

Item No. 6

Application Reference Number P/11/1972/2

Application Type:	Householder	Date Valid:	27/10/2011
Applicant:	Mr J Pu		
Proposal:	Erection of two storey extension to rear of house in multiple occupation.		
Location:	69 Nanpantan Road, Loughborough, Leicestershire, LE11 3ST		
Parish:	Loughborough	Ward:	Loughborough Nanpantan
Case Officer:	Claire Stapley	Tel No:	01509 634988

This application is presented to the Committee at the request of Councillor Smidowicz following her consideration of a ward referral report.

Description of the Application

This current property is an existing four bedroom dwelling and the proposal would be for a two storey extension extending 3m to the rear, resulting in a 6 bedroom property. The dwelling is already used as a HMO (Class C4 of the Use Classes Order) and the garage to the side has already been converted into a bedroom. The present building could accommodate 6 persons.

The property is detached and of a modern design with similar houses in the vicinity. There is an area of open space to the side of the dwelling and a large area of hardstanding to the front of the dwelling.

Development Plan Policies and other material considerations

Borough of Charnwood Local Plan (adopted 12 January 2004)

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.

Although Policy H/17 refers to extensions to dwellings, it is considered that the policy criteria should still be considered when dealing with extensions to HMOs.

Policy H/17 – Extensions to dwelling – seeks to ensure that the development meets the following criteria:-

It remains compatible in scale, mass, design and use of materials with the original dwelling;

It would appear as an intrusive or incongruous feature in the streetscene to the detriment of visual amenities;

It would not prove detrimental to the amenities of occupiers of nearby properties by reason of overshadowing, dominance, or substantial loss of privacy or light;

It would not involve the removal of areas of existing landscaping important to the character of the location.

Policy TR/6 – Traffic Generation from New Development – seeks to ensure that development would not result in an unsafe and unsatisfactory operation of the highway system.

Amendment to the General Permitted Development Order – In September 2008 permitted development rights for extensions to dwellings was amended to allow a two storey extension to extend beyond a rear wall of a dwelling by up to 3m, if it does not come within 7m of any boundary of the curtilage of the dwelling, opposite the rear wall of the dwelling.

Amendment to the Use Class Order – In April 2010, a new category of the Order was created for houses in multiple occupation (Class C4) and HMOs do not have any permitted development rights with regard to extensions.

Other Policies

Supplementary Planning Guidance on House Extensions – sets out guidance on the design and appearance of extensions and their impact on the enjoyment of neighbouring properties.

Relevant Planning History

Planning permission was refused in 2008 for the erection of a two storey extension to the side and rear of dwelling (P/08/0040/2) for the following reasons:-

1. It is the opinion of the local planning authority that, by reason of the size of the extension and its siting in close proximity to neighbouring properties, it would be an intrusive and over-dominant feature which would give rise to an unacceptable level of close over-looking of the back garden of 67 Nanpantan Road and be detrimental to the residential amenities of the occupiers of this property. For this reason, the proposal would be contrary to the intentions of Policy H/17 of the adopted Borough of Charnwood Local Plan. This seeks to ensure that extensions to dwellings are compatible in scale and design with the original dwelling and that they are not detrimental in terms of overshadowing or overdominance of adjacent property. In these terms, the proposal is also in conflict with the advice given on the location of extensions in the Borough Council's adopted Supplementary Planning Guidance on House Extensions and the Supplementary Planning Document, Leading in Design.

2. The local planning authority considers that the layout and alignment of 69 Nanpantan Road and the buildings to its rear gives a strong definition to the character and setting of the area of public open space to the north-east. Due to its prominent projection well forward of these buildings, the two-storey extension would substantially change the scale and character of the dwelling so that it would appear as an intrusive and incongruous feature within this scene, to the detriment of visual amenity. For this reason, the proposal is contrary to Policy H/17 of the Borough of Charnwood Local Plan which requires that such development is not intrusive or incongruous in the street scene, and similar advice in the Borough Council's adopted Supplementary Planning Guidance on House Extensions and the Supplementary Planning Document, Leading in Design.

Responses of Statutory Consultees

Leicestershire County Council (Highways) – have requested that consideration be given to parking provision, increased bedrooms may require additional off street parking.

Other Comments Received

There have been four letters of objection received by neighbouring properties which have raised the following concerns:-

- Increased on-street car parking.
- Loss of light and privacy to No 67 & 71 Nanpantan Road.
- The garage has already been converted into 2 bedrooms, therefore the property would result in a 7 bedroom dwelling.
- The glass frontage of the converted garage appears out of keeping with the existing dwelling.
- Increase in noise and disturbance due to the house being occupied by 6 students.
- The proposal would alter the character and appearance of the surrounding area.

Consideration of the Planning Issues

Car Parking

The proposed extension would result in a 6 bed dwelling, therefore 3 car parking spaces would be necessary. In order to satisfy these requirements, a plan has been submitted to illustrate that 3 car parking spaces could be provided to the front of the dwelling. A condition would be imposed to ensure that this arrangement for car parking would be retained. It is therefore considered that the proposal would comply with policy TR/6 of the Borough of Charnwood Local Plan and would not result in an increase in on-street car parking.

Loss of Light and Loss of Privacy

It is not considered that the proposal would result in loss of light to the neighbouring properties. In terms of the impact on No 67 and 71, the proposed two storey extension would be set away from the shared boundaries, therefore would result in no significant impact in terms of loss of light. It is therefore considered that the proposal would comply with policies EV/1, H/17 of the Borough of Charnwood Local Plan and the Council's Supplementary Planning Guidance on House Extensions.

In respect of loss of privacy, the proposed two storey extension, with main habitable room windows, would come within 8.5m of the shared boundary of No 67 and would look out over the rear garden of No 67. In the Council's Supplementary Planning Guidance, Backland and Tandem Development, it advises that there should be a minimum of 10.5m from a principal elevation with main windows to any other adjacent garden area bordering onto the new development, to ensure that residents enjoy a reasonable level of privacy. Indeed in 2008, this is why the previous application was refused. Since that time however, permitted development rights have been amended which allow a two storey

extension to the rear, if it would not extend beyond the rear wall by more than 3m, or does not come within 7m of any boundary opposite the rear wall of the dwelling. This proposal does meet with this criteria and would be considered permitted development if it were not a house in multiple occupation. I consider that it would be hard to provide evidence to show that a house in multiple occupation, does result in any substantially greater degree of overlooking than a dwelling. Therefore, it would be difficult to refuse planning permission on these grounds alone. It is therefore considered that the proposal would comply with policy EV/1, H/17 of the Borough of Charnwood Local Plan and the Council's Supplementary Planning Guidance on House Extensions.

Conversion of Garage

Following a site visit, it has been confirmed that the garage has already been converted, but only into one bedroom. The applicant has confirmed in writing that there are to be no more than 6 people residing at the property at any one time and an informative would be imposed on the decision to ensure this.

Window Design To Front of Converted Garage

From the drawings submitted, the proposed full french windows to the front of the proposed converted garage would be replaced with a window with a brick facade set below. This would be more in keeping with the existing dwelling and would not give a "shopfront" appearance to the front of the dwelling. It is therefore considered that this would comply with policies EV/1 and H/17 of the Borough of Charnwood Local Plan and the Council's Supplementary Planning Guidance on House Extensions.

Increase in Noise and Disturbance

The proposal would result in a 6 bed dwelling and would continue to be used as a house in multiple occupation, as such it could have 6 residents without the extension. Furthermore, the Council does not have any policy control over extensions to houses in multiple occupation at present. The Student Housing Provision in Loughborough SPD is only able to control extensions to Class C3 dwellings and not Class C4 houses in multiple occupation. Therefore, in this instance, the Student Housing Provision in Loughborough SPD cannot be considered, as the policy document does not include a category for extensions to Class C4 houses in multiple occupation. Furthermore the provisions of the Student Housing Provision SPD, relating to control over house extensions were severely wounded following an appeal decision on a property on Ashby Road. In considering the appeal, the inspector concluded that no weight should attach to these provisions because the policies that the document seeks to illuminate do not contain any provisions for the refusal of permission for extensions specifically to student properties. In that sense, the document was making policy, not merely explaining policy or providing guidance as to policy implementation. In that case he granted permission because he found that the extension was acceptable in all the respects covered by the relevant policies. Consequently, there would be considerable danger if the Council sought to apply the provisions of the document to house extensions, and as refusal of planning permission on these grounds would be difficult to sustain.

Character and Appearance of Surrounding Area

In terms of the design, it is considered that the two storey extension to the rear would be in keeping with the existing dwelling. The extension would have a hipped roof and the materials would match the existing and it is considered that it would not be detrimental to character and appearance of the surrounding area. It is therefore considered that the proposal would comply with policies EV/1 and H/17 of the Borough of Charnwood Local Plan and the Council's Supplementary Planning Guidance on House Extensions.

In the light of the above it is considered that, notwithstanding the concerns of residents, there are no sustainable reasons to refuse planning permission and as such the decision should remain delegated to the Head of Planning and Regeneration.

Taking account of the above, it is recommended that planning permission be granted, subject to conditions:-

RECOMMENDATION:-

Grant Conditionally

- 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 No69/|NR/2011 received by the local planning authority on 14th December 2011 and showing 3 car parking spaces to the front of the dwelling.
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 part of the development, hereby permitted, shall be occupied or used until the hardstanding to the front of the dwelling has been made available for the 3 car parking spaces as indicated on drawing No. 69NR/2011. Thereafter the car parking spaces shall remain available for this purpose and shall not be used for any other purpose.
REASON: In the interests of highway safety.

The following advice notes will be attached to a decision

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies EV/1, H/17 and TR/6 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been considered in reaching a decision on 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.

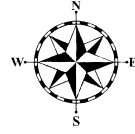
Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning

Guidance on House Extensions.

You are reminded of the definition of a house in multiple occupation (Class C4) of the Town and Country Use Classes Order which is a house with 6 or less residents, unless living together as a family.



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Location: 69 Nanpantan Road □□Loughborough
Scale: 1:500

