

Erection of two storey and single storey side and rear extensions

Report Item No
A7

10 Churchill Close Ashby De La Zouch Leicestershire LE65
2LR

Application Reference
15/00710/FUL

Applicant:
Mr Matthew Hines

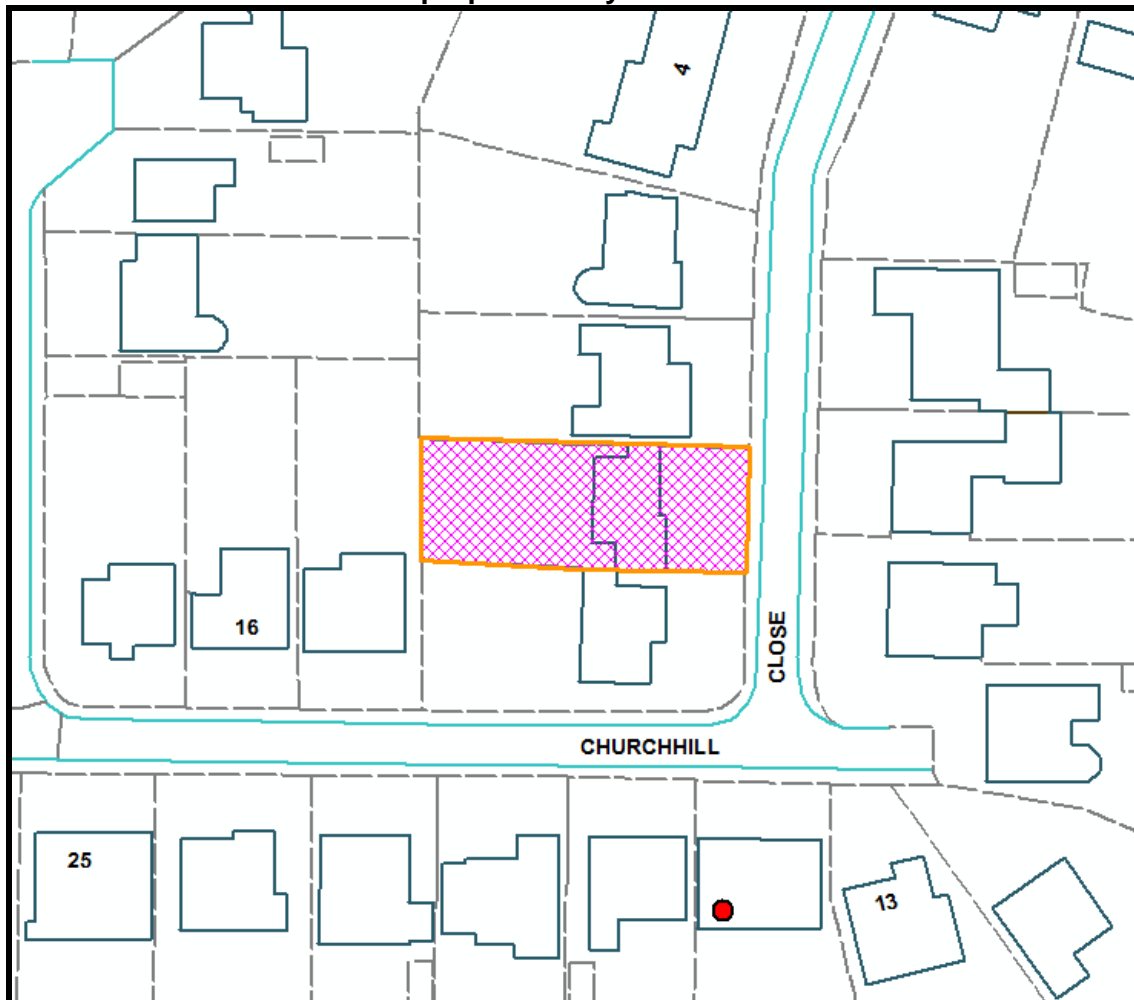
Date Registered
9 July 2015

Case Officer:
Sarah Booth

Target Decision Date
3 September 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application is reported to the Planning Committee at the request of Councillor Jim Hoult as a matter of local concern in respect of impact on residential amenity.

Proposal

Planning permission is sought for the erection of two storey and single storey side and rear extensions to the existing dwelling at 10 Churchill Close. The subject property is a two storey detached dwelling situated on the west side of the street and is located within Limits to Development.

Consultations

Members will see from the report below that one objection has been received from the neighbouring dwelling but no objections have been raised from any statutory consultees.

Planning Policy

The development is considered to comply with the relevant policies of the North West Leicestershire Local Plan as well as guidance contained within the National Planning Policy Framework.

Conclusion

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. Given the relationship with neighbouring properties and the overall scale and design of the extensions it is considered that they would not impact significantly on the amenities of neighbours, in terms of overbearing, overshadowing or overlooking impacts, and as such the development would accord with Policy E3 of the Local Plan. It is considered that the proposed extensions would be subservient to the host property and would not have a significantly detrimental impact on the character of the property or the street scene. The surrounding area would also not be adversely affected by the proposals given the scale and position of the extensions. On this basis the development would accord with Policy E4 of the Local Plan. Sufficient off-street parking would be retained for the dwelling as such the development would accord with Policies T3 and T8 of the Local Plan. The proposal would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The development therefore accords with the planning policies stated above.

RECOMMENDATION - PERMIT, subject to the 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 recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of two storey and single storey side and rear extensions to the dwelling at No. 10 Churchill Close. The subject property is a detached two storey dwelling, situated within the cul-de-sac of 10 Churchill Close. The site is located in a predominantly residential area with dwellings surrounding the site. The subject property is located within Limits to Development.

The following works are proposed:

- A single storey rear extension to the main dwellinghouse to provide an extension to the lounge and dining area. This would measure 3.8 metres in depth from the original rear of the dwelling, 8.1 metres in width and would have a flat roof measuring 2.8 metres in height to the eaves and 3.4 metres in height to the top of the glazed roof lantern.
- A two storey side extension to the south of the site. This would measure 8.5 metres in length, 2.45 metres in width and would have a pitched roof with dormer windows. The proposed two storey side extension would have a lower eaves level at the rear than at the front with the rear eaves level measuring 3.55 metres in height and the front eaves level being 4.15 metres high. The maximum ridge height of the extension would be 6.9 metres in height which is 300mm lower than the existing maximum ridge height.
- A single storey side extension to the north of the site. This would measure 7.9 metres in length, 1.75 metres in width and would have a part pitched roof with a side gable and a part flat roof measuring 2.8 metres maximum in height to the eaves and 4.25 metres in height to the ridge.

Relevant Planning History:

None

2. Publicity

6 neighbours have been notified (Date of last notification 21 July 2015)

3. Consultations

Ashby De La Zouch Town Council consulted 21 July 2015
LCC Ecology

4. Summary of Representations Received

Ashby Town Council - No comments have been received at the time of writing this report but should any comments be received they will be reported to Members via the Update Sheet.

Leicestershire County Council Ecologist - has no objection to the proposal.

Third Party Representations

One letter of representation has been received from members of the public objecting to the application on the following grounds:

- o Over development of the site.
- o Overbearing and dominant appearance.

- o The development being too close to the boundary.
- o Creation of a terracing effect.
- o Overshadowing and reduction to light.
- o Impacts to the outlook from neighbour's existing side facing windows.
- o Loss of privacy due to new first floor dormer windows.
- o The proposal would prevent maintenance and repairs of the gable ends.
- o Drainage related concerns.
- o Boundary fencing and party wall issues.
- o Concerns regarding foundations.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

5. Relevant Planning Policy

National Policies

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 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.

Adopted North West Leicestershire Local Plan (2002)

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

- Policy S2 - Limits to development
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy T3 - Highway Standards
- Policy T8 - Parking

Other Policies

6Cs Design Guide (Leicestershire County Council)

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations');

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System);

River Mease Water Quality Management Plan - August 2011.

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of extensions to existing dwellings and outbuildings are considered acceptable subject to impacts upon design, amenity, highway safety and any other material considerations.

Residential Amenity

With regards to the proposed extensions it is considered that the properties most immediately affected by the proposed works would be the adjacent neighbours on Churchill Close which are No. 8 to the north and No. 12 to the south of the application site. Both neighbouring properties are two-storey, detached dwellings. Whilst there is a neighbour to the rear of the site (No.14 Churchill Close) and several neighbours opposite these are not considered to be significantly affected by the proposed extensions as they are at least 15 metres away from the development.

At present a 1.8 metre high fence defines the boundary between the properties which stagger down the garden as the land levels decrease towards the rear of the site by up to 600mm. The proposed two storey part of the development to the south of the site, adjacent to No.12 Churchill Close, will extend 1.6 metres beyond the existing rear elevation.

The neighbour has raised concerns regarding the overdevelopment of the site and an overbearing impact, particularly of the two storey side extension. The side extension would only project 1.6 metres beyond the existing rear elevation and the neighbouring property at No.12 is positioned slightly further back than the application site. Whilst the development is in close proximity to the boundary it is not considered to be overbearing due to its limited projection. Furthermore the height of the extension is lower than the original property which helps to reduce the overall impact. It was also noted that the neighbour's nearest windows to the development serve a utility room which is not a habitable room.

The single storey rear extension will extend another 2.2 metres beyond the side extension, but will be set in approximately 2.5 metres from No.12 Churchill Close and 1.8 metres from No.8 Churchill Close. The proposal includes ground floor side facing windows on each side of the single storey rear extension. It is considered that the existing boundary treatment, as well as mature vegetation, would be sufficient in ensuring the windows would not overlook either neighbour. It was noted that both neighbouring properties have existing single storey rear extensions with side facing windows towards the site, these are both largely screened by the existing boundary treatment.

A concern has been raised regarding the potential for the first floor dormer window to overlook the neighbour's private amenity space. Whilst the dormer would be closer to the boundary than the existing first floor windows, its relationship to the neighbour is not considered to be significantly different from that of windows on a typical semi-detached property. As such it is not considered a refusal could be sustained on the grounds of overlooking.

Whilst the proposal will be sited in close proximity to the neighbouring dwellings the footprint has been set in marginally from the boundary line to allow for an eaves overhang. The proposal has been found to be compliant with the 45 degree code of practice and on balance it is considered that the development would not have a sufficiently detrimental overbearing or overshadowing impact for the reasons stated above.

On balance it is not considered that the proposed extensions would result in any significant

overlooking, overbearing or overshadowing issues to surrounding occupiers. 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 E3 of the Local Plan.

Design

Consideration has also been given to the design of the extensions and whether they have an acceptable impact upon the character and appearance of the dwelling itself, and the street scene.

The proposed extension and alterations to the property would be subservient features which would not impact significantly on the character and appearance of the property given that they have been designed in a manner which would respect the characteristics of the property. The lower roof height of the two storey element is considered to be subordinate to the existing property and is sufficient in overcoming a terracing effect in the street scene.

Whilst the flat roof parts of the single storey development are not ideal in relation to the design of the original property, these cannot be seen from the street scene and would not be detrimental to the appearance of the existing or neighbouring properties. As such the extensions would also not have an adverse impact on the appearance of the streetscape and surrounding area.

The proposed developments would be constructed using brick and render, concrete roofing tiles and UPVC windows and doors. These materials would match those used on the existing dwelling and ensure that the extension appears well related to the main dwellinghouse and the surrounding area. Therefore, and in view of the above, the design, appearance and scale would be acceptable and would accord with Policy E4 of the Local Plan.

Overall, the design, appearance and scale of this proposal is acceptable and would not look out of keeping with the character and appearance of the surrounding area or the existing dwelling and is considered to be compliant with Policy E4 of the Local Plan and the advice in the NPPF.

River Mease

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the National Planning Policy Framework. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The development would not lead to the overall occupancy levels of the dwelling significantly increasing and the provision of more modern water-efficient facilities in the kitchen and bathrooms would lead to an overall decrease in foul drainage discharge from the site. Surface water run-off would be directed to a soak-away which would not connect into the mains drainage and as such the integrity of the River Mease SAC would be preserved.

Therefore, it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important features of the River Mease SAC, or any of the features of special scientific interest of the River

Mease SSSI.

Highways

The County Councils 6C's Design Guidance states that two parking spaces should be provided for three bedroom dwellings in suburban or rural areas or other locations where car ownership is likely to be higher than locations that are better served by public transport. The site is capable of providing at least 2 off street spaces and as such it is deemed that an acceptable level of parking would remain and the application would not have any detrimental impact on highway safety. No objections have been raised by the Highway Authority and the application would therefore accord with the 6C's Design Guidance and Policies T3 (Highways) and T8 (Parking) of the Local Plan.

Letter of Representation

Issues have been raised by the neighbouring property relating to the location of boundary fencing being on the neighbour's land and requesting it should be moved to the applicant's side. The neighbour also objects to the laying of foundations on their property. Concerns have also been raised regarding the party wall act and the future maintenance to each property. These issues are not material planning considerations and therefore cannot be considered in the determination of the application.

Other

The County Ecology officer advises that as this is an urban area with small gardens and little bat foraging habitats nearby no surveys or action is required.

Conclusion

The objections raised by the neighbour have been taken into consideration, however on balance it is considered that the proposal is not considered to detrimentally affect residential amenity or have any significant design implications which would warrant refusal of this application. The site is situated within the defined limits to development where the principle of this form of development would be acceptable. It is considered that the positioning of the extension, its design and the orientation of the properties would ensure that there would not be a detrimental impact on the amenities of neighbours and as such the development would accord with Policy E3 of the Local Plan. In terms of the design it is considered that the aesthetics of the property would be acceptable and would not be out of keeping with the character of the street scene and will therefore accord with Policy E4 of the Local Plan. Sufficient off-street parking would be maintained for the dwelling and as such the development would accord with Policies T3 and T8 of the Local Plan. The proposal would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. It is therefore recommended that the application be permitted.

There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3 and E4 and the advice in the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be begun before the expiration of three 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).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Site Location Plan received by the Local Planning Authority on 09 July 2015
Proposed Side Elevation received by the Local Planning Authority on 03 July 2015
Proposed Ground Floor Plan received by the Local Planning Authority on 09 July 2015
Proposed First Floor Plan received by the Local Planning Authority on 09 July 2015
Proposed Front Elevation received by the Local Planning Authority on 09 July 2015
Proposed Rear Elevation received by the Local Planning Authority on 09 July 2015
Proposed Side Elevation received by the Local Planning Authority on 09 July 2015

Reason- To determine the scope of this permission.

- 3 All external materials used in the development hereby permitted shall be of the same type, texture and colour as those used in the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

- 4 Before the external materials to the roof are installed to the proposed extension the means of drainage for surface water run-off from the extension to soakaway or another alternative sustainable drainage system so that the surface water does not enter the mains sewer system, (unless otherwise agreed in writing by the Local Planning Authority) shall be provided in full on the site, and shall thereafter be retained in perpetuity.

Reason- to prevent an adverse impact on the River Mease Special Area of Conservation; to ensure a sustainable drainage system is provided on the site.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively 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.