

### Item No. 3

**Application No:** P/09/2263/2

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<b>Application Type:</b>	Full	<b>Date Valid:</b>	23rd November 2009
<b>Applicant:</b>	Elmslodge Construction Ltd		
<b>Proposal:</b>	Erection of 1 dwelling and garage and garage at no 12 Goodes Avenue following demolition of workshop.		
<b>Location:</b>	Land to rear of 12 Goodes Avenue, Syston, Leicester, LE7 2JH		
<b>Parish:</b>	Syston	<b>Ward:</b>	Syston East Ward
<b>Case Officer:</b>	Mr N Thompson	<b>Tel No:</b>	01509 634739

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This application has been referred to Committee by Cllr Hampson, in accordance with the ward referral procedures.

#### **Description of the Application**

The site is part of the grounds of 12 Goodes Avenue, a two storey detached dwelling, which currently has a larger garden next to it to the south west. Other two storey houses back onto the site in Coplow Crescent. Next door at number 10 is another two storey dwelling. This has a single storey extension to its rear, and a conservatory close to its south west boundary. There is a detached outbuilding within the grounds of number 12 set back from the road used in connection with the dwelling. There were a number of cherry trees towards the bottom of the garden but these have recently been removed. The property also had a long single storey extension adjacent to the boundary wall with 10. The height of this at the apex was approximately 4m and ran down about 2/3 of the length of the garden.

The proposal is for the erection of a new dwelling towards the rear of the plot, and two new garages, one for the new dwelling, and one for the existing dwelling. The new dwelling would be split in two parts, one single storey, and the other part with accommodation within the roofspace comprising a bedroom and a living area/kitchen on the ground floor.

Amended plans were submitted to reduce the impact of the proposal on the adjacent neighbour following discussions with the Case Officer. The higher element of the proposal was effectively swapped around with the single storey section to ensure that there was limited effect in terms of loss of sunlight to gardens and to improve privacy to the amenities of the adjacent neighbour by having the mezzanine bedroom furthest away from the boundary.

#### **Development Plan Policies and other material considerations**

- **Development Plan Policies**

East Midlands Regional Plan 2009

Policy 3 sets out the locational criteria that should be considered when allocating land for new development. Development should be concentrated within the areas five principle urban areas. Smaller scale development is appropriate within Loughborough. The development needs of other settlements and rural areas should maintain the character and vitality of rural communities, shorten journeys to jobs and services, strengthen rural enterprise and linkages between settlements and their hinterland, and respect the quality of tranquillity. Priority should be given to making the best use of previously developed land achieving the regional target of 60% of additional dwellings.

Policy 12 supports the continued growth and regeneration of the three main cities. This will be achieved through delivery of the Growth Point Programme. Provision should be made for a mix of house types, balance of jobs and homes, enhancing transport links, employment land to meet indigenous need and encourage new investment, regeneration of deprived areas, and protection and enhancement of green infrastructure. Outside the 3 cities, employment and housing should be within and adjoining settlements and in scale.

Policy 13 sets out the Regional Housing Provision for each district 2006-26. Charnwood's annual apportionment is 790 dwellings per year, totalling 15,800.

Borough of Charnwood Local Plan (adopted 12<sup>th</sup> January 2004) (saved policies)

Policy ST/1-Overall Strategy for Charnwood- Seeks to set the overall framework for development, in the Borough, ensuring that needs of the community are met, and that features of the natural and built environment are protected and safeguarded where necessary. The policy aims to improve the quality of development through the layout of sites. This is all to be done in an environment of trying to achieve sustainable development in a co-ordinated, comprehensive and consistent basis.

Policy EV/1- Design- Seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy H/16- Design and Layout of New Housing Developments- seeks to ensure that proposed housing developments are planned to ensure that high standards of design are achieved in terms of scale, character of the area, privacy, landscaping and creating a safe and secure environment.

Policy TR/6-Traffic Generation from New Development. This seeks to restrict development which through its impact results in an unsatisfactory operation of the highway system, or has a significant impact on the environment, unless measures are proposed to overcome any harmful effects. In all cases measures should help to reduce car dependence and usage.

Policy TR/18- Parking in New Development. – this seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

- **Other Policies**

Backland and Tandem Development SPG 2001, as amended in 2007. Seeks to set guidance for development proposals within areas of backland including standards of separation between dwellings and between dwellings and access routes. Some of the distances between dwellings quoted in this document have been amended to take account of new distances in the document below.

Supplementary Planning Document- Leading in Design; adopted 2006. This document sets out criteria against which to assess new development proposals in order to improve the siting and design of buildings in their context. It also includes guidance regarding acceptable distances between dwellings and habitable rooms.

PPSI (Delivering Sustainable Development) was published in January 2005. It sets out the overarching planning policies on the delivery of sustainable development through the planning system by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources;
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

It reiterates that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

The guidance states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental standards through positive policies on issues such as design, conservation and the provision of public open space. There is an emphasis on good design, which should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. High quality and inclusive design should be the aim of all those involved in the development process. Although the appearance and architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;
- be integrated into the existing urban form and the natural and built environments;

- be an integral part of the process for ensuring successful, safe and inclusive villages, towns and cities;
- create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,
- consider the direct and indirect impacts on the natural environment.

PPS 3- Housing. This provides guidance on a range of issues relating to the provision of housing and seeks to promote more sustainable patterns of development and make better use of previously-developed land; the focus for additional housing should be existing towns and cities. New housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life. New housing should be planned for using an evidence based policy approach. Good design is fundamental to ensuring the high quality provision of new housing.

### **Relevant Planning History**

Permission was granted for 5 new dwellings on land adjacent to the application site (P09/1345/2) with 3 dwellings fronting the street and two dwellings side on, at the rear of the site.

### **Responses of Statutory Consultees**

Leics CC (Highways) suggest that the car parking space should meet the current standards, including any replacement spaces for the existing dwelling.

Objections have been received from several immediate neighbours. Their views can be summarised as follows:-

1. The detrimental effect of the proposal would have on their residential amenity by virtue of the size of the extension, its overbearing impact and loss of privacy to adjacent dwellings.
2. There will be more cars in an already congested area. The development would add on street parking.
3. The proposal would be detrimental to the low density character of the area.
4. The proposal does not provide play space for children in the area.
5. The proposal would result in a risk to pedestrians walking on the pavement.
6. The coachouse style of building is out of character with other buildings.

The owners of number 6 and 10 Goodes Avenue have asked to speak at a Plans Committee should the proposal be presented.

Councillor Hampson considers that the proposal is detrimental to the roadway infrastructure and this application will increase it. There is no indication of good design in the application. The plot was originally earmarked for 3 dwellings, therefore this is overdevelopment, and the proposal does not respect the privacy and security of the existing community.

### **Other issues raised by neighbours**

1. The people working on the site do not wear safety helmets in breach of Health and Safety law.
2. The proposal will devalue the property.
3. The proposal may have an effect on the water table.
4. Other properties are not being sold in the area.

These are not material planning objections and have therefore not been considered below.

### **Consideration of the Planning Issues**

I consider that the main planning issues are as follows:-

1. The effect of the proposal on the residential amenity of the adjacent neighbours.
2. The effect of the proposal on highway safety, and parking in the vicinity.
3. The appropriateness of the design of the dwelling and the density, on the character of the area.

#### The effect of the proposal on the residential amenity of the adjacent neighbours.

The proposal has been amended since originally submitted to reduce the visual and overbearing impact on the adjacent residential occupiers. The single storey element has been moved nearer to the boundary of the site and the first floor element of the proposal moved further away. There has also been a re-design of the detached garage with a reduction in height to the ridge of 1.2m achieved. This reduces this height to approximately the height of the recent single storey outbuilding which abutted the boundary with number 10. I consider that this re arrangement will not result in a development which would be seriously detrimental to the amenity of the adjacent neighbours, or result in loss of light. It could be argued that the removal of the rear single storey extension would result in more light into the garden and single storey extension and conservatory. The occupants of number 10 have a single storey lean-to/store building just the other side of the boundary wall towards the bottom of their garden where the proposed single storey element of the proposal would be situated. I consider that loss of sunlight to the bottom of their garden would therefore be minimal and not seriously affect their residential amenity.

The moving of the first floor element further away increases the acuteness of the angle between the mezzanine bedroom in the proposed dwelling and those of number 10. The rooflight to the mezzanine is an escape window and cannot be any higher. However I consider that at this angle and distance from the boundary, this would not result in a serious loss of privacy to the adjacent neighbour, and therefore there would not be any significant overlooking into the garden of number 10. The rooflight in the single storey element of the proposal can be obscurely glazed as well as the window to the void in the first floor, should this be extended in the future to create a larger second bedroom. This obscure glazing can be conditioned and shall be retained in perpetuity.

Whilst the distance between the host property and the proposed dwelling would be only 18.6m directly facing, I consider that the presence of the proposed garage and

the relocation of the plot on the site to take the mezzanine bedroom window further away from the bedroom in the host dwelling would reduce the detrimental visual impact and direct overlooking between the two properties. Most of the windows in the north west elevation of number 12 are smaller secondary windows with the principal windows facing south west. The one first floor bedroom window would be 19.4m from the dining room window in the proposed dwelling and therefore below the distance in Leading in Design SPD for back to back dwellings. I consider however that for the above reasons, there would not be serious affect on the residential amenity of the host occupants; and the occupants of the new dwelling would be aware of these existing arrangements when making a choice to live there. The proposal therefore complies with policies ST/1, EV/1 and H/16 of the Borough of Charnwood Local Plan 2004.

The effect of the proposal on highway safety, and parking in the vicinity.

The proposal would be likely to result in a small increase in traffic coming to and from the site, and consequently along Goodes Avenue and Goodes Lane. However, I consider that given that this cul de sac is not particularly highly trafficked and that there is not a great deal of on street parking from residents, I consider that the proposals would not result in a serious detriment to highway safety or the character of the area. The size of the garages are acceptable and considered to be car parking spaces. The proposal therefore complies with policy TR/6 and TR/18 of the Borough of Charnwood Local Plan.

The appropriateness of the design of the dwelling and the density on the character of the area.

Objection has been raised to the coach house style of property. I consider that there is a mix of styles of dwellings within the street, two storey and single storey properties from different eras. The proposed design is not unpleasant or unattractive. I consider that it would be difficult to come to the conclusion that this would be poor design, out of character with other single and two storey dwellings in the vicinity. It would also be set back some distance from the road and therefore could not be considered prominent in the street scene. Although the numbering of the existing houses on the street would have lent itself to an additional 3 dwellings being fronted onto Goodes Avenue, this was not the proposal previously submitted under planning application P/09/1345/2. It would also have been a less efficient use of the land. The application was approved. This application seeks to add one more dwelling towards the rear of the site and has to be assessed on its merits. The assessment in relation to existing dwellings has been done above. I consider that the density does not detrimentally affect the character of the area, and it would be difficult to refuse the application on this basis. The proposal therefore complies with policies ST/1, EV/1 and H/16 of the Borough of Charnwood Local Plan 2004.

## **RECOMMENDATION**

Grant Conditionally - Recommendation - subject to the following conditions:

1 - The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawing No. 08.2360.16A received by the local planning authority on 11th December and showing revisions to the siting and layout of the new dwelling and reduction in the height of the detached garage.

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

3 - No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the local planning authority.

REASON: To ensure the satisfactory, overall appearance of the completed development.

4 - No use or occupation of the building hereby permitted shall take place until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development.

5 - A minimum of 2 car parking spaces, including the garage, shall remain available for the parking of vehicles within the curtilage of the existing and the new dwellings. These spaces shall be of a hard bound material and shall have a minimum width of 2.4 metres and a minimum length of 5 metres. These spaces shall always remain available for the parking of vehicles and shall not therefore be used for any other purpose, at any time.

REASON: To ensure adequate off-street car parking, in the interests of highway safety.

6 - No occupation of the new dwelling shall take place until such time as the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details. Thereafter, the parking and turning facilities shall not be obstructed in any way that would prevent such use.

REASON: To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety.

7 - The bedroom rooflight windows in the single storey section of the development and the most northerly of the mezzanine bedroom windows; and the rooflight window in the north west rear elevation, as shown on plan number 08.2360.16A shall be glazed with obscure glass which shall thereafter be retained at all times. Details of the glazing specification shall first be submitted for the approval in writing of the local planning authority. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation thereafter.

REASON: To minimise the effect of the development on the privacy and amenities of nearby residents.

8 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 or any order revoking or re-enacting that Order, with or without modifications, no building, enclosure or other structure shall be erected within the curtilage of the dwelling.

REASON: The carrying out of development of this type may create difficulties in terms of the overall appearance and character of the area.

9 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of the dwelling shall be carried out.

REASON: The carrying out of development of this type may create difficulties in terms of the overall appearance and character of the area.

10 - No materials shall be placed on the site until such time as samples of the facing bricks and any other materials to be used on the external walls and of the roofing slates, tiles and any other materials have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory.

#### Informatives

1

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies ST/1, EV/1, H/16, TR/6 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004), policies 3, 12, and 13 of the East Midlands Regional Plan 2009, Leading in Design SPD 2006, Backland and Tandem Development SPD, PPS 1 Delivering Sustainable Development and PPS3 Housing, have been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

2

Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.

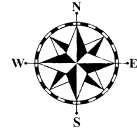
3

Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.



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**Application No:** P/09/2263/2  
**Location:** Land to rear of 12 Goodes Avenue, Syston, Leicester, LE7 2JH  
**Scale:** 1:1250

