



144 New Walk
Leicester
LE1 7JA

Dated: 09th January 2024

Our Reference: A1951-03-03-GW

Your Reference:

Dear Case Officer,

RE: Planning Statement

Description	Demolition of existing garage, two storey side and single storey side & rear extension, part demolition of front boundary wall.
Application Type	Householder
Location	No. 27 Highfield Drive, Wigston, Leicestershire, LE18 1NN.

This Planning Statement has been prepared by Astill Planning Consultants on behalf of our client to accompany a planning application at no. 27 Highfield Drive, Wigston. This application seeks the demolition of the existing garage, two storey side and single storey rear extension, and part demolition of front boundary wall.

1.0 Introduction:

1.1 The purpose of this document is to set out the proposals for the application site and to provide a planning justification for these. This statement also incorporates the following:

- Analysis of the application site and the surrounding area.
- Description of the proposed development
- Planning Assessment assessing the proposals against planning policy and other considerations.

1.2 This document summarises the site analysis that has taken place and reviews pertinent planning history before explaining the proposed development. It provides a balanced justification for the development.

2.0 Application Site

- 2.1 The application sits on the eastern side of Highfield Drive within a primarily residential area and relates to a detached 4-bedroom room house. The property features a front facing gable and is finished in red brick with white Upvc windows and grey rooftiles.
- 2.2 The application site benefits from an existing dropped kerb access with off-street car parking for vehicles. There is low boundary wall to the front of the property. The site also features an existing garage at the rear of the dwelling.
- 2.3 Dwellings in the immediate area are typically finished in red brick with white render and feature white Upvc windows. However, there is a general visual mix of properties, with side extensions and rear extensions being a feature of the locality.
- 2.4 Some dwellings have been subject to changes in their appearance. This includes anthracite grey Upvc windows and doors. Most notably, neighboring no. 31 Highfield Crescent has been subject to a contemporary fenestration upgrade.

3.0 Planning History

- 3.1 A planning application (ref. 23/00367/FUL) was submitted for a 'two storey side and single storey rear extension, internal alterations and part demolition of front boundary wall'. However, the application was withdrawn on the 06th of November 2023 due to concerns raised by the Planning Officer.
- 3.2 Within the locality there is a mix of housing types and sizes due to their incremental development over several year. This general visual mix of properties is evidenced in part by implemented and consented side and rear extensions which are a feature of the locality:
 - Erection of single storey front extension & pitched roof over existing single storey side.
(09/00136/FUL) 3 Highfield Crescent Wigston Leicestershire LE18 1NL
 - Two storey extension and extension to front porch with canopy over.
(04/00588/FUL) 9 Highfield Drive Wigston Leicestershire LE18 1NN
 - First floor rear extension and pitched roof over existing single storey side and rear extension.
(13/00175/FUL) 23 Highfield Drive Wigston Leicestershire LE18 1NN
 - Erection of two storey side extension & canopy over existing porch.
(09/00309/FUL) 35 Highfield Drive Wigston Leicestershire LE18 1NN
 - Two storey side and single storey front and rear extension.
(04/00552/FUL) 39 Highfield Drive Wigston Leicestershire LE18 1NN
 - Erection of two storey side/rear extension.
(18/00388/FUL) 41 Highfield Drive Wigston Leicestershire LE18 1NN
- 3.3 The above is a non-exhaustive list of implemented and consented side and rear extensions. This should be considered alongside Permitted Householder Development which has been implemented in the locality and is evident in the area. Each planning application should be considered on its own individual merits. However, the above planning history demonstrates that alteration and extensions are character of the general appearance and character of the area. This visual mix of properties is a material consideration.

4.0 Relevant Appeal(s):

Reference:	APP/W2465/D/21/3281588
Proposal:	The development proposed is a garage conversion and single storey rear extension to house.
Address:	4 Howe Lane, Leicester.

- 4.1 The main issue of the appeal was whether the proposed development would provide acceptable living conditions for existing and future occupants, with regard to rear amenity space. This was judged against Supplementary Planning Document minimum requirements by number of bedrooms.
- 4.2 The inspector determined “although there would be an increase in built form within the rear garden area. It would rationalise the existing space between the garage and the house which is narrow and only serves to provide gated access to the front.”
- 4.3 The inspector goes on to say “the appellant sets out that the existing space is some 58.4m² and the proposal would result in a lesser amount of garden space being some 54m². I have no evidence to the contrary to disagree with these figures”.
- 4.4 The inspector determined the existing space assimilates the extension and leaves sufficient useable garden space for the enjoyment of existing occupiers. The proposal would not undermine the principles set out in the SPD. Moreover, the guidance in the SPD only recommends such minimum figures.

5.0 Proposed Development:

- 5.1 The proposed development rationalises the amount of private and useable open space. This is to provide a larger main open section of rear garden space and to facilitate householder extensions to meet the operational living requirements of the applicant and their family members.
- 5.2 The applicant proposes the demolition of the existing garage to ‘open’ the rear garden space and reposition the mass and built footprint of the garage in the form of a single storey rear extension. The rear extension is restricted to circa. 2.8m in height and features a flat roof.
- 5.3 The applicant also proposes a two-storey side extension. To ensure subserviency and to avoid a terracing effect and awkward brick keying. The ground floor is stepped in from the existing front elevation. In addition, the first floor is setback by circa. 1m with a mono pitch roof.
- 5.4 The applicant proposes that the eaves of the two-storey side extension match that of the existing building. However, they propose the ridge height of the extension sits circa. 250mm below that of the existing ridge.
- 5.5 The proposals provide 1 x bedroom on the ground floor and 2 x bedroom on the first floor along with a study and small gym space. This would result in a policy compliant three-bedroom house with two-off street car parking spaces, facilitated by a reduction in the length of the front boundary wall.
- 5.6 The proposals include a front porch extension measuring circa. 2493mm x 1000mm and the removal of the existing bay window which serves the main lounge and living space of the dwelling.

6.0 Planning Assessment:

- 6.1 This section of the planning statement provides a balanced justification for the proposed development. It takes into account planning history, previous comments, guidance and planning policy.

Garden Space:

- 7.1 The Residential Development SPD defines that the “The rear garden will usually be classed as the **main open section** of the rear garden and shall not include **alcoves or small unusable sections** of garden land” (3.43). It also refers to it as “**private** open amenity space (garden space)” (3.40).
- 7.2 The section in front of the existing garage is not private being viewable from public space; it is a driveway to the garage and forms part of the rear access. Therefore, a logical reading determines this is not part of the garden.
- 7.3 The section in between the existing garage and house is not part of the main open section of the rear garden; it provides access from the main property to the garage, outside w/c and forms part of the rear access. It is not part of the main openable section and is not reasonably useable.
- 7.4 These site observations, in accordance with SPD definitions, give an existing garden area of 63m². However, it is also observed there is an alcove behind the garage of circa. 6.5m²; this space is not part of the main open section and is of poor quality due to being almost completely enclosed. This gives a main open section of private and reasonably useable space of only 56.5m².
- 7.5 The proposal removes the existing garage of circa. 30m² and rationalises the existing garden space. It repositions the footprint and mass of the garage in the form of a single storey rear extension. This results in a main open section of rear garden area of 63m². This space is of superior quality than the existing situation (more open, useable, and private) with less alcoves and small enclosed sections.
- 7.6 The proposed development would result in a three-bedroom house. The proposed gym, study and prayer room do not meet Nationally Described Space Standards for a single bedroom. Therefore, they cannot reasonably be counted as a bedroom.
- 7.7 The Residential Development SPD only references a minimum garden size of 75m² for a 3-bedroom house and 100m² for a 4 - 5 bedroom house. The SPD is only guidance and is not referenced in Policy H6 nor does Policy H6 set specific measurement/size(s) that would be acceptable for rear gardens.
- 7.8 The existing garden is 63m² for a 4-bedroom house; it only has a main open section of private and reasonably useable space of only 56.5m². The proposed development results in a complete main open section of rear garden area of 63m² for 3 bedrooms.
- 7.9 Given the scale of the extension in comparison to both the existing garage, site observations of the existing garden layout and size. There would be no reason why the existing space would not assimilate the extension and leave sufficient useable garden space for the enjoyment of occupiers.
- 7.10 On balance, the garden space of the proposal is of a higher quality. The proposal would have sufficient and acceptable private amenity space to the rear. It would not harm the living conditions of existing or future occupiers of the host property.

Car Parking:

- 7.11 Leicestershire Highway Authority parking standards require a minimum of two parking spaces for dwellings with 3 bedrooms. Each car parking space shall measure a minimum of 2.4 metres in width by 4.8m.
- 7.12 The proposed development would result in a three-bedroom house. The proposed gym, study and prayer room do not meet Nationally Described Space Standards for a single bedroom. Therefore, they cannot reasonably be counted as a bedroom.
- 7.13 The proposed site plan shows two off-street car parking spaces and improved access facilitated by the reduction in the length of the front boundary wall. The arrangements are not dissimilar to neighbouring properties which have also seen removal or reduction to front boundaries to facilitate additional parking.
- 7.14 Even with two off-street carparking spaces, there is space in front of properties for additional on-street space. There is no substantive reasoning to suggest that on-street parking in the vicinity would have an unacceptable impact on highway safety nor would it be unacceptably harmful to the amenities of other households.
- 7.15 Paragraph 115 of the National Planning Policy Framework is clear that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 7.16 Given the onsite parking potential that is facilitated by alterations to the front boundary wall, existing neighbouring arrangements, and space to the front of the property and in the locality for parking; the proposal is acceptable from a parking provision viewpoint. It would not result in unacceptable impact on highway safety.
- 7.17 It is noted the existing study, shown on the existing floor plans, is large enough to be a single ‘walkthrough’ bedroom. It meets nationally described space standards. The property has been marketed as a 4-bedroom house and has been used by previous occupiers before the applicant as a 4-bedroom house.
- 7.18 The existing 4-bedroom house requires a minimum of three parking spaces under Leicestershire Highway Authority parking standards. The existing arrangement is substandard against referenced guidance. The proposal would improve off-street parking provision.

Design & Appearance:

- 7.19 Regarding the proposed two storey side extensions the Residential Development SPD states “The Borough Council will normally insist that such extensions are either set in by at least one metre from the boundary, or where this is impractical, recessed by at least one metre at first floor level behind the front wall of the dwelling so that visual separation is created” (3.11)
- 7.20 The ground floor is stepped in from the existing front elevation. In addition, the first floor is setback by circa. 1m with a mono pitch roof. This is consistent with extensions in the locality.
- 7.21 The Residential Development SPD states “Residential dwelling extensions and enlargements should not only be designed to match and complement the existing dwelling style, but should also be constructed

in matching, similar and / or complementary materials, where the existing materials are of an acceptable quality and standard.” (3.17)

- 7.22 The applicant is proposing matching brickwork, fenestration details and roof tiles to the existing as specified on the application form. This is notwithstanding neighboring no. 31 Highfield Crescent has been subject to a contemporary fenestration upgrade. In addition, noting the applicant benefits from Class A Householder Permitted Development Rights and Class C of Part 2 ‘Minor Operations of Schedule 2’ of the GPDO.
- 7.23 Regarding section 3.3 of the Residential Development SPD which discusses the quantum of extensions a property or site can accommodate, it is stressed “A key point of note, is that any extensions or enlargements should be visually subordinate to the existing dwelling that is to be extended” (3.3).
- 7.24 The proposed development is visual subordinate to the host dwelling by virtue of setbacks, reductions in ridge heights and the complimentary use of matching materials. The differential comparison between garden sizes and car parking capacity also demonstrates the application site has the capacity to accommodate the development.

Residential Amenity:

- 7.25 The proposed two-storey rear extension has been designed to match the rear building line of the adjacent property to avoid any amenity impact. The single storey rear extension extends only 4m from the rear of the existing property and does not breach any 45 degree lines of neighbouring properties. The proposed development does not result in a detrimental impact on neighboring residential amenity.

8 Conclusion:

- 8.1 This planning application effectively constitutes a resubmission of ref. 23/00367/FUL. The applicant has amended the previously submitted scheme to rationalise the amount of private and useable open space. This is to provide a larger main open section of rear garden space and to facilitate householder extensions to meet the operational living requirements of the applicant and their family members.
- 8.2 On balance, the proposed development results in garden space that is of higher quality than the existing. The proposal would have sufficient and acceptable private amenity space to the rear. It would not harm the living conditions of existing or future occupiers of the host property.
- 8.3 Given the onsite parking potential that is facilitated by alterations to the front boundary wall, existing neighbouring arrangements, and space to the front of the property and in the locality for parking; the proposal is acceptable from a parking provision viewpoint. It would not result in unacceptable impact on highway safety.
- 8.4 The proposed development is visual subordinate to the host dwelling by virtue of setbacks, reductions in ridge heights and the complimentary use of matching materials. The differential comparison between garden sizes and car parking capacity also demonstrates the application site has the capacity to accommodate the development.
- 8.5 **The proposed development constitutes sustainable development. We kindly and respectfully request the development is approved without delay.**

Appendix 1: APP/W2465/D/21/3281588



Appeal Decision

Site visit made on 23 November 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/W2465/D/21/3281588

4 Howe Lane, Leicester LE5 1BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hitesh Parmar against the decision of Leicester City Council.
 - The application Ref 20210801, dated 5 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is garage conversion and single storey rear extension to house.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion and single storey rear extension to house at 4 Howe Lane, Leicester LE5 1BZ in accordance with the terms of the application, Ref 20210801, dated 5 April 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 1:1250; Block Plan 1:500; 2020/4HL/002 Rev C; 2020/4HL/001 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the garage conversion and single storey rear extension hereby permitted shall match those used on the existing building.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for existing and future occupants, with regard to rear amenity space.

Reasons

3. Policy CS3 of the Leicester City local development framework, Core Strategy 2014 (CS) expects high quality, well designed developments that positively contribute to an areas character and appearance and context. Create buildings and spaces that are fit for purpose yet are innovative, adaptable and flexible to respond to changing social, technological and economic conditions. Saved Policy PS10 of the City of Leicester Local Plan 1996 - 2016, 2006 takes account of residential amenity in new development concerning existing or proposed residents.

4. However, in the Council's decision notice, it does not refer to Saved Policy PS10. Nonetheless, both policies do not specifically refer to the requirement for outside private amenity space or any specification including a measurement/size that would be acceptable for private outside amenity spaces including rear garden areas.
5. The Council's supplementary planning document Residential Amenity, 2008 (SPD) at Appendix G, Amenity Space sets out that an extension should leave sufficient garden space for general use and penetration of light and sun. It recommends a minimum rear garden area of 100 sq. metres for a 3-bedroom house.
6. The appeal site relates to a 3-bedroom end terraced property within a primarily residential area. There is an existing detached shared garage and driveway to the front and a conservatory to the rear. The conservatory would be replaced with a larger extension that would wrap around the property to incorporate the garage. The garage would be converted, and the proposals would form an open plan family/dining room. As I observed at the time of the site visit, the rear garden is enclosed by fencing and has a substantial amount of paved hardstanding with free standing planters, there was also an outdoor game facility.
7. Although there would be an increase in built form within the rear garden area. It would rationalise the existing space between the garage and the house which is narrow and only serves to provide gated access to the front. There would be a marginal increase in depth from the existing conservatory and limited additional built form. The appellant sets out that the existing space is some 58.4m² and the proposal would result in a lesser amount of garden space being some 54m². I have no evidence to the contrary to disagree with these figures.
8. I have therefore taken the approach that even if I were to take the Council's position that the extension size would result in a lack of amenity space for the host property. Given the scale of the extension in comparison to both the existing conservatory, site observations of the existing garden layout and size. There would be no reason why the existing space would not assimilate the extension and leave sufficient useable garden space for the enjoyment of existing occupiers. The proposal would not undermine the principles set out in the SPD. Moreover, the guidance in the SPD only recommends such minimum figures.
9. For these reasons, I find that the proposal would result in having sufficient and acceptable private amenity space to the rear. Thus, there would not be any harm to the living conditions of existing or future occupiers of the host property. Therefore, it would accord with CS Policy CS3, even if there is a breach of guidance on private amenity space, the proposal would still accord with the overall aims of achieving high quality design set out in the policy.

Other Matters

10. The appellant refers to the GPDO¹ as a 'fallback position' that a much larger building could be built within the rear garden area under permitted development rights. Whilst this may be the case, I have not been provided with any substantive evidence that the existing property would meet the limitations

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

as set out in Class E of the GPDO. In the absence of any lawful development certificate, I attach no weight to this matter.

Conditions

11. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials are to match the existing building in order to safeguard the character and appearance of the area.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

K A Taylor

INSPECTOR