

Recommendation: Conditional approval	
20182272	36 WALDALE DRIVE
Proposal:	CONSTRUCTION OF FIRST FLOOR EXTENSION AT SIDE OF HOUSE; ALTERATIONS (CLASS C3) (AMENDED PLAN RECEIVED 19/11/2018)
Applicant:	MR A KHAN
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20182272
Expiry Date:	11 December 2018
PK	WARD: Stoneygate



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2018). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

Summary

- Application is brought to committee as more than 5 objections
- 21 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; impact on Conservation Area; and on parking.
- 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.

There is a separate application (20181842) at 14 Waldale Drive for a similar proposal. This can be found elsewhere on the agenda.

Background

20180021 – Notification of proposed single storey extension at rear of dwellinghouse of dimensions: 4 metres beyond the rear wall of the original dwellinghouse; maximum height of 3 metres; height of the eaves 3 metres. Prior approval was not required. This has been implemented.

The Proposal

The proposal relates to the construction of a first floor side extension to the southern elevation of the property above an original garage. The proposed extension would have a width of 2.3 metres and a depth of 8.2 metres. The extension would be set-back from the front elevation of the property by 0.5 metres and would be built in line with the rear elevation of the property.

The extension would be set-down from the ridge of the original property by 0.5 metres and would be designed to match the mansard style roof. The external finishes of the extension would be to match the dwellinghouse with tile hung along the front elevation. The rear elevation would be of brick.

The proposal includes the installation of a roof light on the front and rear roof slope.

Amended plans have been submitted which set-back the first floor extension from the front elevation by 0.5 metres.

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 21 letters have been received from 15 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 proposal would block views to the trees in the adjacent Stoneygate Conservation Area;
- The extension would block light to the patio and garden of the adjacent property at no.34;
- The proposal will result in additional cars at the site and parking is an issue along Waldale Drive;
- The proposal would set a precedent;

- Long-term maintenance of the site and adjoining property;
- Application not advertised properly; 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.

34 Waldale Drive

No.34 is set forward of the application site and has a single storey rear covered canopy area abutting the application site. The first floor side extension at no.36 would project 1.6 metres beyond the rear wall of no.34. 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 south of the application site, therefore I consider by virtue of the relationship between the properties the proposed extension would result in minimal loss of light to the rear garden, patio area and principal rooms of no.34.

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.34 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. Along the boundary with the application site there is a canopy providing a covered area to the patio at no.34, beyond which is a single storey rear extension. 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 extension would have a window in the rear elevation. This window would serve a bathroom and would be secured as obscure glazing by condition to ensure that

there would be no loss of privacy to adjacent residents. Likewise, I do not consider the proposed front and rear roof lights to result in significant detriment in respect of overlooking and loss of privacy.

The proposed extension would result in the addition of one bedroom at the application site. I consider that the proposal would not result in a significantly greater disturbance to the adjacent occupiers.

38 Waldale Drive

The proposed extension would be located to the other side of no.36 from no.38 Waldale Drive and therefore I consider the proposed development would not result in a material impact on the residential amenity of the adjacent property to the north.

St Johns Road

Some objections have been received from St Johns Road which is to the rear of the application site. The properties immediately to the rear are no's 17 and 19 St Johns Road. St Johns Road is situated on a higher land level and both no.'s 17 and 19 are of three storeys. By virtue of the separation distance between the properties combined with the changes in the land levels I consider that the proposed first floor extension would not have a detrimental impact on the amenity of the occupiers to the rear.

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 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. As such I consider the appearance of the extension would not be significantly different to the main dwellinghouse. Moreover, the use of hung tiles along the front elevation 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.

Many objectors have said that the proposed extension by virtue of its siting would close the gap between no.'s 34 and 36 Waldale Drive which would remove the symmetry of the properties in the street scene whilst also removing the view towards the trees in the adjacent Conservation Area. 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 to the form of the original property and would not appear unduly bulky or dominating with the street scene. The views to the adjacent tree's would be minimised in between these two properties; however the trees would be visible from the tops of properties and I consider the reduction of this view would not be so significantly harmful to the character of the area to warrant refusal on this basis.

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.

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 be detrimental or 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 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 retained. The forecourt of the garage would continue to provide two parking spaces in accordance with the Local Plan. The garage would continue to provide suitable secure parking for cycles.

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 above the existing garage and would not create any additional hard surfacing. 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 covenant 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.

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. This consent shall relate solely to the amended plans ref. no. MPD-01-01 received by the City Council as local planning authority on 19/11/2018, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. No permission is granted or implied for any development (including any overhanging projection) outside 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.