

Change of use of dwelling house to a house in multi occupation (HMO) use (sui generis use) and two storey rear extension

Report Item No
A4

95 Sideley Kegworth Derby Leicestershire DE74 2ER

Application Reference
17/01379/FUL

Applicant:
Mr Rafal Kupis

Date Registered:
18 September 2017
Consultation Expiry:

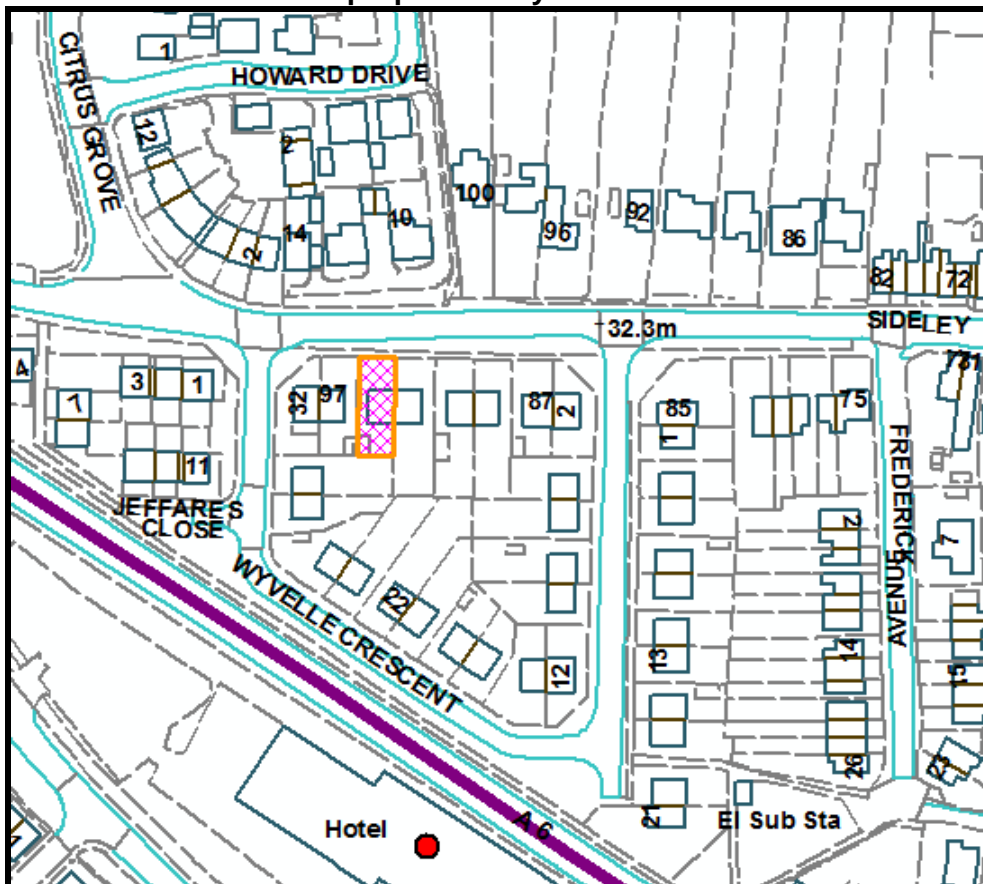
Case Officer:
Anna Edwards

20 October 2017

Recommendation:
PERMIT

8 Week Date:
13 November 2017
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Alison Smith) has requested it to be considered by Planning Committee with the reasons stated as loss of light to the adjacent semi-detached property, loss of amenity to existing nearby dwellings, intensive use of the plot and parking and highway safety issues.

Proposal

The application is for the change of use of a dwellinghouse to house in multiple occupation (HMO) use (sui generis use) and two storey rear extension. Following officer concerns regarding the parking provision at the site, an amended parking layout has been received which shows the removal of the front boundary wall and an extension to existing dropped kerb to allow for direct access to 3 No. car parking spaces and also a secure cycle storage shelter with space for 10 No. cycles. Alterations have also been made to the location of windows on the amended plans to address concerns about overlooking.

Consultations

5 letter of objection have been received. Kegworth Parish Council objects to the proposal. There are no objections raised by other statutory consultees.

Planning Policy

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

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, noise and disturbance or have a significant overshadowing/overbearing effect and would be acceptable in terms of Policy D2 of the adopted Local Plan and the NPPF. The development by reason of its design and scale would also be in keeping with the locality and the subject property and would be acceptable in terms of Policy D1 of the adopted Local Plan, the Good Design SPD, and the NPPF. Three off street car parking spaces with direct access are provided together with secure cycle parking provision in accordance with Policies IF4 and IF7 of the adopted Local Plan, 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

MAIN REPORT

1. Proposals and Background

No. 95 Sideley, Kegworth is a two-storey semi-detached dwellinghouse situated on the southern side of Sideley. The site is located in a residential area and is within the Limits to Development as identified in the adopted Local Plan. Planning permission is sought for the change of use of the dwelling house to a house in multiple occupation (HMO) use (sui generis use) and for a two storey rear extension.

The application has been assessed by an independent highways consultancy during the course of the application given the original parking layout and the nature of the proposal (HMO). Amended plans were sought following this assessment and the submitted plans now show a proposed extension to the existing dropped kerb to allow for direct access to three off street car parking spaces to the property frontage. The access would be formed onto Sideley which is a classified C Road (C8207). Secure cycle parking provision for up to ten cycles would also be provided at the site. Amended plans also show the repositioning of a first floor western side window following officer concerns on overlooking grounds. The window has been moved to prevent direct overlooking of No. 97 Sideley and has been obscurely glazed up to 1.7 metres above floor level.

There is no recent relevant planning history for the property.

2. Publicity

5 Neighbours have been notified.
Site Notice displayed 22 September 2017.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Kegworth Parish Council - Objection; impact upon amenity, over intensive use of the plot, parking.

LCC Highways - The number of car parking spaces meets the requirement of the 6 C's design Guide (3 spaces is the minimum) - No objection raised. Highways have been re-consulted on receipt of an amended parking plan, no further comments have been received at the time of writing this report. Any additional comments will be added to the updates sheet.

NWLDC Environmental Protection - The dwelling must meet the standards of the LACORS fire safety guidance. No other environmental observations.

Severn Trent Water - Did not respond during the course of the application

Third Party Representations:

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

- Amenity of residents; noise and disturbance, loss of privacy, loss of light.
- Design - out of keeping, too large.

- Over development of site - extension to rear.
- Highway safety issues.
- Parking issues.
- HMO's in Kegworth; detrimental impact upon residents - sense of neighbourliness and community.

4. Relevant Planning Policy

National Planning Policy Framework

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

- Paragraph 7, 17 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32, 34 (Promoting sustainable transport)
- Paragraph 47, 49 (Delivering a wide choice of high quality homes)
- Paragraph 57, 59, 61 (Requiring good design)

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded weight in the determination of this application:

- 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

Other Guidance

- Good Design for North West Leicestershire SPD
- 6Cs Design Guide (Leicestershire County Council)
- 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 change of use and extension on the amenities of any neighbouring properties, design and highway safety.

Design and impact upon character

The proposed two storey extension would be located to the rear/southern side of the dwellinghouse and would have a pitched roof. The proposed extension would have a design that would be a subservient addition to the main dwellinghouse. It would be set in from the boundary with No. 93 Sideley by 1.0 metre and the ridge would be dropped to lower than that of the main house. The proposed extension would be finished with matching brickwork to walls, matching roof tiles and matching UPVC windows and doors. These materials would ensure that the extension appears well related to the property and the surrounding area.

It was raised in neighbour letters of objection that the design of the extension is too large and that the proposal would be an over development of the site. The extension will project out from the rear elevation by 3.0 metres and will be lower in height and a lesser width than the existing dwellinghouse. As such, it is considered that the proposed extension has been designed proportionally and subserviently to the main property and is considered to be acceptable in terms of design, scale and appearance. The proposed rear extension will be visible from the street scene when taking in views from the north-west. However, given that the extension would be of appropriate proportions and materials, any impact would not be significant. The proposed cycle storage will be positioned to the side of the dwellinghouse and is considered to be of an appropriate, size, scale and design for its use. It is considered that the proposal would not have a significant impact on the character and appearance of the application site, the streetscape or the surrounding area.

Overall, the proposal is considered to have an acceptable design that would be in keeping with the character and appearance of the existing property and surrounding area. Therefore the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Councils Good Design SPD, and the advice contained within the NPPF.

Impact upon Residential Amenities

Consideration has been given to the impact of the development on surrounding residential properties. Neighbour letters of objection raised the issues of impact upon residential amenity, noise and disturbance, loss of privacy and loss of light. The most immediately affected dwellings would be the two adjacent dwellings, No.93 Sideley a two storey semi-detached dwellinghouse attached to the east of the application site and No.97 Sideley a two storey semi-detached dwelling to the west.

The proposed two storey rear extension will have a limited rear projection and will be set away from the boundary with No. 93 Sideley and the pitched roof will pitch away from the neighbouring properties. Given this, it is considered that the proposal will not give rise to any significant overshadowing or overbearing impacts and it is noted that the extension complies with the 45 degree rule as set out in the Councils Good Design SPD. Views taken from the rear windows of the extension have already been established from the existing rear windows and would not give rise to any new or additional views.

As part of the internal reconfiguration, it is proposed to insert an additional western side window at first floor level. Amended plans were sought in response to officer concerns regarding potential overlooking to the adjacent dwelling, No. 97 Sideley. The subject window was duly repositioned to prevent direct views, obscurely glazed to 1.7 metres above floor level and right hand opening to ensure that it would not give rise to any significant overlooking impact to No.97 Sideley and to ensure that privacy is maintained. It is therefore considered that there would not be any significant overlooking, overbearing or overshadowing impacts to the amenities of No.97 or No.93 Sideley as a result of the proposal.

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 at the property would increase as would potential vehicle movements, with a potential for increased noise and disturbance. Highways matters are assessed in the section below. The Council's Environmental Protection team have been consulted on the application and have no observations regarding the proposal. Given that Environmental Protection have no objections, and that the property could be used as a HMO with up to 6 unrelated individuals residing at the property without the requirement of planning permission, any resultant increase to noise and disturbance would not

be to such detriment to warrant refusal of the application on amenity grounds.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy D2 of the adopted Local Plan and the NPPF.

Highway considerations

Due to parking and highway safety concerns raised by the Parish Council and local residents in relation to HMOs in Kegworth generally, the Council commissioned an independent highway advice on parking and access issues. In relation to this application, the Parish Council and neighbouring residents raised objections relating to parking and traffic at the site.

As a result of this independent highways advice, amended plans were received during the course of the application to ensure that all the spaces could be accessed independently (given that HMOs normally consist of unrelated individuals). This was achieved by proposing an extension to the existing dropped kerb arrangement at the site and removal of the existing front boundary wall to allow for direct access to 3 no. off street parking spaces at the site. The amended plans also show provision for secure cycle storage for up to 10 no. cycles which was recommended by the independent highway advice.

The guidance contained in the 6Cs Design Guide indicates that any dwelling with 4 or more bedrooms should provide three parking spaces. The proposal complies with the requirements set out by the advice contained within the document. It is considered that not all the occupants would be reliant on a car and that the site is within reasonable walking distances of a bus stop and local amenities. Whilst limited on street parking may be created it is not considered that severe harm would result from the proposal. County Highways have not objected to the proposal on highway safety grounds and there has been no personal injury collision data for the road with in the last 5 years. As stated above, the application has been considered by an independent highways consultancy and the amended plans have resolved the issued which they originally identified.

Based on the above it is considered that the proposal is acceptable in relation to highway safety matters and is in accordance with adopted Local Plan Policies IF4 and IF7, 6Cs Design Guide and the NPPF.

Other matters

A neighbour letter of objection raised the issue that the amount of HMO's in Kegworth is detrimental, leading to impact upon residents, with a loss of neighbourliness and community. This issue cannot be substantiated and cannot be used as a material planning consideration in the determination of the application.

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, noise and disturbance or have a significant overshadowing/overbearing effect and would be acceptable in terms of Policy D2 of the adopted Local Plan and the NPPF. The development by reason of its design and scale would also be in keeping with the locality and the subject property and would be acceptable in terms of Policy D1 of the adopted Local Plan, the Good Design SPD, and the NPPF. Three off street car parking spaces with direct access are provided together with secure cycle parking provision in accordance with Policies IF4 and IF7 of the adopted Local Plan, 6Cs Design Guide and the NPPF.

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

- 1 Time limit
- 2 Approved plans
- 3 Matching as specified
- 4 Refuse bin details
- 5 Parking and cycle provision prior to occupation
- 6 Obscure glazing