

## Item No. 8

**Application Reference Number** P/16/1191/2

<b>Application Type:</b>	Householder	<b>Date Valid:</b>	02/06/2016
<b>Applicant:</b>	Johann Wiseman		
<b>Proposal:</b>	Erection of single storey extension to rear of a house in multiple occupation.		
<b>Location:</b>	51 Cumberland Road Loughborough Leicestershire LE11 5DE		
<b>Parish:</b>	Loughborough	<b>Ward:</b>	Loughborough Storer
<b>Case Officer:</b>	Joseph Davies	<b>Tel No:</b>	01509 634747

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This application is reported to plans committee at the request of Councillor Tillotson. The Councillor is concerned with the impact of the proposal in relation to its scale, the loss of garden space and unacceptable overshadowing of the neighbouring garden. The Councillor also raised concerns regarding additional noise and disturbance for neighbours in an area with the proportion of houses in multiple occupation exceeding the 20% threshold.

### **Description of the Application**

The application site is within the Loughborough limits to development and is currently in use as a 4 bedroom House in Multiple Occupation. The proposal is for the erection of a single storey extension to the rear of the property, the applicant has confirmed via email that the number of bedrooms will remain at 4 and a Certificate of Lawfulness has confirmed that the use of the property as a House in Multiple Occupation is lawful. The property is a terraced dwelling within the Loughborough Ashby Road Conservation Area.

### **Development Plan Policies**

The development plan for Charnwood is made up of the Charnwood Local Plan Core Strategy 2011 to 2028 and the saved policies of the Borough of Charnwood Local Plan 1991-2006. The planning and compulsory purchase act requires applications to be determined in accordance with this development plan unless material considerations indicate otherwise.

#### Charnwood Local Plan Core Strategy (adopted 14th November 2015)

The policies relevant to this proposal include:

Policy CS2 – Design – Seeks to ensure that development across the Borough is of a high standard of design.

Policy CS4 – Houses in Multiple Occupation – managing the proportion of houses in multiple occupation, preventing HMOs damaging the social and physical character and amenity of a street or area and avoiding noise and disturbance and increased demand for on-street car parking.

Policy CS14 – Heritage – Seeks to conserve and enhance historic assets across the Borough.

#### Borough of Charnwood Local Plan 1991-2026 (adopted 12th January 2004)

The saved policies relevant to this proposal include:

Policy EV/1 – Design – seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers and are 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/17 – Householder Extensions - seeks to ensure that extensions to dwellings are of a compatible scale, massing and design and use materials compatible with the existing dwelling that would not appear incongruous to the street scene or would prove detrimental to the amenities of neighbouring occupiers in terms of overshadowing, dominance and loss of privacy or light and would result in the removal of important existing landscaping.

Policy TR/18 – Parking Provision in New Development – This policy seeks to ensure that sufficient parking provision is incorporated in new development to prevent harm to highway safety.

#### Supplementary Planning Guidance on House Extensions

This guidance sets out the criteria under which the design of householder extensions, including extensions to houses in multiple occupation will be considered by the local planning authority. It includes guidelines on design and appearance and covers issues such as loss of light and overlooking.

#### Ashby Road Conservation Area Character Appraisal

*This Character Appraisal sets out: “the special qualities of the Ashby Road Conservation Area, to provide a sound basis for proposals for its preservation or enhancement and for development control decisions. The aim is to provide a guide to the varied elements that contribute to the distinct character and appearance of the conservation area.”*

#### The Housing Supplementary Planning Document (SPD) 2017

This Supplementary Planning Document was adopted by the Cabinet on 11th May 2017. Section 4 of this document covers houses in multiple occupation, although this mostly relates to the provision of new houses in multiple occupation without much reference to works to existing HMOs. It is worth noting that Policy HSPD 11 states that when working out whether an area is over the 20% threshold, each property is counted as a single HMO regardless of the number of bedrooms. Policy HSPD 15 also refers to the impact of HMOs

on parking provision and states that reliance on kerbside parking within residential streets will not normally be acceptable unless evidence suggests that there is sufficient capacity. The SPD is open to legal challenge for a period of 6 weeks from the date of adoption.

#### National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The Framework contains a presumption in favour of sustainable development. Section 12 deals with conserving and protecting the historic environment and states that where a proposal would result in harm to a heritage asset it needs to be weighed against public benefits of the proposal.

#### Leading in Design Supplementary Planning Document (February 2006)

This document sets out the design criteria under which development will be considered across the Borough.

#### Leicestershire County Council's 6 Cs Standing Advice

This document sets out the minimum parking standards for development including residential and householder development.

#### The Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Area) Act 1990 – Section 72 give Local Planning Authorities a statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Relevant Planning History**

P/16/2527/2 – A Certificate of Lawfulness submitted last year confirmed that the property has been in use as a House in Multiple Occupation since prior to February 2012.

### **Responses of Consultees**

#### Leicestershire County Council (Highway Authority)

The Highway Authority states parking provision should be taken into account when determining the application.

#### Storer and Ashby Road Resident's Group (SARG)

Object to the application and argue that the application would:

- Increase the number of bedrooms from 3 to 4 in a street that is already over the 20% threshold recommended in the Student Housing SPD.;
- That intensification of the dwelling would increase the potential for noise and disturbance and anti-social behaviour;

- Result in loss of garden space, particularly in the Conservation Area that would amount to loss of important areas of open land and would therefore be contrary to Policy EV/18;

### Ward Councillors

Cllr Forest – objects to the application on the grounds that the property was an HMO and the proposal would exacerbate the problems associated with an area already saturated with such houses and that she would like to see the application brought before plans committee.

Cllr Tillotson – Initially objected to the application on the grounds of not wishing to see an extension to HMOs in an area already saturated by them and the potential for the extension to lead to the subdivision of the property in the future and that it would be naïve to think that this would not happen, she also requested that the application was either refused or referred to plans committee. Since this comment was received, a Certificate of Lawfulness has established that the use of the property as a house in multiple occupation is lawful. In response to the report circulated in respect of the Ward Referral process the councillor has raised concerns that the property is in a conservation area and that the proposal is incompatible in scale with other properties. The Councillor also stated that the proposal would result in a significant loss of garden and would cause unacceptable overshadowing of the neighbouring garden. Concerns regarding the use of the property as an HMO were also re-iterated, with the Councillor stating that although there was no increase in the number of bedrooms, the extension would be likely lead to additional noise and disturbance for neighbours in an area which has far more HMOs than the recommended 20% threshold.

### Neighbours

The neighbour at 53 Cumberland Road states:

- The proportion of building to garden on the plans was wrong and that it was therefore unclear where the proposed extension is in relation to the house and garden at number 53;
- The proposed extension would put the applicant's garden in the shade, making it damp and impairing the use of the washing line;
- Requested that the wall facing the property of 53 should be of brick construction with a UPVC fascia;
- The details of the foundations, wall and roof should be detailed by a qualified engineer and architect then approved by the professional representatives of number 53.

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

The main issues to be considered in the determination of this application are:

- i) The impact on the amenity of occupants of neighbouring properties;
- ii) The impact on the character and appearance of the street scene and Conservation Area;

- iii) The impact on the balance of the community; and
- iv) The impact on the highway.

### Neighbour amenity

#### *Impact on no. 53 Cumberland Road*

Although the proposal will extend out to the rear, the room at the rear of 53 Cumberland Road appears to be in use as a store and is therefore not a habitable room, as a result, the impact in terms of loss of light and overlooking on this room would not be grounds for refusal of the application. With regard to the other issues raised by 53 Cumberland Road, it was identified following the site visit that there was an error on the plans, with the floor plans and the elevation plans not matching, this has since been corrected and the plans now match. In terms of the impact on the garden in terms of overshadowing, the proposal would only impact on a small part of this garden, with the majority of the garden remaining unaffected and this would therefore not be sufficient grounds to refuse the application, especially as the impact would be minimal given the single storey nature of the proposed extension. Furthermore, the use of the washing line at this property is not a material consideration that would justify a refusal of planning permission.

The other issues raised by the neighbour at 53 Cumberland Road include the materials used in the construction of the development, maintenance access and the foundations walls and roof being detailed by a qualified engineer and approved by the owner of 53 Cumberland Road. The materials are proposed to match the existing materials at the property and are therefore considered to be acceptable in terms of design. The concerns regarding the quality of the structure and the boundary issues with 53 Cumberland Road amount to a civil matter or would be dealt with at the building control stage of the development and do not amount to material planning considerations. An information note advising of the Party Wall Act and the avoidance of damage to the neighbouring property will be added to the decision to ensure the applicant is aware of other legal obligations that may apply.

#### *Impact on 49 Cumberland Road*

In terms of the impact on the other adjoining property at 49 Cumberland Road, the rear window at this property which is the only window that will be affected by the proposals is an obscure glazed window serving a bathroom which is not a habitable room and therefore the impact in terms of loss of light and overlooking on this property is considered to be acceptable.

### Design and Impact on the Conservation Area

In terms of design, the proposal is considered to be of a suitable scale and would not be visible from the street scene. The dwellings on Cumberland Road are characterised by having single storey elements that extend beyond the rear of the main two storey dwelling and this is the case with the existing layout at the property. Although the applicant's extension will mean that the rear of the property will be set slightly further back than most of the other properties in the street, 55 Cumberland Road appears to have a similar layout and the garden at 51 is longer than the gardens at many of the other dwellings in the

street. Furthermore, although the rear of applicant's property and the adjoining properties would not be in line, this is often characteristic of terraced dwellings where they have been extended at different times. The proposal would also not result in over-dominance given its single storey nature. In addition to this, although the proposal will have a flat roof, this is in keeping with the existing dwelling.

The architectural approach is acceptable and would have a neutral impact on the character and appearance of the Conservation Area when considered against paragraph 132 of the NPPF, with no harm resulting from the proposal. This is due to its single storey nature and the fact that although the extension proposed is slightly longer than other extensions on Cumberland Road, the difference is minimal and single storey additions to the rear are typical of similar dwellings in the immediate vicinity. The main building work would be situated to the rear of the property and would therefore be shielded from view from any public areas. It is therefore considered that the development would result in a neutral impact and would not result in harm to the heritage asset. Overall in terms of its design, it is considered that the proposal complies with the provisions of policies CS2 and CS14 of the Core Strategy, saved policy EV/1 of the Local Plan and Paragraphs 132-134 of the NPPF, as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### The impact on the balance of the community

The application site is used as a House in Multiple Occupation (HMO). The local residents' group, SARG, has objected to the application on the basis that it would increase the number of occupants in an area where the proportion of HMO properties is already well above the 20% threshold. The applicant has, however, submitted written confirmation that the proposal will provide an extension to an existing bedroom rather than creating an additional bedroom and that there is no plan to increase the number of tenants within the property. Although the applicant has stated that the intention is not to increase the number of students in the property, the number of students could nevertheless be increased without extending the property, by subdividing rooms internally or letting rooms to couples to increase the number of residents at the property and the Council would have no control over this unless there were more than 6 tenants. The proposal does not increase the proportion of HMO properties in the area, nor is there evidence that an increase in student numbers is to occur. Moreover, the number of bedrooms present could increase from the current 4 to 6 without planning permission, as the use as an HMO has been established and it is only the extension that requires consent. The proposal would therefore comply with Policy CS4 of the Charnwood Local Plan Core Strategy and would also comply with the Council's Housing SPD, as the guidance set out in this document mainly refers to the provision of new houses in multiple occupation and the use of the applicant's property has already been established through a Certificate of Lawfulness.

#### The impact on the highway

The Local Highway Authority has asked for car parking to be considered if there is any increase in the number of bedrooms at the property. The proposal would not create any additional bedrooms, there is currently no off street parking provision at the property and on-street parking being permit-controlled. It is therefore considered that the proposal will not increase demand for parking provision or reduce the provision already at the property

and the proposal is considered to be acceptable on highway safety grounds and in line with Policy TR/18 and the Council's Housing Supplementary Planning Document.

## **Conclusion**

There are also no other material considerations that would justify a refusal of planning permission. The proposal is considered to comply with Policy CS2, CS4 and CS14 of the Charnwood Local Plan Core Strategy 2015, saved policies EV/1 and H/17 of the Charnwood Local Plan 2004 and the Council's Housing SPD 2017. The proposal is also considered to meet the requirements set out in the National Planning Policy Framework 2012 and the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore recommended that planning permission be granted subject to the conditions set out below.

## **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 facing materials to be used in the construction of the new works hereby permitted shall match as closely as possible those of the existing building.  
REASON: To ensure the satisfactory appearance of the completed development.
- 3 The development shall be carried out only in accordance with the details and specifications included in the submitted application, as shown on the drawings below;  
Approved Drawings:-  
Plan - Drawing 1 // Revision 2 - Dated 10/08/2016;  
Proposed Elevation - Drawing B Revision 2 // Dated 10/08/2016  
REASON: For clarity and the avoidance of doubt and to define the terms of the permission.

The following advice notes will be attached to a decision

- 1 The decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring properties at 49 Cumberland Road and 53 Cumberland Road. A Solicitor or Chartered Surveyor should be able to give advice about whether and how the proposed work falls within the scope of this Act.

- 3 This permission does not give any legal right for any work affecting neighbouring property, including buildings, walls, fences and vegetation within that property. The responsibility for meeting any claims for damage to such features lies with the applicant.

