

Item No. 3

Application Reference Number P/16/2423/2

Application Type:	Householder	Date Valid:	28/10/2016
Applicant:	Mr Bipin Modi		
Proposal:	Erection of first floor extensions to form two-storey dwelling and erection of single storey extensions to sides and rear of dwelling house (C3 use)		
Location:	75 Castledine Street Loughborough Leicestershire LE11 2DX		
Parish:	Loughborough	Ward:	Loughborough Southfields
Case Officer:	Helene Baker	Tel No:	01509 634740

This application is brought before Plans Committee at the request of Councillors Parton and Mercer following the call in procedure as they are concerned about the impact of the development in terms of its size and appearance, on the conservation area and also on the existing drainage/sewerage systems.

Description of the Application

No 57 Castledine Street is a mid C20th detached 3 bedroom hipped roof brick and tile bungalow. It has two tile hung front gables, one of which forms part of the extension on its south-eastern side, and large casement windows characteristic of its modern era. Abutting the north-western site boundary is a gated carport, pitched roof garage and flat roof outbuilding which extend back from the side of the bungalow into the rear garden to within 8m of the site's rear boundary.

The dwelling is sited on a relatively wide plot on the north-eastern side of Castledine Street, close to its south-eastern end. The road is private and unadopted, comprising properties of mixed styles, types, sizes, ages and materials sited on varying plot sizes and some with landscaped frontages and trees. There is no uniform building line along Castledine Street and spaces between dwellings vary with some closely related and/or abutting the front boundary and others set back and/or on generous sited plots. Moreover, not all properties face the street. This eclectic mix of architectural styles and orientations is identified in the Victoria Street Conservation Area Character Appraisal. The majority of properties provide a distinct front boundary to the street and there is a commonality in the palette of building materials.

This proposal relates to first floor and single storey extensions to the side and rear of the existing dwelling to provide a two storey render and brick 6 bedroom dwelling. Whilst its footprint extends across most of the width of the plot, the two storey element is set in from the side boundaries as there are single storey elements on its two sides.

Since its submission, the proposal has been the subject of a number of revisions. These include changes to the form and elevational treatment of the proposed extensions which seek to improve its appearance and make it more in keeping with the character of the area but at the same time not adversely impacting on the residential amenity of adjoining properties. The extended dwelling is simple in its form and fenestration detailing. It retains a main frontage gable, has steep pitched roofs on its frontage, a central porch, and stone sills and headers.

The extended property is shown to be accessed via the existing driveway and the frontage block paved to provide parking for 4 vehicles. It is proposed to retain the brick wall on the frontage with landscaping provided behind it. A tree in the southern corner of the application site is shown to be retained.

The dwelling immediately to the north-west of the application site is a large semi-detached 2.5 storey dwelling with an outrigger to the rear with ground and first floor habitable room windows facing the application site as well as towards the back garden. There is an ivy covered brick wall in excess of 2 metres along the common boundary. To the south-east of the proposal site is a modern detached 2 storey dwelling with an attached garage on its side adjacent to the common boundary.

The dwelling has been empty since April 2016 before which it is understood to have been occupied as a Class C3 dwelling. The Agent has confirmed the applicant intends to occupy the dwelling as a C3 dwelling house and the application is sought on that basis.

The application site is within the designated Victoria Street Conservation Area. The Grade II listed garage and attached walls between Nos 61 and 71 Castledine Street are between 25 and 13 metres respectively to the north-west of the application site.

The application is accompanied by a Design and Access/Heritage Statement.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 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; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS14 – Heritage seeks to conserve and enhance historic assets. It supports proposals which protect heritage assets and their setting and supports developments which reflect Conservation Area Character Appraisals.

Policy CS25 - Presumption in favour of sustainable development echoes the sentiments of the National Planning Policy NPPF in terms of sustainable development.

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

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy EV/1 – Design - seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, and layout.

Policy H/17 – Extensions to Dwellings – requires that such development 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 included, to secure highway safety and minimise harm to visual and local amenities.

Material considerations

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

The National Planning Policy NPPF (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 sets out core planning principles underpinning decision making. These include always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and conserving heritage assets in a manner appropriate to their significance (Paragraph 17).

In addition the NPPF offers the following advice that is particularly relevant to the consideration of this proposal:

Paragraph 32 requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 58 lists a set of criteria that all development should seek to achieve, in order to ensure good design.

Paragraph 60 requires that planning decisions should not attempt to impose architectural styles or tastes but should seek to reinforce local distinctiveness.

Paragraph 64 states the 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.

Paragraph 132 requires that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 133 requires that where a proposed development will lead to substantial harm to the significance of a designated heritage asset should be refused, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 requires that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy NPPF.

The adopted Loughborough Victoria Street Conservation Area Character Appraisal (December 2006)

This examines the historic development of the Conservation Area and describes its present appearance in order to assess its special architectural and historic interest. It informs and guides planning decisions relating to development which may affect the Conservation Area.

Supplementary Planning Guidance (SPG) 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 amenities of neighbouring properties.

Leading in Design Supplementary Planning Document February 2006

This document seeks to encourage and provides guidance on achieving high quality design in new development.

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

Relevant Planning History

P/14/1342/2: Retention of change of use from dwelling house (class C3) to house in multiple occupancy (Class C4) (retrospective application) – Planning permission granted October 2014

P/16/1467/2: Felling of 4 mature apple trees and 2 juniper trees and reduction to 1 mature apple tree (conservation Area) – Tree Preservation Order not considered to be appropriate

P/76/2528/2: Lounge extension – Planning permission granted December 1976

Responses of Statutory Consultees

Leicestershire County Council Highway Authority

The Highway Authority has no comments to make as the site abuts an unadopted road.

Other Comments Received

Councillor Ted Parton raises concerns about the impact on the Conservation Area by reason of the size of the enlarged property and the garden area which will be lost/slabbled over at the front and rear and its terracing effect. He makes reference to a dismissed appeal decision (P/08/2924/2) in 2009 on Castledine Street for a new dwelling on the grounds of its impact on the Conservation Area and the street scene as setting a precedent for determining development proposals on this street. He also expresses concern about the impact of the enlarged property on the existing sewerage/drainage system.

Councillor Paul Mercer reiterates his fellow Ward Councillor's concerns in respect of the impact of the proposal on the Conservation Area.

The residents of 15 properties on Castledine Street have made representations on the proposal in its original and/or revised forms. These are summarised below:

- The proposal, due to its height, massing and boundary location would impact on the neighbouring property in terms of dominance and loss of light/sunlight
- The height, size, scale, massing, design of the proposal would not be in keeping with nearby properties or the character of the street. It would overwhelm the plot/garden, lead to terracing and preclude the potential for landscaping. This is all to the detriment of visual amenity
- The proposal would not preserve or enhance the character and appearance of the Conversation Area
- The proposal would impact on the listed garage

- The future use of the extended property (for example as a House in Multiple Occupation) could impact on noise levels
- The proposal would lead to additional traffic using and parking on the private road to the detriment of highway safety and the residents who have to maintain it
- There is inadequate garaging facilities
- The loss of a bungalow which contributes to the mix of housing on the street
- The proposal would exacerbate drainage problems on the street which have resulted in flooding

Consideration of the Planning Issues

The key issues in assessing this application are considered to be:

- Impact on residential amenity
- Design/Visual Impact/Street Scene/Character of Area
- Impact on the heritage assets
- Highway Impact / Safety / Parking
- Landscaping / Trees

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Charnwood Local Plan are therefore the starting point for consideration.

Impact on residential amenity

No 59 would be the property most affected by this proposal as it has habitable room windows facing the application site and part of its private amenity space abutting the common boundary. These windows are more than 4m away from the common boundary with the application site and face the wall and vegetation along this boundary which, being over 2m in height and to the south-east of No 59, already limits light and outlook to the amenity space and windows. The two storey element of the proposal is set in from the site's side boundaries and the long single storey element along the common boundary with No 59 has a similar footprint to the existing buildings on the site. Although the roof height of this element would be higher than the existing, its eaves line (which immediately abuts the common boundary) has been kept low (2.2m at the front) and the higher mono-pitched section does not extend beyond the two storey gable of the extended dwelling against which it would be seen from No. 59. Moreover, the 25 degree rule relating to sunlight loss, as set out in the SPG, is not applicable in this case. Taking account of the above, it is not considered that the proposal would give rise to a significant loss of daylight/sunlight nor would it result in significant overlooking or appear over-dominant in relation to that property such that the residential amenities of its occupiers would be adversely affected.

The impact on other properties, including No 55a, has been considered but due to their distance away and orientation in relation to the application site, it is not

considered that the living environment of their occupiers would be adversely affected.

Noise and disturbance has also been considered but as the extensions are to a dwelling which is located within a residential area, it is not considered that levels would be significantly high as to be damaging to residential amenity.

Having regard to the above, it is considered that the proposal would accord with the NPPF, Policy CS2 of the Core Strategy, saved Policies EV/1 and H/17 of the adopted Local Plan and the SPG with regard to residential amenity.

Design/Visual Impact

The proposed extensions would result in a two storey dwelling with single storey elements to each side which extend out to almost fill the width of the plot. Two storey properties are most prevalent type of dwelling on the street and it is also not an uncommon feature of dwellings on the street to extend across most of the width of their plots, as can be seen at No 55a and No 55 immediately to the south-east of the application site and numerous properties on the opposite side of the street. The single storey elements to the side ensure that there is no terracing effect.

The amended scheme includes changes to roof forms and pitches, simplification of fenestration detailing and revised external materials which would give the extended dwelling both visual cohesion and an architecturally distinct design, resulting in a visually pleasing dwelling which would be compatible with the eclectic mix of dwellings on the street and thus contribute positively to the street scene.

The enlarged dwelling would use the walls of the existing bungalow with some squaring off and extensions to the two sides, thus the front and rear gardens remain largely the same size as it currently the case. The retention of the wall and the tree and the provision of landscaping on the frontage would help to assimilate the proposal with its surroundings by respecting the green and sylvan character of the street. Surfacing would be considered as part of the landscaping scheme.

For these reasons set out above, the proposal is considered to be in accordance with the NPPF, Policy CS2 of the Core Strategy, saved Policies EV/1 and H/17 of the adopted Local Plan, the SPG and the SPD in terms of design and visual amenity.

Impact on the heritage assets

No. 57 is a single storey building of unremarkable architectural character that neither contributes or detracts from the character of the conservation area and should be considered a neutral element. It does not have any heritage significance in its own right and does not contribute to the heritage significance of the conservation area.

This proposal to add a first floor to the existing building and single story extensions to either side would increase the size of the front elevation but not significantly enough to impact on the architectural rhythm of buildings along the street. New building materials will match the palette evident on many existing buildings and a distinct front boundary will be maintained.

The application site is approximately 25 and 13 metres from the listed garage and the attached walls respectively to the north-west. Given this distance and the set back of the dwelling in relation to the intervening dwellings at 59 and 61, the proposal would have a neutral impact on the listed building.

The proposal will not result in a detrimental impact to the character of the conservation area or the setting of the listed building and hence no harm to the designated heritage assets. In this instance the requirements set out in Paragraphs 133 and 134 of the NPPF to weigh the harm against the public benefits will not therefore apply and the proposal is in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS14 of the Core Strategy and the Conservation Area Character Appraisal.

It is not considered that the dismissal of the appeal for outline planning permission for a dwelling at No 60 Castledine Street justifies the refusal of planning permission for this proposal. That appeal proposal related to a new dwelling on a plot which formed the landscaped garden with trees to that property and therefore it has limited similarities with the application site. Applications have to be considered on their individual merits and there are numerous examples of other developments, both for new dwellings and extensions that have been permitted on Castledine Street since the dismissal of that appeal.

Trees and landscaping

It is acknowledged that trees and landscaping make an important contribution to the street scene and the conservation area. There is ample space within the front garden to retain the prominent Fir tree, provide appropriate front boundary landscaping behind the garden wall which is shown to be retained and still provide adequate on-site parking. The layout, surface treatment and landscaping of the front garden could be agreed by condition.

In terms of the contribution that trees and landscaping would make to visual amenity, the proposal would accord with Policies CS2 of the Core Strategy and saved Policies EV/1 and H/17 of the Local Plan.

Highway Impact/Safety/Parking

Castledine Street is a relatively wide road which, being a cul-de-sac, serves a limited number of properties and does not provide a vehicular through route. Any increase in traffic as a result of the proposal is unlikely to be significant. Whilst the proposed garage does not meet the Highway Authority's standards and cannot therefore be counted as a car parking space, the proposed on-site parking provision at the front of the property meets the parking standard for a 4+ bedroom dwelling. The highway authority has no comments to make on the proposal as the road is unadopted.

To refuse a planning application on highway safety grounds it must be demonstrated that there is severe harm caused by the proposal. Taking account of the above, it is not considered that the proposal would result in such harm. The proposal therefore

accords with the NPPF and also saved Policy TR/18 of the adopted Local Plan in terms of on-site parking provision.

The impact of the proposal on the cost to the residents of maintaining the road is not a planning consideration.

Other matters

Issues relating to housing mix and the future alternative use of the extended dwelling (which may require planning permission) are not relevant to the determination of this application which relates to a householder development.

Satisfactory drainage in relation to householder development is a matter is dealt with under the Building Regulations. Moreover, Severn Trent Water owns and controls drainage systems which serve more than one property, as is the case in Castledine Street. It is, therefore, the authority responsible for ensuring that the existing system is maintained and functioning properly.

Conclusion

The framework makes it clear that there is a presumption in favour of sustainable development. All proposals are required to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the reasons set out in the assessment section of the report, the proposal has been assessed to not result in significant harm to residential amenity, visual amenity or the heritage assets or be detrimental to highway safety. The proposal would therefore comply with Policies CS2, CS14 and CS25 of the Core Strategy, saved Policies EV/1, H/17 and TR/18 of the Local Plan, the National Planning Policy Framework, the Conservation Area Character Appraisal, the Supplementary Planning Guidance and Supplementary Planning Document. There are not considered to be any material considerations which indicate that this proposal should not be determined in accordance with the development plan.

It is therefore recommended that planning permission should be granted, subject to the following 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 hereby permitted shall be carried out in accordance with the details and specifications included in the submitted application, as shown on the following drawings: WA140 05 Rev B, 06, 09, 60 Rev C, 11 Rev F, 12 Rev K,

30 Rev L, 31 Rev G.

REASON: For the avoidance of doubt and to define terms of the planning permission.

- 3 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 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.
- 4 No works shall begin until details of the design, including sections, of all new windows and doors have been submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the agreed details.
REASON: To ensure the satisfactory appearance of the completed development.
- 5 No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:
 - i) the treatment proposed for all ground surfaces, including hard areas;
 - ii) planting schedules, noting the species, sizes, numbers and densities of plants;
 - iii) finished levels or contours;
 - iv) any structures to be erected or constructed;
 - v) functional services above and below ground; and
 - vi) all existing trees, hedges and other landscape features, indicating clearly those to be removed.
REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.
- 6 The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.
REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.
- 7 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.

- 8 No occupation of the extensions 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.
- 9 Notwithstanding the details shown on the approved plan, no part of the development, hereby permitted, shall be occupied until parking facilities have been provided within the site set back from the southern corner of the site in accordance with details which shall have first been submitted to and agreed in writing by the local planning authority. Thereafter, the parking facilities shall not be obstructed in any way that would prevent such use.
REASON: To provide adequate on-site parking and to protect the well-being of the tree in the southern corner of the site, in the interests of highway safety, the well-being of the tree and visual amenity.

The following advice notes will be attached to a decision

- 1 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme 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 Any works to a tree in the conservation area require six weeks prior written notice to Council. This is to allow an opportunity to consider whether a Tree Preservation Order is justified. Unauthorised works to a protected tree are a criminal offence.

