

Change of use from house (C3) to house in multiple occupation (sui generis) including two storey side and rear extensions

Report Item No  
A4

5 Broadhill Road Kegworth Derby DE74 2DQ

Application Reference  
17/00629/FUL

Applicant:  
Mr William Hall

Date Registered:  
14 June 2017

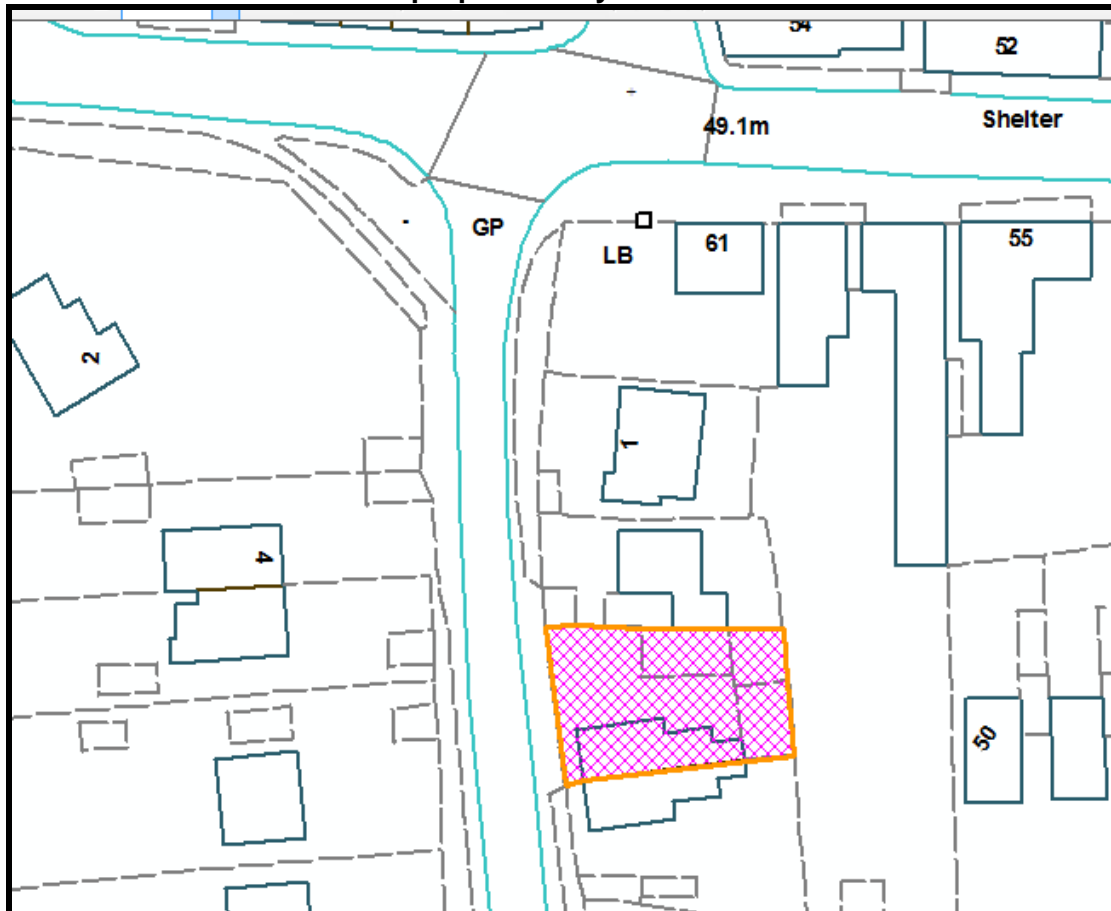
Case Officer:  
Rob Duckworth

Consultation Expiry:  
18 July 2017

Recommendation:  
PERMIT

8 Week Date:  
9 August 2017  
Extension of Time:  
18 August 2017

Site Location - Plan for indicative purposes only



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**PLANNING APPLICATIONS- SECTION A**

## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Pendleton) has requested it to be considered by Planning Committee with the reasons stated as impact upon a listed building, extension too large resulting in overbearing and change in character, parking and highway safety issues. Furthermore, contrary representations to the recommendation to permit the application have been received.

### Proposal

The application is the change of use and extension to the side and rear of a semi-detached dwelling into a house in multiple occupation (sui generis) housing up to eight people. The proposal will involve the demolition of a side garage and side and rear workshop covering most of the rear yard of the property.

### Consultations

A total of 7 no. individual representations have been received with all of those representations opposed to the development. Kegworth Parish Council has also objected to the development. There are no objections from other statutory consultees subject to conditions.

### Planning Policy

The site lies within the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans. The application has been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

### Conclusion

The impact on the street scene will be acceptable based on the style and design of the proposed extensions. The impacts upon the adjacent listed building will be acceptable based on the location of the proposals and its design. The impact upon neighbour amenity will be acceptable as the use will not be dissimilar from a large single family dwelling and the internal layout ensures that impacts will not be worsened. Impact on the highway will be acceptable as sufficient car parking has been provided and on-street parking is possible.

The site lies within limits to development where the principle of this type of development is acceptable. The proposed development would not have an adverse impact on the amenities of neighbours in terms of loss of privacy or have a significant overshadowing/overbearing effect and is acceptable in terms of adopted Local Plan Saved Policy E3, submitted Local Plan Policy D2 and the NPPF.

The development by reason of its design and scale would also be in keeping with the locality and would not harm the setting of the adjacent listed building, and is acceptable in terms of Saved Policy E4 of the adopted Local Plan and in conformity with submitted Local Plan Policy D1 and He1, the Good Design SPD, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Five off street car parking spaces are provided in accordance with adopted Local Plan Saved Policies T3 and T8, submitted Local Plan Policies IF4 and IF7, 6Cs Design Guide and the NPPF.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to conditions;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

No.5 Broadhill Road, Kegworth is a two-storey semi-detached dwellinghouse located 290m east of Kegworth Town Centre. The property has a large garage to the side and the entire rear is a covered workshop with external entrance between the house and the garage. Broadhill Road is a residential street with a veritable mix of dwellings sizes and styles, some of which have undergone significant extension or alteration. The host property sits the most forward of the building line than any others along the street. To the rear is the grounds of 59 High Street, a Grade II Listed Building.

The site is located in a residential area and within Limits to Development as identified in the adopted Local Plan and the submitted Local Plan.

Planning permission is sought for the demolition of the garage and workshop, erection of a two storey side and rear extension and conversion of the property from dwelling to house in multiple occupation sleeping 8 people (sui generis). Five off street car parking spaces would be provided to the side of the existing property; two to the front of the proposed side extension and three in tandem to the side of the property.

There is no planning history for the property.

### 2. Publicity

5 Neighbours have been notified (date of last notification) 22/06/2017.

Site Notice displayed 27 June 2017.

Press Notice published Leicester Mercury 5 July 2017.

### 3. Summary of Consultations and Representations Received

**Kegworth Parish Council** - Objection; scale, character, traffic, parking, impact upon listed building.

**LCC Highways** - The number of car parking spaces is in excess of the requirement (3 spaces is the minimum) so no objection subject to condition.

**NWLDC Environmental Protection** - HMO licence required prior to occupation. Informative to apply.

**Severn Trent Water** - No objection.

**NWLDC Conservation** - No objection - loss of workshop is regrettable but the proposal will not impact significantly on the setting of the listed building adjacent.

**NWLDC Waste Services** - Bin storage to be provided prior to occupation.

#### Third Party Representations:

Seven letters of objection have been received which are summarised as follows:

- Highway safety
- Parking issues
- Overdevelopment of site

- Design
- Massing and overbearing impacts
- Neighbour amenity issues
- Intensification of use beyond what is reasonable
- Character of property and street scene
- Demolition on party boundary
- Garden too small for number of occupants
- Bin storage
- Policy objections ALP H1 and H17 and SLP D2

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework**

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 12. Conserving and enhancing the historic environment

##### **Adopted North West Leicestershire Local Plan (2002) Saved Policies**

The application site within the Limits to Development as defined in the adopted Local Plan. The following Local Plan policies are relevant to this application:

- Saved Policy S2 - Limits to Development
- Saved Policy E3 - Residential Amenities
- Saved Policy E4 - Design
- Saved Policy E7 - Landscaping
- Saved Policy T3 - Highway Standards
- Saved Policy T8 - Parking
- Saved Policy T20 - Airport Safeguarding

##### **Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption,

the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

Policy S2 - Settlement Hierarchy

Policy D1 - Design of New Development

Policy D2 - Amenity

Policy EC5 - East Midlands Airport: Safeguarding

Policy IF4 - Transport Infrastructure and New Development

Policy IF7 - Parking Provision and New Development

Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

## **Good Design SPD**

### **6Cs Design Guide (Leicestershire County Council)**

### **Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990**

### **National Planning Practice Guidance**

## **5. Assessment**

### **Principle of Development**

This application site falls within the defined Limits to Development wherein these type of proposals would be considered acceptable in principle. Therefore the principle issues for consideration are the impacts of the proposed extension and change of use on the amenities of any neighbouring properties, design and highway safety.

### **Design**

The proposed extension will have a design that would be a subservient addition to the main dwellinghouse; it is set back from the principal elevation and the ridge is much lower than that of the main house. The proposal involves the loss of the existing garage and workshop; whilst this is somewhat regrettable due to their design and relation with the property, telling the story of its history, they are not protected and not significantly worthy of retention. The proposed extensions have been designed proportionally and sympathetically to the main house, subject to conditions, and would be considered acceptable in design terms. The proposals would not have a significant impact on the character and appearance of the application site, the streetscape and surrounding area.

The materials proposed are to match the existing which is considered to be acceptable although the bond will be conditioned to ensure an appropriate finish (Flemish Bond required to match the existing). Overall the design, appearance and scale of the proposals would be acceptable and would accord with Saved Policy E4 of the adopted Local Plan and in conformity with submitted Local Plan Policy D1, the Good Design SPD and the NPPF.

### **Impact upon Heritage Assets**

To the rear of the site is the garden of a Grade II listed building, No 59 High Street, meaning Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered. The Council's Conservation Officer has considered the proposals and is satisfied that they would not detrimentally affect the setting of the listed building and therefore the works are considered acceptable in accordance with submitted local Plan Policy HE1 and Section 66

of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Highway Safety and Parking**

The proposal provides for an additional three parking spaces so there will be five in total, which is welcomed by County Highways. The guidance contained in the 6Cs Design Guide indicates that any dwelling with 4 or more bedrooms should provide three parking spaces so what is proposed is in excess of those requirements. It is also unlikely that all occupants of the proposed house in multiple occupation will have a car and the site is close to a number of facilities / services in the village.

County Highways have acknowledged the residents' objections about highways and on-street parking matters. However, as this application will not exacerbate the situation, they raise no objections to the proposal.

It is noted that there is a peak to the road close to the application site meaning visibility to and from the junction with High Street is marginally reduced but as the road has a 30mph limit, the gradients of the road provide enough visibility for highway safety to be maintained. Furthermore County Highways has checked its Personal Injury Collision (PIC) database and there has been 3 PICs in the last 5 years in the vicinity of the site. One of the PICs occurred at the Whatton Rd / Broadhill Rd junction and there was one either side of the Ashby Rd / Broadhill Rd/High St junction. All of these PICs were classified as slight in severity. There were no PICs on Broadhill Rd during this period and therefore County Highways would not seek to resist the application on highway safety grounds.

Based on the above it is considered that the proposal is acceptable in accordance with adopted Local Plan Saved Policies T3 and T8, submitted Local Plan Policies IF4 and IF7, 6Cs Design Guide and the NPPF.

### **Effect on Residential Amenities**

The most immediately affected dwellings would be Nos. 3 and 7 Broadhill Road and 59 High Street.

In terms of the relationship with the adjoining property, No. 7 Broadhill Road, it is considered that the proposal as submitted would not result in overbearing impacts nor overshadowing given the design of the proposal does not include any further two storey elements beyond the existing rear line of the house. Privacy will also be maintained. There is a potential for the intensification of use of the property to have an impact upon the amenities of the adjoining neighbours as the number of occupants increases as will vehicle movements; however it is expected that vehicle movements will not be significant as discussed above and, based on the proposed layout there will not be a significant change in noise between the properties. The party wall will have two bedrooms and two en-suites; the stairs have been moved away from the party wall relieving any impact on No. 7 Broadhill Road. The two bedrooms and en-suites adjacent to No7 will result in noise levels no different than existing and would be expected of a single family dwelling.

With regards to the adjacent neighbouring property, No.3 Broadhill Road, the property will benefit from the development by having the garage on the boundary removed. The proposed two storey side extension will be 3.5m off the boundary and mostly level with the adjacent property. No. 3 also has a side garage between the house and the application site helping to make the rear garden more private. It is considered that the impacts upon No. 3 Broadhill road will not be significant in terms of overlooking, overshadowing and overbearing.

The impacts upon the amenity space of 59 High Street will not be significantly above the current



levels with one additional bedroom window and a landing/stairs window added to the rear elevation, both no closer than exists at present.

No other neighbouring properties would appear to be affected by the proposal. It is, therefore, considered that the proposed development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to adopted Local Plan Saved Policy E3, submitted Local Plan Policy D2 and the NPPF.

**Conclusion**

The site lies within Limits to Development where the principle of this type of development is acceptable. The proposed development would not have an adverse impact on the amenities of neighbours in terms of loss of privacy or have a significant overshadowing/overbearing effect and is acceptable in terms of adopted Local Plan Saved Policy E3, submission Local Plan Policy D2 and the NPPF. The development by reason of its design and scale would also be in keeping with the locality and would not harm the setting of the adjacent listed building, and is acceptable in terms of Saved Policy E4 of the adopted Local Plan and in conformity with submitted Local Plan Policy D1 and He1, the Good Design SPD, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Five off street car parking spaces are provided which is considered acceptable in accordance with adopted Local Plan Saved Policies T3 and T8, submitted Local Plan Policies IF4 and IF7, 6Cs Design Guide and the NPPF.

**RECOMMENDATION - PERMIT subject to the following condition(s):**

- 1 Time limit
- 2 Approved plans
- 3 Matching materials
- 4 Cill and Lintel treatment to match the existing house
- 5 Refuse bin details
- 6 Cycle storage
- 7 Parking and turning prior to commencement
- 8 Unexpected contamination
- 9 Contamination assessment if No8 triggered