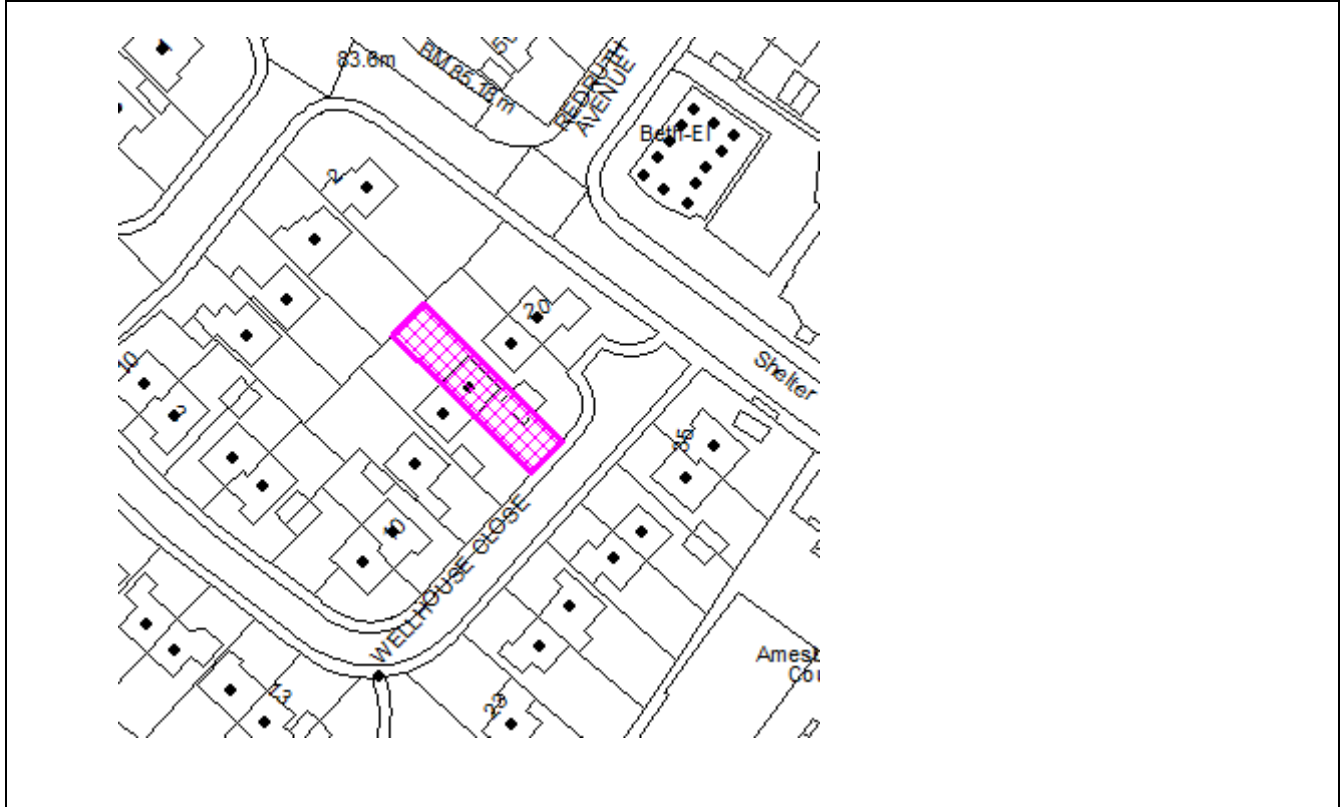


**Application Number****Address****Report Items**

- a.** 17/00285/FUL  
16 Wellhouse Close  
Wigston  
Leicestershire  
LE18 2RQ
  
- b.** 17/00343/FUL  
126 Aylestone Lane  
Wigston  
Leicestershire  
LE18 1BA

a.	17/00285/FUL	16 Wellhouse Close Wigston Leicestershire LE18 2RQ
	15 June 2017	Demolish the existing conservatory and erect new single storey rear extension
	CASE OFFICER	Stephen Robshaw



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Published 2014

**This application is before the Development Control Committee at the request of Cllr Charlesworth**

**Site and Location**

The property in question is a modern brick built two storey semi detached house in a quiet residential Cul-de-Sac. There have been no previous extensions or external alterations to the property either approved or otherwise.

**Description of Proposal**

The extension now applied for will provide ground floor shower and toilet facilities together with a small utility room. The materials being used match those of the original dwelling.

**Relevant Planning History**

None relevant

**Consultations**

Leicestershire County Council (Highways) – “The Local Highway Authority advice is that, ‘The local Highways Authority refers the LPA to current standing advice provided in September 2011. Consider Parking Provision’

**Representations**

Neighbours have been consulted and at the time of writing this report only one letter of objection has been received with the grounds for objection being;

- \* Lack of consideration to neighbours re access to their property. Unable to get down the side of conservatory to clean windows and maintain boundary fence.
- \* Loss of light.
- \* Poor standards of workmanship

**Relevant Planning Policies**

In addition to the National Planning Policy Framework, the Oadby & Wigston Borough Council Policies to be considered here are;

Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Construction

Core Strategy Policy 15 : Landscape and Character

Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria

Housing Policy 17 : Amenity

**Planning Considerations**

This application is a retrospective application in respect of works that have been commenced but not yet completed and which have been found to require planning permission solely because of the depth it protrudes from the original rear wall of the dwelling.

CLlr Charlesworth has called in the application on the following grounds:

- \* Impact on the neighbour
- \* Not built to correct standard
- \* Unauthorised build

Dealing with those grounds in the order above Officers can respond as follows;

If the development currently under construction were 0.5 (Half) of a metre shorter from front to back no planning permission would be required as the development would be "Permitted Development" and the impact on the neighbour would be no different. If the application were to be refused the only action the Council could reasonably take would be to require the extension to be shortened by 0.5 (half) of a metre. It would still be a brick wall of the same height facing the neighbour.

The applicant has employed the services of a Private Building Inspector to oversee the works, as is her right, and his/her word has to be accepted in respect of building standards. This is not a material consideration in determining this application.

The current application seeks to rectify the unauthorised build situation.

The existence of this development came to light as a result of a complaint being received from the owners of the adjoining property. Having visited the property Officers became aware of the need for planning permission to be applied for solely because the depth of the development is half a metre outside the parameters set for it to be "Permitted Development."

The extension now applied for will provide ground floor shower and toilet facilities together with a small utility room. The materials being used match those of the original dwelling.

Dealing with the neighbours objections in order Officers can respond as follows;

- \* The owner of any property has the right, subject to obtaining any permissions needed, to build right up to the boundary line of their property. If there were any encroachment issues these are not a material planning consideration and are a Civil Law matter.
- \* At the time of making one of several site visits the author of this report did access the side of the conservatory.
- \* The loss of light is not a material planning consideration as there is no legal "Right to Light." There will be no loss of light to the rear garden area of the neighbour as the host dwelling and the extension are aligned roughly East West and will not interrupt the natural passage of sunlight.
- \* As reported earlier the standards of workmanship are not a material planning consideration and the technical aspects are being overseen/signed off by a private Building Inspector. As a result the Local Authority has no authority to intervene.

The application, as submitted, meets with the criteria of the Councils Core Strategy Policies 14 & 15 and also Local Plan Policies H17 & L1 and the Residential Development Supplementary Planning Document in terms of design and sustainability.

As reported earlier if the committee were minded to refuse the application as submitted the most that could be required by the Council is that the depth of the development be reduced by half a metre. It would then be "Permitted Development" for which no planning permission would be required. The net difference to the amenity of the neighbour being minimal.

## **Policy considerations**

In addition to the National Planning Policy Framework, the Oadby & Wigston Borough Council Policies to be considered here are;

### Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Construction

Core Strategy Policy 15 : Landscape and Character

### Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria

Housing Policy 17 : Amenity

## **Core Strategy Policy 14**

### Design and Construction

The Council will require high quality inclusive design for all new development and major refurbishment in Oadby and Wigston.

Proposals for new development and major refurbishment will need to demonstrate how the proposed development:

- \* respects local character, patterns of development, is sympathetic to its surroundings and should contribute to creating buildings and places that are attractive with their own distinct identity;
- \* promotes safe and inclusive communities able to be accessible to all members of the community regardless of any disability or background and to encourage sustainable means of travel;
- \* will provide opportunities to promote biodiversity;
- \* will create, enhance or improve accessibility, legibility, permeability and connectivity;
- \* will provide opportunities for well designed and integrated public art;
- \* incorporates measures to minimise waste and energy consumption, conserve water resources and provide for renewable energy generation, in accordance with Core Strategy Policies 8 and 9;
- \* utilises inclusive design principles including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction; and
- \* achieves layout and design that is safe, secure and enhances community safety.

Compliance with the above criteria will need to be expressed through submission of a Design and Access Statement.

Major development including large-scale refurbishment will require preparation of a Masterplan, Development Brief, Concept Statement and/or Design Code where appropriate.

Proposals for innovative design or construction that contributes to the aims of sustainable development and reducing the impacts of climate change will be considered favourably by the Council.

## **Core Strategy Policy 15**

### Landscape and Character

All development proposals will be considered against the need to protect and enhance the distinctive landscape and historic character of the Borough. They should reflect the prevailing quality, character and features such as settlement pattern, views, biodiversity and local distinctiveness.

The Borough Council will take into account any potential impacts on the character and quality of the landscape and built environment, particularly where this relates to nationally designated areas or features of landscape and cultural significance. Landscape Character Assessments, Conservation Area Appraisals and Management Plans will be prepared and used to improve the quality of development, to assess potential impacts and support the enhancement of landscape as part of site restoration.

The Leicestershire Historic Landscape Characterisation will be taken into account when proposals are being considered.

The Borough Council will encourage the preservation and enhancement of the distinctive character and appearance of archaeological sites, listed buildings and buildings of local importance, Conservation Areas and other cultural assets that are of significant value.

The preservation and enhancement of local distinctiveness will be enabled by the publication of a list which identifies key local buildings, structures and features which are not eligible for listing under the statutory regime but contribute to the local character. Special consideration should be given to development or works which would likely prejudice known sites of archaeological interest.

The historic character and ecological value of the Grand Union Canal Conservation Area will be protected.

### **Local Plan Policy**

Landscape Proposal 1:

Development will be permitted provided:

- 1) existing landscape features, such as walls, hedges and trees, will be retained and additional well designed landscaping and open space that is well related in scale and location to the proposed development will be provided in the layout of larger developments;
- 2) the building design, scale, form and materials will contribute positively to the overall quality of the environment and be carefully related to existing and proposed development;
- 3) the layout, design and landscaping features will discourage crime;
- 4) it will not harm the amenities of occupiers of adjacent properties or cause a juxtaposition of incompatible uses; and
- 5) it will not prejudice the development of adjoining land.

## Housing Proposal 17:

The Local Planning Authority will not grant planning permission for the erection of extensions, outbuildings and garages within the curtilage of residential properties, unless the following criteria are met:

- 1) the extension or new building is subordinate to the main building and of harmonious design, form and materials;
- 2) the development does not have an unacceptably adverse effect on the visual amenities of the area;
- 3) the development does not have an unduly detrimental effect on the amenities of neighbouring residents;
- 4) the development does not result in an unacceptable reduction in open space around the dwelling.

### Implications Statement

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

### RECOMMENDATION: GRANTS

#### Subject to the following condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 All external materials used in the development shall match those of the existing building in colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.  
**Reason:** To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 3 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.  
**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

Note(s) to Applicant :

- 1 The development shall be carried out in accordance with the following:  
  
K.M.C. Consultancy Services drawings numbered KMC-3046 dated 15.06.2017 and received by the Council on 15 June 2017
- 2 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 3 **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

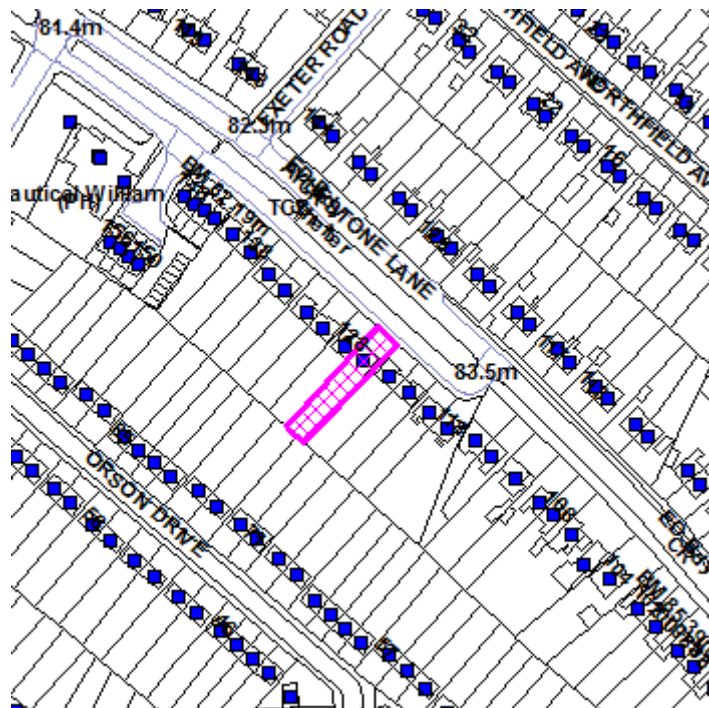
**Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



<b>b.</b>	17/00343/FUL	126 Aylestone Lane Wigston Leicestershire LE18 1BA
	13 July 2017	Proposed change of use from dwellinghouse (Class C3) to x2 self contained flats (Class C3). Including the erection of a proposed single storey rear extension and associated alterations [Resubmission of 16/00558/FUL].
	CASE OFFICER	Alex Matthews



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Published 2014

## **Site & Location**

The application site is a semi-detached dwellinghouse situated on the south-west side of an accommodation road of Aylestone Lane, Wigston. The property is situated amongst other residential properties of a similar age and design style. The existing dwellinghouse is set back from the roadside, with an open fronted driveway which currently provides a provision for x1 off-street car parking space. The existing property is constructed from brickwork, concrete roof tiles, and UPVC D/G windows and doors.

## **Description of Proposal**

The applicant is seeking planning permission for the erection of a proposed single storey rear extension and associated alterations at the address of No.126 Aylestone Lane, Wigston. The applicant is also seeking permission to convert and reconfigure the existing single dwellinghouse to form x2 self contained flats. Both a single dwellinghouse and x2 self contained flats fall under the same planning Use Class of C3. This planning application is the resubmission of application reference 16/00558/FUL.

The proposed single storey rear addition will extend approximately 3.0m beyond the rear elevation of the existing property. Like the existing property a width approximately 7.1m is proposed and such will incorporate a pitched roof sloping away from the existing property. A height of approximately 3.3m will be incorporate at the highest point, and a height of approximately 2.6m will be provided at the eaves. The proposed development will be constructed from brickwork, concrete roof tiles, and UPVC D/G windows and doors to match the existing property as closely as possible.

The layout of the existing dwellinghouse will be reconfigured to facilitate the proposed x2 self contained flats. The first flat would be provided wholly on the ground floor of the property. Such would provide x2 bedrooms and the flat would be accessed from the proposed doorway on the south-east facing side elevation. This flat would also facilitate a kitchen & living area, as well as a bathroom.

The second flat would facilitate x2 bedrooms and would incorporate the first floor and part of the ground floor for access. In addition to the bedrooms such would also facilitate a kitchen, living & dining area, and a bathroom. This flat would be accessed from the existing front door which would lead straight to a staircase.

It is also proposed by the applicant to increase the parking provision at the front of the property to form x3 off-street car parking spaces.

The statutory determination period for this application expires after Friday, 7 September 2017. This application will be taken to the planning committee on Thursday, 24 August 2017 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

## **Relevant Planning History**

16/00558/FUL - Proposed change of use from dwellinghouse (Class C3) to x2 self contained flats (Class C3). Including the erection of; a proposed single storey rear extension; a loft conversion with rear dormer and hip to gable roof enlargement; a detached store/ gym at rear; and associated alterations - Application Refused: 01/02/2017

## **Consultations**

Consultations have been carried out with Oadby & Wigston Borough Council's Planning Policy team as well as the Transport Development Group at Leicestershire County Council. At the time of writing this report no representations have been received.

The date for the receipt of comments expires on the 14/08/2017

## **Representations**

Neighbours have been informed and a site notice placed in front of the application site. At the time of writing this report no representations have been received.

The date for the receipt of comments expires on the 14/08/2017

Councillor Mrs Helen E Loydall has requested that this planning application gets taken to Planning Committee.

## **Relevant Planning Policies**

### National Planning Policy Framework

#### Oadby & Wigston Core Strategy

Core Strategy Policy 4 - Sustainable Transport & Accessibility

Core Strategy Policy 14 - Design & Sustainable Construction

Core Strategy Policy 15 - Landscape & Character

#### Oadby & Wigston Local Plan

Landscape Proposal 1 - Design of new development subject to criteria

Housing Proposal 17 - Criteria for assessing the suitability of domestic extensions

#### Supplementary Planning Document/ Other Guidance

Residential Development Supplementary Planning Document

## **Planning Considerations**

The main issues to consider in the determination of this application are as follows:

- \* Design, Character & Appearance
- \* Amenity
- \* Impact on Neighbour Amenity
- \* Highways/ Access Issues

### Design, Character & Appearance:

The Local Planning Authority considers the proposed scheme to be reasonable in terms of design, size and bulk. The proposed scheme is considered not to be out of character with regards to the design and character of the existing building or in relation to that of the surrounding locality.

The development will incorporate brickwork, concrete roof tiles, and UPVC D/G windows and doors to match the existing property as closely as possible. The Local Planning Authority considers these materials appropriate for this type of development.

### Amenity:

With regard to the sizes of the proposed x2 self contained flats each of which will provide x2 bedrooms the proposed conversion is considered to be reasonable with regards to size and layout of the proposed accommodation. Such is considered to meet the minimum space standards for flats as set out in the Department for Communities and Local Government Technical Housing Standards - nationally described space standard (un-adopted). The Local Planning Authority therefore does not have any objection to the proposed with regards to the space and size of the proposed accommodation units.

### Impact on Neighbour Amenity:

The Local Planning Authority considers this proposal to be acceptable on neighbouring amenity grounds. Analysis of the site together with the plans submitted has been undertaken by the Local Planning Authority. Assessment has been undertaken with specific regards to design and appearance, and also the impact on the neighbouring properties with regards to loss of sunlight/ daylight, overlooking, and overbearing. The scheme as provided is considered to not to significantly detract from neighbouring amenity. The Local Planning Authority considers this proposed scheme to be acceptable on the grounds of neighbour amenity.

### Highways/ Access Issues:

The Local Planning Authority has considered this planning application with regards to highways and access issues. A provision of x3 off-street car parking spaces has been presented which is considered to be sufficient for this type of scheme. The Local Planning Authority considers the proposed scheme not to present any major issues with regards to car parking, highways and access.

### Other Issues:

The scheme as presented shows a secure covered bicycle area and a secure covered bin area in the rear garden of the application site. No elevation drawings have been presented by the applicant to present such. A condition is therefore being attached to the decision notice for this application to protect the visual amenity of the area and the adjoining residential properties.

### **Conclusion**

In summary, the proposed development is considered not to significantly harm the character and appearance of the existing property or that of the surroundings, the amenity of neighbouring residential properties or the safe and efficient use of the highway. This planning application is therefore being recommended for approval.

### **Implications Statement**

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

## **RECOMMENDATION: GRANTS**

### Subject to the following condition(s)

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

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 All external materials used in the development shall match those of the existing building in colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby & Wigston Local Plan.

- 3 Unless otherwise first approved in writing (by means of a Non-Material Amendment/ Minor-Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

- \* Application Form - Ref: N/A - Provided by: DT Designs Ltd. - Received by the Council: 13/07/2017
- \* Proposed Ground Floor Plan - Ref: 2017/03/073, Page 2 of 6 - Provided by: DT Designs Ltd - Dated: 12/07/2017 - Received by the Council: 13/07/2017
- \* Existing & Proposed Plans - Ref: 2017/03/073, Page 3 of 6 - Provided by: DT Designs Ltd - Dated: 12/07/2017 - Received by the Council: 13/07/2017
- \* Proposed Elevations - Ref: 2017/03/073, Page 4 of 6 - Provided by: DT Designs Ltd - Dated: 12/07/2017 - Received by the Council: 13/07/2017
- \* Site Plan, Location Plan & Section - Ref: 2017/03/073, Page 5 of 6 - Provided by: DT Designs Ltd - Dated: 12/07/2017 - Received by the Council: 13/07/2017

**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

- 4 Prior to the commencement of the development details of the proposed secure covered bicycle area and the secure covered bin area in the rear garden of the application site shall be submitted to and approved by the Local Planning Authority. Such stores shall be completed before the first occupation of the self contained flats and subsequently retained.

**Reason:** To protect the visual amenity of the area and the adjoining residential properties and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby & Wigston Local Plan.

### Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 3 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 4 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 5 The Application as submitted was considered to be acceptable and therefore discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. 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.

### **6 Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

BACKGROUND PAPERS

**a.** 17/00285/FUL

**b.** 17/00343/FUL



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