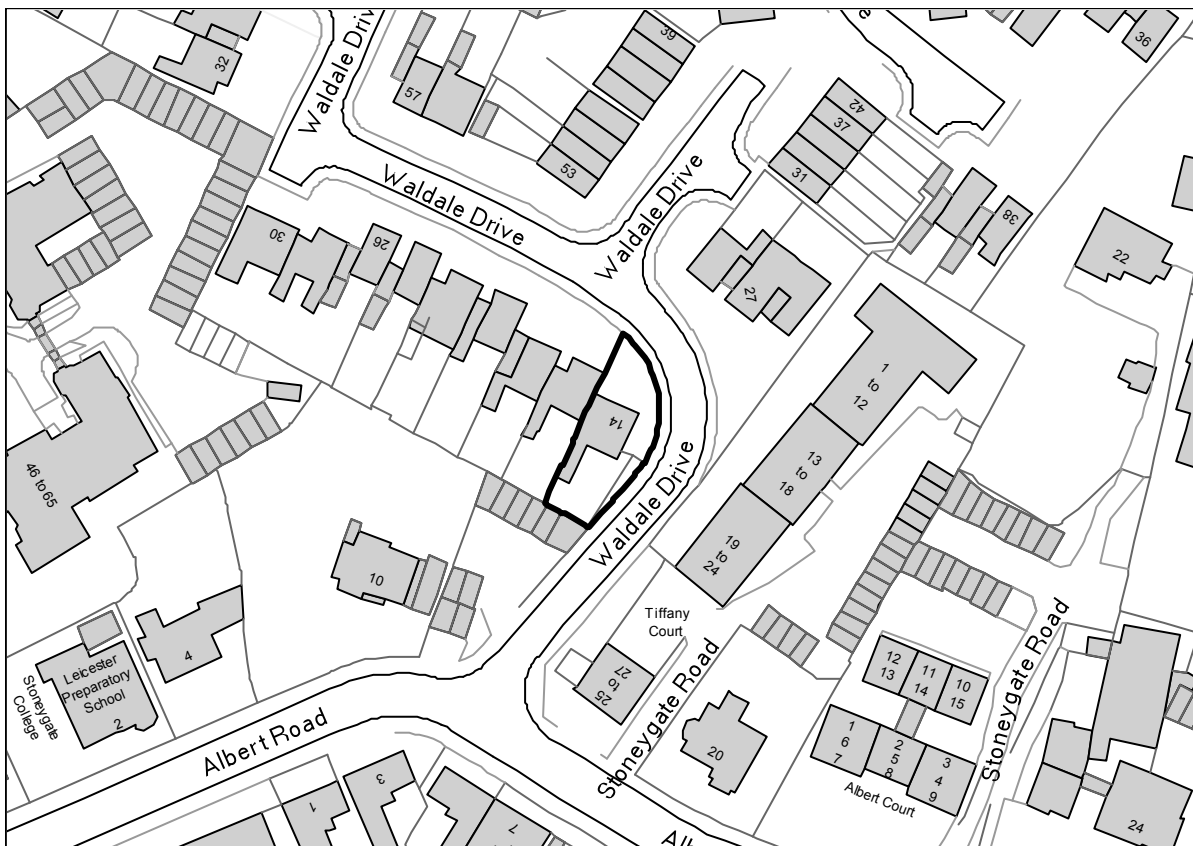


Recommendation: Conditional approval	
20181842	14 WALDALE DRIVE
Proposal:	CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION; FIRST FLOOR SIDE EXTENSION AND TWO STOREY SIDE EXTENSION; SINGLE STOREY REAR EXTENSION; ALTERATIONS (CLASS C3) (AMENDED PLANS RECEIVED ON 27/11/2018)
Applicant:	DR ANSHUMAM GHOSH
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20181842
Expiry Date:	13 December 2018
PK	WARD: Stoneygate



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Summary

- Application is brought to committee as more than 5 objections
- 14 letters of objections on grounds of impact on daylight; lack of separation distance; out of character development; impact on symmetry; loss of views to trees; garden grabbing; and, impact on parking and highways safety.

- Main issues to consider are impact on amenity and character and appearance of the area.
- Application recommended for approval.

The Site

The application relates to a two storey link-detached property situated on the western side of Waldale Drive. The property boundary abuts Stoneygate Conservation Area to the rear. The site is within a Critical Drainage Area.

To the rear of the application site are garages which are situated to the rear of 14-18 Waldale Drive. These garages and other properties along Albert Road are on a higher land level than Waldale Drive.

There is a separate planning application (20182272) at 36 Waldale Drive for a similar proposal. This can be found elsewhere on the agenda.

Background

The property appears to have been extended previously, however there are no planning history records for this.

The Proposal

The proposed development relates to the construction of a single storey front extension which would have a depth of 2 metres and width of 4.7 metres up to the boundary with no.16. Along the common boundary with no.16 the existing garage would be converted and a first floor side extension is proposed. The extension would have a width of 2 metres up to the side wall of no.16. The extension would have a depth of 8.9 metres and the roof form would match that of the original property.

To the other side of the property along Waldale Drive, it is proposed to construct a two storey side extension which would be set-back from the front elevation of the original property by 5 metres. The extension would have a width of 2 metres and a depth of 4.2 metres in line with the rear elevation of the rear wall of the original property. The extension would have a side gable and tiles roof.

Also proposed is a single storey rear conservatory with a depth of 2.8 metres and width of 6.9 metres; built of glazed elevations and roof. Other alterations include the extension of the existing boundary fence along Waldale Drive by 3 metres to be in line with the front elevation of the application site.

The proposal has been amended since initially submitted. The amendments have removed a two storey front and side extension along the common boundary with no.16.

The amendments have also reduced the front extension from 4 metres to 2 metres.

The proposed roof form of the first floor side extension has been altered from a front gable to one that matches the original property.

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.

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.

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.

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 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.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Appendix 1 of the City of Leicester Local Plan

Representations

A total of 14 letters have been received from 9 objectors raising the following concerns:

- The proposed extension would impact the character and appearance of the local area; it would have a detrimental impact on the current symmetry of dwellings; it would spoil the 'village' appearance of Waldale Drive and it would result in the loss of the dutch style roof;

- The extension would block light to the patio and garden of the adjacent property at no.16 and also to the property on the opposite side of the street at no.27;
- The property could be used as a house in multiple occupation;
- The proposal would result in loss of light and air to the adjoining occupiers;
- The proposal will result in additional cars at the site and parking and highways safety is an issue along Waldale Drive;
- The proposal would set a precedent;
- The proposal would result in garden grabbing to the front and would develop more than 50% of the land on site;
- Long-term maintenance of the site and adjoining property and,
- There's a restrictive covenant on properties.

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 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.

16 Waldale Drive

No.16 is set 4 metres forward of the application site and therefore the proposed first floor side extension would project 1.6 metres beyond the rear wall of no.16. The amended plans indicate that the proposed extension would not intersect a 45 degree angle when taken from the centre of the closest first floor rear window. The neighbouring property is situated to the north-west of the application site. No.16 currently has a single storey rear extension with a depth of approximately 4 metres.

The proposed first floor side extension is considered to result in minimal loss of light and overshadowing to the first floor rear window at no.16. Any overshadowing would be limited to the early hours of the day and generally to the brick work on the rear elevation and the roof the single storey rear extension at no.16.

The proposed extension would be located along the common boundary between the sites and would adjoin the neighbouring property. The extension by virtue of its height and projection beyond the rear wall of no.16 would be more visible from the rear garden. However I consider that greater visibility would not in itself result in harm to the amenity of the adjacent occupiers. There is a single storey rear extension along the common boundary at no.16.

I consider that the extension would not have a significantly detrimental impact on the users of the adjacent garden and the proposal would not appear unduly overbearing to warrant refusal on this basis alone.

The proposed first floor side extension would have a rear window and the separation distance to its rear boundary would be in excess of 11 metres. This window would have a similar relationship as other first floor rear windows which are typical in residential areas such as this. As such I consider that the proposed extension would not result in any harmful loss of privacy to adjacent properties.

I consider the other alterations and extensions would not have a significantly detrimental impact on the residential amenity of the adjacent property by virtue of their siting on the other side of the house.

27 Waldale Drive

An objector has advised that the proposed side extensions in particular would have a detrimental impact in terms of light to properties on the opposite side of the road. The proposed extensions would be set-back from the front elevation of the original property and would be of significantly shorter width than the original property. As such I consider the proposed extensions would not detrimentally harm the amenity of properties on the other side of Waldale Drive.

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.

Character and Appearance

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 application site is located adjacent to the boundary of the Stoneygate Conservation Area but not within it. Waldale Drive comprises a mixed style of properties ranging from link detached dutch roof style properties, two storey gable front and three storey sloping flat roof properties. The common feature of all properties is the tile hung feature along the first floor front of the property.

The proposed first floor side extension would be built with a roof form to match that of the original property and which would also continue the front tile hung materials. The two storey rear extension would not be built with a matching roof form; however by virtue of its set back of 5 metre from the front elevation I consider this to be appropriate. As such I consider the appearance of the extensions would not be significantly different to the main dwellinghouse. Moreover, the use of hung tiles along the front elevation of the first floor side extension which would be more prominent along the street scene and would ensure the proposed extension would relate positively to the original property.

The Residential Amenity SPD advises that side extensions should be set-back from the front elevations of properties to avoid having a terracing impact on the street scene. The proposed side extension would be set back from the front elevation by 0.5 metres. Although this is not the full 1 metre set-back as recommended by the SPD, in consideration of the staggered building line along this part of Waldale Drive, the proposed extension would not have a significantly detrimental impact on the character of the properties. The extension would continue the staggered building line and would not detrimentally alter the existing staggered footprint of properties.

The proposed front extension would comprise a porch and extended from garage to be converted. The application site is situated approximately 4 metres behind the front elevation of no.16 and therefore I consider the front extension would maintain the staggered building line along Waldale Drive. No.14 would continue to be set-back from the adjoining property and would not have significantly detrimental impact in terms of the pattern of development.

The two storey side extension adjacent to the entrance of Waldale Drive is considered not to result in a significantly harmful impact on the character of the site. This extension would be set-back from the front elevation by 5 metres and would have a width of 2 metres. The extension would be largely screened by the existing 1.8 metre close boarded fencing. The extension, by virtue of its limited depth would be set-down from the ridge of the original property by over 1 metre and therefore I consider this addition would not appear unduly dominating from views in the public realm.

It is acknowledged that the proposed extension would close the gap between the properties; however I consider that this would not result in harm on its own. The extension has been designed to reflect the form of the original property and would not appear unduly bulky or dominating with the street scene. The proposed extension would introduce built form in a position which is currently clear of built form. I consider that the closure of this gap would not result in a significantly detrimental impact on the appearance of the site to warrant refusal. The proposed extension would be designed to match the host property and would be set-down from the ridge. I consider that subject to the use of conditions to ensure that matching materials would be used, the proposal would be acceptable.

The proposed single storey rear extension would not be visible from the public realm. In consideration of what is allowed using permitted development rights, I consider the proposed rear extension would be moderate in size and scale would not harm the residential character of the property.

The extension to the boundary fencing is considered to be relatively modest and common for added security and safety. I consider the continuation of the timber fence would maintain the appearance of the site as a residential property and would therefore not in itself amount to significant harm.

I am satisfied that the development would not be too intensive or out of proportion to the surrounding suburban area. Moreover I consider the proposal would not detrimental alter the character and setting of the adjacent Conservation Area. I conclude that the proposal would comply with Core Strategy Policies CS03 and CS18, and would not conflict with saved Local Plan Policy PS10 and the Residential Amenity SPD 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 proposed extension would facilitate an additional bedroom and the existing garage on site would be converted. The forecourt to the house currently comprises hardstanding and would continue to provide two parking spaces in accordance with the Local Plan. Independent access to the rear garden would be maintained from the other side and therefore secure cycle parking could be accommodated within the rear garden.

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.

Sustainable Drainage

The site is within a critical drainage area. The proposed extension would be built on some of the currently grassed garden 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 with saved Policy BE20 of the Local Plan (2006), and is acceptable in terms of sustainable drainage.

Other matters

Turning to other matters (not otherwise addressed above) raised by objectors:

- Restrictive covenants are not a material planning consideration and are subject to legal controls outside of the planning process.
- Long-term maintenance issues are not a material planning consideration. The applicant will be advised that any part of the development must not overhang the adjoining property. The applicant may need to enter into a Party Wall Agreement with the adjoining neighbour.
- Each application is assessed on its own merits and the current application is considered not to set a precedent for future first floor side extensions to properties along Waldale Drive.
- The application has been advertised in accordance with planning legislation for residential extensions.
- The proposal is for householder extensions and therefore it appears that the application site would remain as a single dwellinghouse. Should this change in the future to a house in multiple occupation for a large HMO (more than 6 occupiers), this will be assessed on its merits. However it could be converted into a use class C4 for a small House in Multiple Occupation (HMO) without planning permission since it is not located within an Article 4 direction area for HMO's.

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 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. This consent shall relate solely to the amended plans ref. no. MCL-0698/1/D received by the City Council as local planning authority on 27/11/2018, 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 applicant may need to enter into a Party Wall Agreement.

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_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 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'.
- 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.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.