

Planning Committee 28 March 2017
Report of the Head of Planning and Development

Planning Ref: 16/01159/HOU
Applicant: Mr Gary Henly
Ward: Hinckley Clarendon

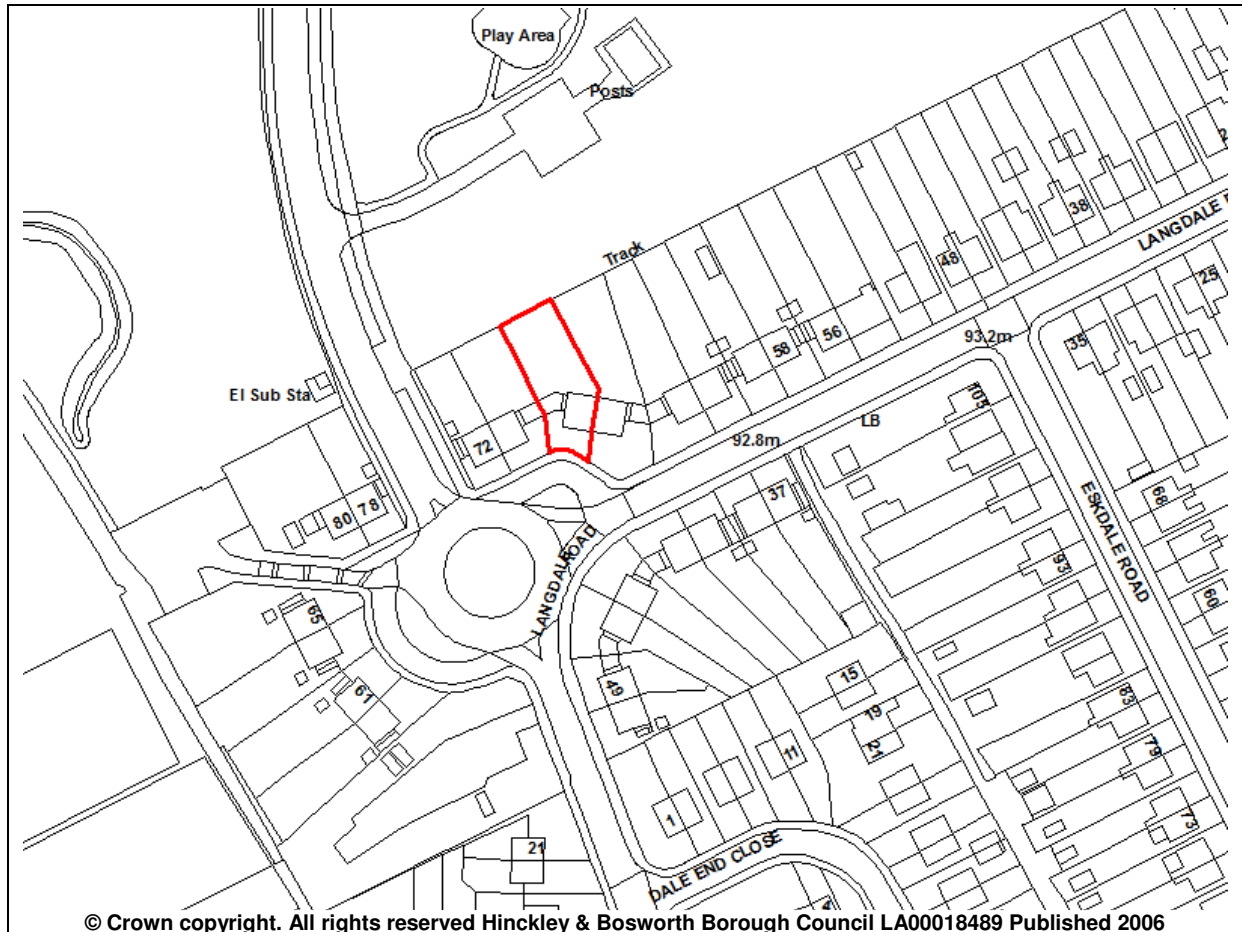


Hinckley & Bosworth
Borough Council

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Site: 68 Langdale Road Hinckley

Proposal: Two storey side and single storey rear extension



1. Recommendations

1.1. Grant planning permission subject to:-

- Planning conditions outlined at the end of this report.

- 1.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.
- 1.3. The application was deferred from the Committee of the 28 February as Members were 'minded to refuse' the application due to concerns the impact of the development would have on the character of the surrounding area.
- 1.4. In considering the application Officers have considered the impact of the development on the surrounding area. It is recognised that the dwelling could accommodate up to 6 people and that this is likely to increase the comings and goings at the property and increase the likelihood of additional vehicle journeys

however if up to 6 people are to reside in the property then this would not require planning permission and therefore a reason for refusal on this basis would be difficult to substantiate.

- 1.5. The extensions which are the subject of this application are subordinate to the existing dwelling and are in keeping with the surrounding area and would not adversely affect the amenities of adjoining residents and therefore are in accordance with Policy DM10 of the SADP.

2. Planning Application Description

- 2.1. This application seeks full planning permission for a two storey side and single storey rear extension at 68 Langdale Road, Hinckley.
- 2.2. This would allow the property to be occupied as a house of multiple occupation and the agent has confirmed that this will be the case. Class L Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows the change of use from a dwellinghouse (class C3) to a house of multiple occupation (Class C4). Class C4 is defined as 'use of a dwellinghouse by not more than six residents as a 'house in multiple occupation'. The applicant has confirmed that the proposal will be in compliance with permitted development and therefore this application is for the extension to the property only and not for the change of use to a house of multiple occupation.

3. Description of the Site and Surrounding Area

- 3.1. The application property is a two storey semi-detached dwelling located in a residential area adjacent to similarly designed two storey semi-detached properties. The application property is set on a curved lay-by, set off Langdale Road adjacent a roundabout.
- 3.2. Many of the semi-detached pairs are also linked by single storey elements to another semi-detached pair. To the front of site is a gravel parking area and to the rear of the site is a large playing field.

4. Relevant Planning History

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 12 letters of representation were received from seven different addresses raising the following concerns:-
 - 1) Impact upon parking
 - 2) Impact upon sewerage
 - 3) Inaccuracy of the plans
 - 4) Impact upon noise, light and privacy or adjoining neighbours
 - 5) Impact upon the character of the area and street scene
 - 6) Impact during construction
 - 7) The use of the property is out of character and potential anti-social behaviour
- 5.3. Since the application was previously reported to Committee a further five letters have been received raising the additional concerns:-
 - 1) Insufficient bin storage facilities
 - 2) A house with up to 12 people living in it is not in keeping with the character of the surrounding area which is family dwellings
 - 3) Problems with maintenance of walls do location of extensions in relation to the boundary walls

- 4) Plans are incorrect
- 5) The property is still a 3 bedroomed house not 5 bedroomed as stated in the report
- 6) Concerned about the party wall as outbuildings are adjoined

6. Consultation

- 6.1. No comments received from West Clarendon Neighbourhood Forum.

7. Policy

- 7.1. Core Strategy (2009)

- None relevant

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highway Safety
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that it is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD and the Core Strategy (2009).

- 8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.

- 8.4. The proposal is located within the settlement boundary for Hinckley, which is a sub regional centre and the principle of a house extension is considered acceptable, subject to all other material planning considerations being acceptable.

Impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It is contended that the development proposed by this application would meet the aims and requirements of the above for the reasons given below.

- 8.6. The application dwelling is a two storey semi-detached property located adjacent two storey semi-detached properties. The proposed two storey side extension would project approximately 2.9 metres from the existing side elevation, would be set back from the front elevation by approximately 1 metre and would be set level with the rear elevation of the existing property. The proposed extension would be set down from the existing ridge by approximately 0.35 metres and would be hipped, matching the existing hipped nature of the property. The proposed two storey side extension would be set approximately a minimum of 0.7 metres from the boundary of the site. The proposed materials for the extension would match that of the existing.
- 8.7. Due to the curved nature of the street scene, the set back and set down nature of the extension, the distance to the boundary and the matching roof and materials, the proposed two storey side extension would not have an adverse impact upon the character of the street scene or the character of the host dwelling.
- 8.8. In addition to the above, there is a matching two storey side extension located in the vicinity of the application site (no. 63 Langdale Road), with a similarly designed set down, set back and hipped nature.
- 8.9. The proposed single storey rear extension would project approximately 1.5 metres from the existing rear elevation of the property and would be set on the centre of the application site, not visible from the street scene. The proposed rear extension would match the existing style, design and materials of the existing rear extension and would therefore not impact upon the character of the host dwelling.
- 8.10. The parking spaces provided to the front of the site would not detract from the character of the area. To ensure there is no impact upon the street scene it is recommended to condition appropriate landscaping to the front of the site.
- 8.11. Overall the proposal is considered to complement the character of the existing dwelling and street scene in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.13. The proposed two storey side extension would be set off the boundary by approximately a minimum of 0.7 metres from the boundary with no. 70 Langdale Road, a two storey semi-detached property. Due to the curved nature of the street, no. 70 projects away from the application site and is therefore located approximately a distance of 5.5 metres from the boundary of the site. There are two windows located on the side elevation of no. 70, however one serves a non-habitable room and one is obscure glazed serving a bathroom. Further to this, the proposed two storey side extension projects away from no. 70 and would have a hipped roof. There is one window located on the front elevation of the ground floor side extension of no. 70, however the proposed extension would be set only slightly forward of this window and as such would have no adverse impact upon loss of light.
- 8.14. As a result of the distance to the neighbouring property, the proposed extension projecting away from the neighbouring property and the siting of the windows, there is not considered to be an adverse impact upon residential amenity in respect of loss of light or an overbearing effect.
- 8.15. There are no windows located on the side elevation of the proposed extension and as a result of the proposed extension projecting away from no. 70 there would be no impact upon loss of privacy.

- 8.16. The proposed rear extension as a result of its single storey nature and location in the centre of the site would not impact upon the residential amenity of any neighbouring properties.
- 8.17. It is therefore considered that due to the siting of the proposed extensions, there would be no adverse impact upon the residential amenity of any neighbouring properties and the proposal is considered to comply with Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.18. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.19. The proposal would result in a 6 bedroomed property. Leicestershire County Council's 6Cs Design Guide states that dwellings with four or more bedrooms should provide three off street parking spaces. There is a parking area located to the front of the site with the proposal providing provision for three off-street parking spaces. All three parking spaces would be of adequate size in accordance with Leicestershire County Council's 6Cs Design Guide.
- 8.20. Discussions have taken place with Leicestershire County Council Highways regarding the number of bedrooms and the provision of off street parking spaces. LCC Highways have confirmed that the proposal would be in accordance with their guidelines and the application would therefore not warrant refusal on highways grounds.
- 8.21. Further to this and to overcome concerns raised by neighbouring properties, a lay by is situated to the front of the site which would allow for further parking off the main road. In addition, on street parking is common within this area of Langdale Road and there is also a car park located to the rear of the application site.
- 8.22. It is therefore considered that due to the nature of the site and provision of off street parking and further parking in the vicinity it is considered that there would be no impact upon highway safety and the proposal would comply with Policy DM17 and DM18 of the SADMP.

Other issues

- 8.23. Concerns have arisen regarding the potential impact upon drainage of the property. However it is not anticipated that this minor extension would impact upon the existing drainage network.
- 8.24. Concerns have arisen regarding the use of the property, with 6 bedrooms provided and the impact this could have on the character of the area including potential anti-social behaviour. As discussed earlier, under permitted development rights, permission is not required to change a dwelling to a small (6 residents or under) house in multiple occupation (HMO). As this would only have 6 bedrooms, planning permission is not required to change this property into a small HMO. This application is therefore only for a two storey side and single storey rear extension and no consideration can be given for the use of the property. In addition to this, the applicant has a number of existing properties which are in use as a small HMO and there have been no issues or concerns that have arisen regarding these properties.
- 8.25. Concerns have arisen regarding potential impact during construction. It is not anticipated that there would be any impact upon neighbouring properties during construction due to the size of the extension and on site availability. Any access within neighbouring properties during construction is a civil matter between the parties and is not a material planning consideration.

- 8.26. Concerns have arisen regarding the accuracy of the plans, however the application is valid and the plans are accurate.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary for Hinckley and there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

- 10.2. The proposal would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not adversely affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy DM1, DM10, DM17 and DM18 of the SADMP and is recommended for approval subject to conditions.

- 10.3. The application has previously been considered at 28 February planning committee. No changes have been sought as the extensions would not have an adverse impact upon the character of the host dwelling, street scene or the character of the area. The proposed two storey side and single storey rear extension would also have no adverse impact upon the residential amenity of any neighbouring properties.

- 10.4. Concerns that have arisen regarding the use of the property, with 6 bedrooms provided and the impact this could have on the residential amenity of neighbouring properties; however planning permission is not required to change a dwelling to a small (6 residents or under) house in multiple occupation (HMO).

- 10.5. The proposal would also have no adverse impact upon the provision of parking in accordance with Leicestershire County Council's 6Cs Design Guide. Therefore the proposal would be in accordance with Policy DM1, DM10, DM17 and DM18 of the SADMP and is recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant planning permission** subject to:-

- Planning conditions outlined at the end of this report.

- 11.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Proposed Elevations and A-A Section drg. no. 25706 (20) 002C (scale 1:50), Proposed Floor and Roof Plans drg. no. 25706 (20) 001D (scale 1:50), Proposed Roof Plan drg. no. 25706 (20) 102D (scale 1:100), Proposed Site Plan drg. no. 25706 (20) 101D (scale 1:100) and Proposed Block Plan drg. no. 25706 (20) 103A (scale 1:250) received by the Local Planning Authority on 6 February 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Proposed Elevations and A-A Section drg. no. 25706 (20) 002C (scale 1:50).

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for the front of the site. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. Before first use of the development hereby permitted, parking facilities as shown on approved plan Proposed Block Plan drg. no. 25706 (20) 103A (scale 1:250) received by the Local Planning Authority on 06 February 2017 shall be provided and be made available for use within the site to allow the provision of three vehicles to park. The area so provided shall not be obstructed and shall thereafter be permanently so maintained at all times.

Reason: To enable vehicles to park within the application site to ensure the proposal does not lead to an increase in on-street parking in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.