

Item No. 3

Application No: P/08/3167/2

Application Type:	Full	Date Valid:	18th March 2009
Applicant:	Mr K.C Suri		
Proposal:	Retention of single and two storey extensions to dwelling.		
Location:	Windyhaw, 278 Nanpantan Road, Loughborough, LE11 3YE		
Parish:	Loughborough	Ward:	Loughborough Outwoods Ward
Case Officer:	Mr P Blitz	Tel No:	01509 634738

Description of the Application

The application seeks permission to retain extensions to the property which have already been granted but which have not been carried out in accordance with the approved plans. The applicant has been advised that, although the individual amendments that have been made are not of considerable consequence, cumulatively they result in unauthorised works. In addition, works have been carried out to construct a raised patio at the rear of the property, which has implications for the relationship of the development to the adjacent dwelling. The adjacent dwelling is currently unoccupied, but we are advised that when current renovation works are complete it will be re-occupied as a family dwelling. Full details of the application are available to view on the web site and these will be displayed and explained at the meeting. The proposals involve a two storey rear extension, a side single storey extension to form a kitchen on the east side of the existing house, a sauna and swimming pool extension on the west side and a rear conservatory. The development has broadly the same siting, height and design of the extensions that have been approved. The changes to the development that have been made are summarised as follows:

- Change to the design of side kitchen windows.
- Modification to the front of the kitchen extension to form an enlarged porch.
- Roof lights have been installed in the side roof slope of the kitchen extension.
- Minor change to the design of the rear kitchen door.
- The swimming pool building has been built at a higher level and runs level with the sauna building rather than being stepped down slightly.
- The omission of a rear balcony to cater for the higher roofline of the swimming pool.
- An architectural gable feature has been omitted from single storey eaves on the east facing swimming pool elevation.
- Changes to the fenestration of the swimming pool building.
- The inclusion of a small pump house built into the swimming pool/sauna building at the rear.
- French doors have been installed in the ground floor of the two story extension at the rear.
- The eaves height of the conservatory is higher than shown and

- Brick pillars to the conservatory have been replaced by larger glazing units. Additional works include:
 - A raised patio area at the rear of the house up to the side boundary and the erection of brick retaining wall on the boundary to support it.
 - The construction of raised decking to the rear of the patio and swimming pool
 - The construction of timber fencing along the eastern boundary to the rear boundary of the property.

The primary issue is whether the development in its amended form causes any undue harm to the appearance of the property, to the appearance to the character of the area or to the amenities of the prospective residents next door. It is necessary for those judgements to be made as if the works had not been carried out. The question is whether, if the development had been applied for in this form, permission could have been withheld.

Development Plan Policies

Policy H/17 of the adopted Borough of Charnwood Local Plan is relevant as it deals with the erection of house extensions. Policy EV/1 is relevant as it deals with general design issues.

Other Policies and Considerations

The Council's adopted Supplementary Planning Guidance on house extension is also relevant. It deals with design issues and gives detailed guidance as to how the impact of house extensions on the amenities of neighbouring residential property will be assessed.

Relevant Planning History

The relevant history is the granting of the two permissions for the extensions to the property, as outlined above.

Responses of Statutory Consultees

There has been no response from statutory consultees

Other Comments Received

The application has been brought to committee following the request of Cllr Walker within the prescribed 21 day period. He is concerned that this is a substantial extension in a prominent location.

The owner of the adjacent property to the east objects to the raising of the patio area adjacent to his boundary, because of the overbearing impact it has, the standard of the workmanship and the materials that have been used, and that to restore a reasonable level of privacy will require an even higher wall, or other structure, which

would be further overbearing. He does not raise objection to the other changes to the design of the extensions to the property.

Consideration of the Planning Issues

The changes to the design of the extensions are not clearly discernable from outside the site and the neighbouring property. There are long views of the rear of the property from Nanpantan Road travelling west. The only change that could be appreciated is the change to the roofline of the swimming pool and sauna, but even this could not be judged to be sufficiently harmful to warrant a refusal of planning permission.

The main issue is the raising of the patio level, but this is not part of this application. It is not referred to on the application forms and no details of the works have been submitted. Plans submitted with previous applications make reference to an existing patio area at the rear of the property and it appears that this may have been extended. The patio in its current state allows very clear views across the rear of the adjacent property because the retaining wall on the boundary is not high enough on the patio side. It is approximately 1.9 metres when measured from pre-existing ground level close to the neighbouring property and the raising of the wall further to 1.8 metres above patio level would result in a boundary structure that would be over-dominant in views from the side and immediate rear of the adjacent property. The raising of the patio, or the extension of the patio area, would be an engineering operation that would require planning permission, but is not applied for here.

The fence that has recently been erected to the rear boundary, though rather prominent, falls within the scope of “permitted development” and therefore does not require permission.

It is recommended that permission be granted for the extensions as they have been carried out and applied for. Whilst it is always frustrating that development is carried out prior to permission being granted, or that approved plans are not adhered to, nonetheless, this is not a reason to refuse retrospective permission. I am of the view that, if the extensions had been shown as now constructed, there still would not have been a reason to refuse permission, based on adopted planning policies and guidance. As the application does not include the raising of the patio, the granting of permission would not cover this and a suitable warning note to applicant is recommended below.

The issue of the raising of the land to form the patio and the height of the boundary wall will be the subject of a further item to a Plans Committee.

RECOMMENDATION

Grant Unconditionally.

Informatives

1

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies EV/1 and H/17 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been considered in reaching a decision on this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

2

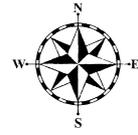
Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Guidance on House Extensions and, therefore, no harm would arise such as to warrant the refusal of planning permission.

3

You are advised that the raising of ground levels at the rear of the property and the associated construction of the boundary wall is not covered within the scope of this permission, because it was not applied for and no details of it were submitted. These works may be unauthorised and, as such, liable to the taking of further action by the planning authority. The planning authority will be in contact with you on this matter in due course.



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
Licence No: 100023558
This copy has been produced specifically for Council purposes only. No further copies may be made.



Application No: P/08/3167/2
Location: Windyhaw, 278 Nanpantan Road, Loughborough, LE11 3YE
Scale: 1:1250

