

Item 2

**Application Reference Number** P/16/2640/2

<b>Application Type:</b>	Householder	<b>Date Valid:</b>	24/11/2016
<b>Applicant:</b>	Mrs A. Wadud		
<b>Proposal:</b>	Erection of two-storey extension to side and single-storey extension to rear of dwelling (Revised Scheme - P/16/1432/2 refers)		
<b>Location:</b>	18 Wallace Road Loughborough Leicestershire LE11 3NX		
<b>Parish:</b>	Loughborough	<b>Ward:</b>	Loughborough Southfields
<b>Case Officer:</b>	Stephen Dukes	<b>Tel No:</b>	01509 634988

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This planning application has been called to Plans Committee by Councillor Parton as he considers that this revised application does not rectify the three reasons for refusal in application P/16/1432/2.

**Description of the Application**

The application site is a two-storey semi-detached property on the south side of Wallace Road in Loughborough. The site is on a residential street and is located between a two storey detached house to the east and an attached house to the west, which it is understood is also under the ownership of the applicant.

The proposal is for the erection of a two-storey extension to the side of the dwelling, a single-storey extension to the rear and alterations to the front porch.

The scheme is similar to a previous planning application (P/16/1432/2) which was refused at Plans Committee on 15th September 2016. The reasons for refusal of the previous application are listed below in the 'Relevant Planning History'.

The changes to the plans in this revised planning application consist of the removal of the two-storey rear extension, with the two-storey part of the development being to the side of the original dwelling only. The extension across the rear of the original house and side extension is now single-storey only, extending back 4 metres. In addition, the proposed side extension is now set in 800mm from the side boundary with no.16 Wallace Road (as opposed to being set in only 100mm in the original refused plans) and the extended property would now include only four bedrooms rather than five.

**Development Plan Policies**

Charnwood Local Plan Core Strategy (adopted 9th November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

#### Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

The policies relevant to this proposal include:

Policy EV/1 – Design – seeks to ensure a high standard of design that respects the character of the area and is compatible in mass, scale and layout.

Policy H/17 – Extensions to Dwellings – should not be detrimental to visual amenity or to the amenities of occupiers of nearby properties.

Policy TR/18 - Parking Provision in New Development notes that planning permission will not be granted for development, unless off-street parking for vehicles, including cycles, and servicing arrangements are included, to secure highway safety and minimise harm to visual and local amenities.

#### **Other material considerations**

##### National Planning Policy Framework (NPPF)

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (para.6), fulfilling an economic, a social and an environmental role (para.7). Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para.11). The NPPF states that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development (para.56). Planning decisions should not attempt to impose architectural styles or tastes but should seek to reinforce local distinctiveness (para.60). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (para.64).

##### Supplementary Planning Guidance on House Extensions

This SPG provides advice about the way planning applications for house extensions will be assessed. This includes guidance on the design and appearance of extensions and their impact on the enjoyment of neighbouring properties.

##### Supplementary Planning Document Leading In Design

This document seeks to encourage, promote and inspire higher design standards in new development.

## Relevant Planning History

P/16/1432/2 - Erection of two-storey extension to side and rear of dwelling, single-storey extension to rear and alterations to front porch – members resolved to refuse the application at Plans Committee on 15th September 2016, against officer recommendation for the following reasons:

1. The proposed two-storey side extension would, by reason of its scale and size (being built up the boundary), be overdominant in its appearance and out of character with the surrounding area and would have a detrimental impact on the visual amenity of the street scene. The proposal is therefore considered contrary to Policy CS2 of the Charnwood Local Plan Core Strategy and saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan.
2. The proposed two-storey extensions would have a detrimental impact on the residential amenity of no.16 Wallace Road through loss of light to the side facing windows, and its poor design with a flank two-storey gable built up to the boundary would be overbearing on the occupants of that property, especially considering the position of the main entrance to no.16. The proposal is therefore considered contrary to Policy CS2 of the Charnwood Local Plan Core Strategy, saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan and the aims and objectives of the National Planning Policy Framework.
3. The proposal would result in a lack of off-street parking for the extended five-bedroom property which would cause additional parking in the highway, and would be contrary to saved Policy TR/18 of the Borough of Charnwood Local Plan and Leicestershire County Council Highways Standing Advice.

## Responses of Statutory Consultees

Cllr Ted Parton – cites the previous reasons for refusal in application P/16/1432/2. Considers that the revised application does not rectify the three reasons for refusal of the initial application and for this reason he objects to the application and asks that the matter is again heard by the Plans Committee. Councillor Parton states that he understands the wishes of the applicant to develop her property but that planning decisions must be taken with the consideration of both the applicant and surrounding neighbours.

Leicestershire County Council (Highways) – The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider surfacing, access & car parking requirements/ dimensions.

## Other Comments Received

A letters of representation have been received from the occupier of no.16 Wallace Road, with the following issues raised:

- The latest proposal does not change the situation in terms of the impact on the street scene, the neighbour's house and the provision of adequate parking – states

that original decision of the Plans Committee should be respected and the decision refused.

- Refers to the previous letter of representation by Mr Roy Rollings of Bird Wilford and Sale Solicitors which is still relevant and should be taken into account.
- First floor extension has been reduced, but the neighbour states that the property could still be occupied by seven people.
- The neighbour claims that the distance between the boundary and the side wall of the existing house is 3659mm not 3700mm as shown in the plans and therefore the width of the passage to the rear garden would be 769mm instead of 800mm. The neighbour claims that the width is 100mm less at the rear of the property and this is further reduced by rainwater pipes. As such, the neighbour considers that the passageway would be too narrow to enable dustbins and wheelbarrows to pass along the side of the property and the moving of the gable wall would not reduce the impact on the neighbouring property.
- Impact on the highway - refers to Appendix 1 of the Charnwood Local Plan and the 6 C's Design Guide which state that dwellings with four or more bedrooms should have three off road parking spaces. States that members disagree with the previous consideration that two parking spaces would be sufficient given the proximity to Loughborough town centre, and cited parking as a reason for refusal. Garage does not meet standards in the 6 C's Design Guide to count as a parking space. Concerns about potential increase in vehicles and that the two spaces proposed at the front of no.18 cannot be accessed without driving over driveway of no.16.
- Impact on residential amenity – no difference in level of harm to residential amenity of no.16 – loss of light to seven windows on side wall (serving kitchen, hallway, landing and stairs and the second window to numerous rooms) and only front entrance door - moving extension 769mm away from the boundary is not enough.
- Character and appearance of building – over-dominant appearance, out of character with the surrounding area and a detrimental effect on the street scene. Size and scale greater than any other extension on Wallace Road. No.16 was designed as a detached house within a spacious setting – the extension would reduce the sense of space. Reference to application and appeal at no.38 Berkeley Road, Loughborough - was dismissed due to harm to the street scene and loss of residential amenity – this only had one window on the side which would be affected – the application at Wallace shows far greater harm to residential amenity. Neighbour advises that no agreement will be given for access onto land at no.16 Wallace Road to build the extension.

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

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

- i) The impact on the character and appearance of the street scene;
- ii) The impact on the amenity of occupants of neighbouring properties;
- iii) The impact on the highway; and
- iv) Other issues.

#### The impact on the character and appearance of the street scene

The proposed two-storey side extension and altered front porch would be visible within the street scene. In the previously approved plans in application P/16/1432/2, the side

extension was only 100mm from the boundary, allowing for a slight eaves overhang. The amended plans in this application show that the extension would be set in 800mm from the boundary. The neighbour at no.16 has used a laser beam to measure the gap between the fence post and the existing side wall and, taking into account the 2900mm width of the extension, claims that the gap between the side of the extension and the boundary would only be 769mm. The difference between 769mm and 800mm is only 31mm or 3.1cm which is considered to be within an acceptable margin of error as the gap between the side wall and the boundary is clearly rounded to the nearest 10cm.

The Council's 'House Extensions' Supplementary Planning Guidance (SPG) states that extensions which fill the gap between houses can change the whole character of the area. It states that extensions to semi-detached houses can create a terracing effect but that setting back the extension from the front elevation of the house or using a different roof form can help to overcome this.

In this case, the proposed extension is set back by half a metre from the front elevation of the main house which would help to overcome a potential terracing effect. Furthermore, the 800mm (or 769mm) gap between the side of the extension and the boundary, together with the 1670mm distance between the side of no.16 and the boundary, would give a total distance of nearly 2500mm or 2.5 metres between the two dwellings. This separation distance is considered sufficient to avoid a terracing effect and ensure that a sense of space around no.16 is retained.

The neighbour at no.16 comments that despite the changes, the proposed extension does not respect and enhance the character of the area and that the scale, massing and height are totally disproportionate to that seen in the locality. It is, however, not unusual for semi-detached properties to be extended to the side in this way and there are other properties in the area which have been extended in a similar way (for example, no.2 and no.4 Wallace Road). It is officers' opinion that the proposed extension would appear subordinate in scale and design to the existing property, with a first floor set back and lowered ridge line and therefore is not considered to be disproportionate in scale, massing and height. On this basis, it is considered the proposal would comply with the requirements of Policy CS2 and saved Policies EV/1 and H/17 of the Local Plan.

#### The impact on the amenity of occupants of neighbouring properties

##### *Impact on no.16 Wallace Road*

The next door neighbour at no.16 Wallace Road has objected to the proposal on the basis that the revised proposals would still result in a loss of light to the windows and door on the side of her property. There are seven windows on the side of no.16 Wallace Road, along with the main entrance door to the property. However, these windows are either not the main source of light to the habitable rooms which they serve, or do not serve habitable rooms. The four windows towards the front of the house at ground and first floors serve the downstairs living room and first floor bedroom. However, these rooms are also served by the main windows on the front elevation. The rear most ground floor window serves the kitchen, but light to this room is also provided by the window on the rear elevation. The rear most first floor window serves a bathroom but this would not be classed as a

habitable room. Likewise, the hallway and landing which is lit by the front door and first floor stained glass window, is not a habitable room.

The guidance in the Council's 'House Extensions' SPG states that the Council will grant planning permission for house extensions where the proposal will not result in a substantial loss of sunlight to main rooms of adjoining dwellings. Appendix 4 of the Council's 'Leading in Design' Supplementary Planning Document states that there should be a separation distance of 12.5 metres to avoid over dominance where elevations containing main ground floor habitable room windows would face windowless flank walls. However, as described above, the windows on the side of no.16 Wallace Road are not main habitable room windows as they are either not the main source of light or do not serve habitable rooms and therefore the separation distance is considered irrelevant in this case.

In refusing planning permission for application P/16/1432/2, members concluded, however, that the loss of light to these side facing windows would be detrimental to residential amenity and that the two-storey flank gable wall would be overbearing on the occupants of no.16, particularly given the location of the front door of no.16.

The changes to the plans in this application consist of the setting in of the extension by 800mm from the boundary, leaving a separation distance of nearly 2.5 metres between no.16 and no.18, along with a removal of the first floor rear extension. These changes are considered to result in a material improvement to the amenity of the neighbour as compared to application P/16/1432/2. The setting in of the extension would reduce its overbearing nature, particularly when viewed from the front door of no.16. Furthermore, given that the rear extension is now single-storey only and features a hipped roof, this would result in a significant improvement in the light available to the side facing kitchen window and first floor bathroom window. Loss of light to the side facing kitchen window is mentioned as a particular concern to the neighbour as this provides light for the main worktop in the kitchen at no.16. However, this window, along with the first floor bathroom window would now only face the very corner of the first floor extension, and therefore light would not be significantly reduced.

A reference is made to an application and appeal at no.38 Berkeley Road in Loughborough, which the neighbour claims was similar to this case. This application was recommended for approval but refused by the Plans Committee due to the size of the extension which was considered to be out of keeping with the street scene, its siting in close proximity to the neighbouring property and a loss of light and overbearing impact on the neighbouring property. The neighbour at no.16 Wallace Road claims that the application at Wallace Road shows a far greater harm to residential amenity as the Berkeley Road application only had affected one window on the side elevation. However, in dismissing the Berkeley Road appeal, the Inspector in fact concluded that the development would not harm the living conditions of the occupiers of the adjacent property (despite the extension blocking light to a side facing hallway window), but considered that this would be outweighed by the harm identified to the character and appearance of the area. As such, the Berkeley Road appeal case is not considered relevant to the suggestion that the revised application at no.18 Wallace Road should be refused on the grounds of the impact on residential amenity.

In summary, taking into account the changes in this revised application, the development is not considered, by officers, to have a detrimental impact on the residential amenity of no.16 Wallace Road and as such would comply with Policy CS2 of the Core Strategy and saved Policies EV/1 and H/17 of the Local Plan.

#### *Impact on no.20 Wallace Road*

No.20 Wallace Road is under the ownership of the applicant, who currently lives at this neighbouring property. However, the impact on the amenity of future occupants of this property must be considered. The proposed extension is hipped on both sides and complies with the 45 degree method, as outlined in the 'House Extensions' Supplementary Planning Guidance and therefore is not considered to result in a significant loss of light to occupants of no.20 Wallace Road. Application P/16/1432/2 was not refused on the basis of any detrimental impact on the amenity of no.20 and the proposed development on this side of the property has not changed from in the plans previously considered.

#### Impact on the highway

The Highway Authority has asked for car parking to be considered in relation to the increase in the number of bedrooms at the property. The number of bedrooms at the property would increase from three to four as a result of the proposal (in application P/16/1432/2 it was proposed to increase the number of bedrooms to five). The site plan shows two car parking spaces can be provided to the front of the property. The space to the side of the property and garage to the rear would be lost. A garage is provided in the proposed side extension but this would not meet the Highway Authority's standards to be counted as a car parking space as it would only have internal dimensions of 5 metres by 2.5 metres. The Highway Authority's Standing Advice states that the minimum usable internal dimensions for a garage are a width of 3 metres and a length of 6 metres and that if the dimensions shown are less than that, the garage should not be counted towards the required parking spaces for the dwelling.

Appendix 1 of the Borough of Charnwood Local Plan states that dwellings with four or more bedrooms should have three off road parking spaces. The 6 C's Design Guide also gives a guide of three spaces for four bedroom dwellings in suburban or rural areas or other locations where car ownership is likely to be higher. Application P/16/1432/2 was refused at Plans Committee as members considered that the proposal would result in a lack of off-street parking for the extended five-bedroom property which would cause additional parking in the highway, contrary to saved policy TR/18 of the Local Plan. Whilst the proposals would still leave the property one car parking space short of the recommended number, it is anticipated that a four bedroom dwelling would generate less car parking requirements as compared to a five bedroom dwelling.

In addition, Wallace Road is close to Loughborough town centre (a 10-15 minute walk away) and is well served by public transport with regular buses along Forest Road and Beacon Road at either end of Wallace Road. It is therefore considered that no.18 Wallace Road is in an area where car ownership may be lower and therefore the proposal is not likely to result in a big increase in parking in the highway. In any case, there is a residents' parking scheme in place on Wallace Road which restricts daytime parking for

non-permit holders to two hours only in the marked bays along both sides of the road. As most properties have driveways and commuters would not be able to park on Wallace Road during the day, it is not anticipated that one additional vehicle parked in the highway would be detrimental to highway safety. Paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case, it is not considered that the proposed development would lead to a severe impact on the highway and the proposal would comply with saved Policy TR/18 of the Local Plan.

The neighbour at no.16 Wallace Road does have concerns that the two car parking spaces at no.18 could only be accessed by crossing over the driveway of no.16. The two spaces are shown at a diagonal but it is considered that vehicles could manoeuvre into the spaces without using the driveway of no.16, particularly given that there is a fence between the two properties. The front boundary wall at no.18 would, however, need to be removed and the dropped kerb extended. A condition will be include to ensure that the spaces shown on the site plan are provided prior to the first occupation of the extensions.

### Other matters

The neighbour has stated that she would not allow access onto her land for construction purposes or for scaffolding, and states that the 800mm gap between the side extension and the boundary would not be wide enough for scaffolding to be positioned on the site. However, the actual method of construction is not a planning consideration and a neighbour's refusal to grant access to their land in order to erect scaffolding would not be a reason to refuse planning permission.

### Conclusions

In summary, the proposed development in this revised application is considered by officers to be acceptable in its design and appearance and impact on the street scene. The proposal is not considered significantly detrimental to the amenities of neighbouring residential properties and would not cause significant loss of light to the main windows to habitable rooms at neighbouring properties. The cumulative impact on the highway caused by an increase of one bedroom at the property is also not considered severe, and the location of the property close to the town centre and bus routes would encourage the use of sustainable forms of transport.

The proposed changes to the plans as compared to application P/16/1432/2, consisting of the removal of the first floor part of the rear extension, the setting in of the extension by 800mm from the boundary, and the reduction to four bedrooms, are considered to overcome the previous reasons for refusal in application P/16/1432/2. As such, the proposed development would comply with Policy CS2 of the Charnwood Core Strategy and saved Policies EV/1 and H/17 of the Local Plan.

It is therefore recommended that planning permission should 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 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 Prior to the first occupation of the extensions hereby permitted, the two car parking spaces indicated on drawing no.KMC-1029-4 Rev C shall be provided in a bound material. The car parking spaces shall thereafter be retained and made available at all times for their intended purpose.  
REASON: To provide sufficient off-road car parking in the interests of highway safety.
- 4 The development hereby permitted shall be carried out in accordance with the following plans:
  - Proposed Floor Plans - KMC Consultancy Services - KMC-1029-1 Rev C - received by the Local Planning Authority on 25 November 2016.
  - Proposed Elevations - KMC Consultancy Services - KMC-1029-2 Rev C - received by the Local Planning Authority on 25 November 2016.
  - Proposed Elevation and Section - KMC Consultancy Services - KMC-1029-3 Rev C - received by the Local Planning Authority on 25 November 2016.
  - Location Plan and Site Plan - KMC Consultancy Services - KMC-1029-4 Rev C - received by the Local Planning Authority on 25 November 2016.REASON: For the avoidance of doubt and to define the terms of the permission.

The following advice notes will be attached to a decision

- 1 **DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION**
  - Policies CS2 of the Charnwood Core Strategy (adopted 9th November 2015) and EV/1, H/17 and TR/18 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 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 the Council's adopted Supplementary Planning Guidance on House Extensions and,

therefore, no harm would arise such as to warrant the refusal of planning permission.

- 3 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.
- 4 You may be aware that your neighbour objected to the proposal on the grounds of loss of light to a window or windows. If there is a legal right to light, this would apply independently of planning control. You may wish to seek legal advice before starting development. This planning permission does not override or negate any such established right to light.
- 5 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.
- 6 This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

