

Item 5

Application Reference Number: P/16/2218/2

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<b>Application Type:</b>	Householder	<b>Date Valid:</b>	26/10/2016
<b>Applicant:</b>	Mr and Mrs A Singh-Tumbar		
<b>Proposal:</b>	Erection of 2 storey rear extension and detached double garage at rear of garden.		
<b>Location:</b>	219 Ashby Road Loughborough Leicestershire LE11 3AD		
<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 on highway safety and that the proposal is over-dominant in the Conservation Area.

### Site Description

The site is a detached dwelling within the Ashby Road conservation area. It is situated in a prominent location on the corner of Epinal Way and Ashby Road close to the signal controlled roundabout junction between these two roads. There is a close boarded fence to the western boundary and the front of the site. The boundary to the east is more open and comprises a low wall and a conifer hedge. On the other side of this eastern boundary is 217 Ashby Road and to the north are the rear gardens of numbers 1, 3, 5 and 7 Haydon Road. The application site is within the Loughborough limits to development and currently comprises a four bedroom detached two-storey dwelling, although one of these bedrooms is shown on the floorplan as being a 'box' room.

### Description of the Application

The proposal is for a two storey extension to the rear of the existing dwelling and a detached garage. The proposal will create 2 additional bedrooms, 2 en-suite bathrooms and 2 closets at first floor level, with a study, enlarged kitchen and day room being created at ground floor level. The proposal would seek to use matching materials to the current property.

It is a revised scheme and represents a reduction in the height of the previous proposal by 2.3 metres and the removal of the previously proposed rear dormer which was refused planning permission at plans committee in 2016 for the following reasons:

*"The proposed roof extension would raise the ridge height of the building substantially and this, in combination with the size of the two storey rear extension, would give rise to a building with large and bulky elevations. The south and west elevations of the building are visually prominent, in this corner location which also forms the entrance to the Ashby*

*Road Conservation Area. It is considered that the extended building would be out of scale with surrounding buildings and that as a result it would give rise to visual harm to the character of the area and "less than substantial harm" to the conservation area. The proposal would accordingly fail to comply with saved policies EV/1 and EV/17 of the Local Plan, policies CS2 and CS14 of the Core Strategy and the advice given in sections 7 and 12 of the National Planning Policy."*

## **Development Plan Policies**

The relevant development plan for Charnwood is made up of the 2015 Charnwood Local Plan Core Strategy and the saved policies of the 2004 Borough of Charnwood Local Plan. The Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with this development plan unless material considerations indicate otherwise.

### Charnwood Local Plan Core Strategy

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

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

### Borough of Charnwood Local Plan 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 are compatible in mass, scale and layout, whilst using landforms and other natural features. They 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 Householder Extensions (2001)

This document provides guidance on how planning applications for extensions to existing dwellings 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. Although it was published in 2001, this guidance is still considered to carry weight given that it is broadly consistent with Saved Local Plan policies EV1 and H17 and Core Strategy Policy CS 2 and the National Planning Policy Framework 2012.

### 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.

Appendix 4 of the SPD sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that good quality design is achieved

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

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

### Ashby Road Conservation Area Character Statement

This document "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 Planning (Listed Buildings and Conservation Areas) Act 1990

This sets out the duties that a Local Planning Authority has when determining applications related to both listed buildings and Conservation Areas.

### Other Material Considerations

Planning permission was granted for the access onto Epinal Way in 1999. This does not pre-date the conversion of this road to a dual carriageway ring road.

### **Relevant Planning History**

<b>Ref.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/84/1842/2	Erection of a dwelling	Refused	1984
P/99/2190/2	Two storey extension and erection of detached garage to rear	Approved	2000
P/07/3607/2	Extension and detached garage (as previously permitted)	Approved	2007

P/16/0802/2	Erection of roof extension and two storey extension to rear of dwelling. Erection of double garage at rear of dwelling to be accessed from Epinal Way).	Refused	2016
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### **Relevant Planning Constraints**

The site lies within the Ashby Road Conservation Area.

### **Responses of Statutory Consultees**

#### Leicestershire County Council Highway Authority

The Highway Authority does not object to the application as the access is an existing access and there are no restrictions over its use or requiring it to be closed. It does, however, point to the application being substandard and request conditions relating to the access being surfaced in a hardbound material.

#### Ward Councillor Tillotson

Objects to the application and has called it in to plans committee on the grounds that the access point, which has not been used for some considerable time, is in her opinion far too close to the junction with Ashby Road to be safe. The Councillor is aware that the Highway Authority has not objected, but they may not realise that the current gates are not in use. The Councillor also notes that the previous application was refused because of its over dominance in a Conservation Area and does not see that this latest proposal has changed.

#### Storer and Ashby Road residents' group (SARG)

Storer and Ashby Road Residents' Group objects to the application on the following grounds:

- The impact on highway safety due to the proximity of the access to the existing roundabout. Especially given how busy Epinal Way is at peak times, as well as a lack of suitable visibility splays, they also requested a site visit by LCC Highways.
- Concerns were also raised about the potential for a change of use in the future at the property, particularly a House in Multiple Occupation.

#### Haydon Road Residents' Group

Haydon Road Resident's group objects to the application on the following grounds:

- The danger posed to pedestrians by vehicles using the access;
- Concern about visibility splays moving closer to the junction;

- The fact that other accesses onto Epinal Way had been refused planning permission and the erection of a dwelling had also been refused permission in the past due to concern about the intensification of the use of the access;
- It was also raised that the head of engineering services objected to a garage using this access in 1999 when the road was quieter and that a relaxation of this approach would be detrimental to highway safety.

A second response from Haydon Roads Residents' Group was also received requesting that a Tree Survey was submitted, this was subsequently submitted as part of the application.

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

The main issues in the determination of this application are whether or not the proposals have overcome the reasons for refusal of application P/16/0802/2 and if they address the following issues:

- The impact on design, visual amenity and the Conservation Area;
- Impact on trees;
- The impact on the amenity of neighbouring residential properties;
- Car parking provision; and
- The impact on highway safety.

Other issues raised by objectors are also discussed below. These are:

- The potential for a house in multiple occupation.

#### Impact on design, visual amenity and the Conservation Area

Policies CS2 of the Charnwood Local Plan Core Strategy 2015, Policy EV/1 of the Borough of Charnwood Local Plan 2004 and the Council's Leading in Design SPD set out the Council's policy position in relation to design across the Borough, whilst Policy H/17 of the Borough of Charnwood Local Plan and The Council's Supplementary Planning Guidance on Householder Extensions set out how the Council will consider applications for householder extensions. Policy CS14 sets out how the Council will seek to protect heritage assets across the Borough and the national planning policy position regarding the protection of heritage assets is set out in Section 12 of the National Planning Policy Framework as well as the Planning (Listed Buildings and Conservation Areas) Act 1990. The dwelling is situated in a prominent corner location where there are clear views of the western and southern elevations. It is also prominent within the conservation area.

The revised scheme has significantly reduced the roof height of the proposed extension so that it will be the same as the existing dwelling and is better proportioned and therefore in keeping with other properties in the immediate locality. The flat roofed rear dormer previously refused under application P/16/0802/2 has also been removed from the scheme. As a result, it is considered that the amendments to the scheme have overcome the previous reasons for refusal and that there will be no significant visual harm to the character of either the Conservation Area or the wider locality generally and the proposal will not appear incongruous in the street scene.

The proposed garage will be unchanged from the previously refused application. However, none of the refusal reasons for the previous application related to this structure, which is largely screened from the street scene by vegetation and by the existing boundary fence. The garage will have a pitched roof and the rendered finish is considered to be in keeping with other dwellings in the locality such as that at 1 Haydon Road which has the western side elevation facing Epinal Way finished in render and the applicant's main dwelling which is also finished in render.

The proposal would therefore be in compliance with policies EV/1 and H/17 of the Borough of Charnwood Local Plan, Policies CS2 and CS14 of the Charnwood Local Plan Core Strategy, the Council's Supplementary Planning Guidance on Householder Extensions, the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the National Planning Policy Framework 2012.

### The Impact on Trees

Policy EV/1 of the Borough of Charnwood Local Plan seeks to ensure a high standard of development which:

*“Uses the landform and existing features in and around the site, such as woodlands, trees, hedges, ponds, important buildings and structures imaginatively as the focus around which new development is designed.”*

Paragraph 109 of the National Planning Policy Framework also states that:

*“The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.”*

In relation to the impact of the application on trees, the Charnwood Tree Officer has stated that the trees on the site are mostly low quality Grade C specimens. It was stated that there may be some impact on the peripheral root protection areas but that these trees are not of sufficient merit to be worthy of a Tree Preservation Order and that any root damage that does occur is unlikely to be of significant detriment to their long term condition. Nevertheless it is recommended that to avoid unnecessary harm to trees within the site, a planning condition should be added to ensure the trees are retained and that they are protected during construction works.

With these conditions imposed it is considered that the proposed development would be in compliance with both Policy EV/1 of the Borough of Charnwood Local Plan and Paragraph 109 of the National Planning Policy Framework.

### The Impact on Neighbour Amenity

Policy H/17 of the Borough of Charnwood Local Plan 2004, the Council's Supplementary Planning Guidance on Householder Extensions and the Council's Leading in Design SPD set out how the Council considers applications for householder extensions in terms of their relationship to neighbouring properties. Appendix 4 of the Council's Leading in Design

SPD sets out the minimum space standards between dwellings. The separation distance between rear elevations containing main habitable room windows is 21 metres for 2 storey dwellings. There is currently a distance of approximately 60 metres between the rear elevation of 219 Ashby Road and the dwellings to the rear on Haydon Road, as the proposed extension will be 5 metres in length, this distance will be approximately 55 metres following the proposed works and is therefore considered to be acceptable.

The nearest property to the proposed extension is 217 Ashby Road and there would be no loss of sunlight or daylight to the rear of this property due to the distance between the properties, the eaves height of the proposed extension and because the extensions are directly to the north. There is only one additional first floor window proposed in the east elevation of the extension which is to serve a WC and a separate planning permission would be required for any additional side windows at first floor level, unless they were obscure glazed and non-opening below 1.7 metres above floor level. The impact in terms of overlooking is therefore also considered to be acceptable.

The proposed garage would be situated approximately 1 metre from the rear boundary with the properties on Haydon Road. It would have an eaves height of 2.7m and a ridge height of 4.5m which is, respectively, 0.2m and 0.5m higher than what could be built using permitted development rights. The gardens to the properties on Haydon Road are a reasonable depth, (approximately 20m) and although the structure would lie directly to the south its single storey nature would preclude a material loss of light and prevent an overbearing impact. It is not considered that it would lead to a loss of amenity sufficient to refuse planning permission.

The proposal would therefore accord with Policy H/17 of the Borough of Charnwood Local Plan and the Council's Supplementary Planning Guidance on Householder Extensions in relation to its impact on neighbouring properties.

### Parking

Policy TR/18 sets out the need for parking provision to be taken into account when determining planning applications. The current parking requirements are set out in Leicestershire County Council's 6C's Standing Advice. The minimum requirement for dwellings with 4 or more bedrooms set out in this standing advice is 3 off street parking spaces, which can be easily accommodated on site. There is ample space within the site for this to be met. The proposal would therefore accord with Policy TR/18.

### Highway safety

Paragraph 32 of the National Planning Policy Framework sets out the national planning policy position in relation to the impact of development on highway safety, this states that:

*"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Although it is not included in the current application residents have objected to the access onto Epinal Way. This is an existing access which includes a dropped kerb and entrance pillars, although it is not currently open and does not appear to be in regular use.

The planning history for the site reveals that it was in existence in 1979 and prior to the Epinal Way relief road being constructed. Reference is made by residents to it being constructed in the 1950's to allow for a caravan to be stored but there is no record of this and more importantly no record of any restriction on its use. In 1984 an appeal decision held it to be unsuitable to serve a new house as this would result in intensification of its use. Two later applications permitted in 1999 and 2007 included it to serve a new garage although neither of these were implemented. Planning permission would not be required to reinstate the use of this access, as there is no change of use of the land. Although additional bedrooms will be proposed, the main car parking provision at the property is on the frontage and it is considered that this will remain the case following the proposed works and that the access will simply be used for the proposed garage. As a result, there is not considered to be a significant intensification of the use of the access caused by the increase in the number of bedrooms either. Therefore a refusal of the application based on this access could not be justified, provided the use of the garage remains ancillary to the existing dwelling. An informative has been added to advise the applicant that approval of this application only conveys consent for the garage to be used for domestic purposes ancillary to the dwelling house.

In conclusion the proposal would not alter the situation with regard to the existing access in such a way that planning permission could be refused and would therefore be in compliance with Paragraph 32 of the National Planning Policy Framework.

### **Other Issues Raised**

#### The potential for a house in multiple-occupation

Residents have expressed concerns that the size of the extension would allow the house to be used for multiple-occupancy. However, due to the presence of the article 4 Direction in this part of Loughborough which provides tighter controls in respect of change of use of dwellings to HiMOs, such a change would require a separate planning permission

### **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 and CS14 of the Charnwood Local Plan Core Strategy 2015 and Policies EV/1 and H/17 of the Charnwood Local Plan 2004. 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.

### **RECOMMENDATION:**

Grant Conditionally 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 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:-  
15/26. 03;  
15/26. 04A. - 11/15;  
15/26. 05. - 11/15 Elevations;  
15/26. 06A. - 11/15 site / roof plan.; and  
15/26. 07A. 11/15.  
REASON: For clarity and the avoidance of doubt and to define the terms of the permission.
- 4 The existing trees identified in the Arboricultural Report as: T1, T2, T3, G4, T5, G6, T7, T8, G9, T10, T11, G13, T14, G15 shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the local planning authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the local planning authority within one year of the date of any such loss, for a period of 5 years from the date development begins.  
REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
- 5 No development, including site works, shall begin until each tree shown to be retained on the approved plan has been protected, in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left un-severed.  
REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
- 6 The vehicular access leading to the double garage and turning area shall be surfaced in a bound material e.g. bituminous, concrete or block paving for at least 5 metres behind the highway boundary and shall be designed so as not to drain onto the public highway.

REASON: To reduce the possibility of deleterious material and surface water being deposited in the highway causing dangers to road users.

The following information notes will be attached to a decision:

- 1 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 Planning Permission is only granted for the use of the structure as a domestic garage, if the garage is to be used for commercial purposes or as a separate dwelling than a separate planning permission may be required and the owner of the land could be liable to enforcement action.

