

**Application Number**

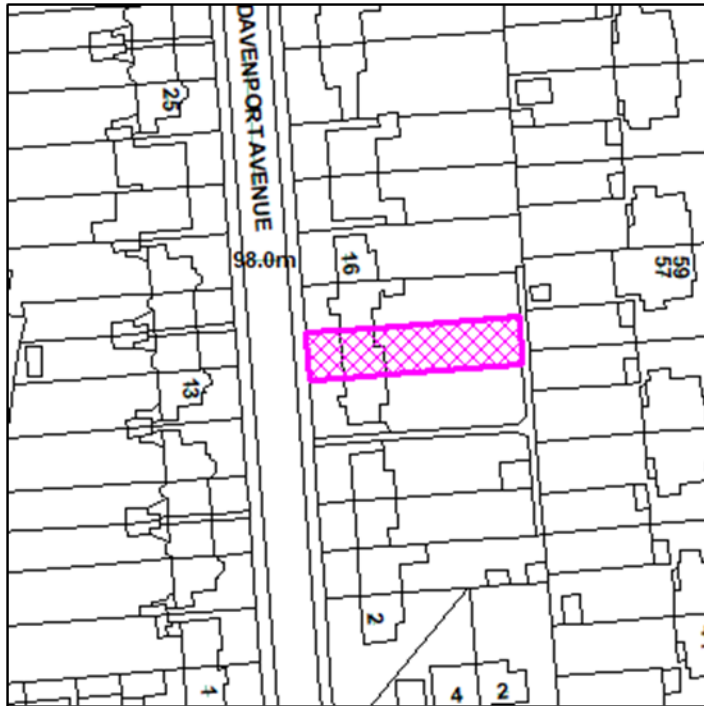
**Address**

**Report Items**

a. **23/00135/FUL**

12 Davenport Avenue  
Oadby  
Leicestershire  
LE2 5HP

a.	23/00135/FUL	12 Davenport Avenue Oadby Leicestershire LE2 5HP
	28 April 2023	Construction of single storey extension at rear of house (Class C3)
	Case Officer	Karamrhys Clair



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## **Site and Location**

The site is located within a predominately residential area that is mainly made up of both two-storey terraced and semi-detached dwellings and eight semi-detached bungalows to the northern edge of Davenport Avenue. The properties are of similar red brick design and / or with partially rendered / cladded finishes. No.12 Davenport Avenue is a two-storey terraced red brick dwelling situated to the east of Davenport Avenue. The site neighbours No.10 Davenport Avenue to its southern side boundary and No.14 Davenport Avenue to its northern side boundary. The plot has a medium sized rear garden (long and narrow) with no previous extensions to the rear apparent.

## **Description of proposal**

The application is for the construction of a single storey extension to the rear of the existing dwelling. The proposal measures a maximum 3.50m depth from the rear wall of the original dwelling along the northern side boundary with No.14 Davenport Avenue and a depth of 2.75m along the southern side boundary facing No.10 Davenport Avenue. The width of the proposal extends across the whole original rear elevation at 8.00m. A flat roof design will be constructed in conjunction with the staggered rear extension design proposed. The maximum height of the proposed flat roof will be 2.88m. Other external features include the installation of a window and french doors to the rear elevation to match the existing UPVC materials, including similar red-brick materials utilised for the external shell of the extension.

The statutory determination period for this application expires on the 03 July 2023 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

The following application is brought to the Committee as the host dwelling is a council owned property.

## **Relevant Planning History**

None Relevant

## **Consultations**

None Relevant

## **Representations**

Neighbours have been informed and a site notice placed with no letters of representation being received at the time of writing this report.

The date for the receipt of comments expired on the 5 June 2023.

## **Relevant Planning Policies**

National Planning Policy Framework

Oadby and Wigston Local Plan (2019)

Policy 6 (High Quality Design and Materials)

Policy 44 (Landscape and Character)

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document (2019)

## **Planning Considerations**

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

- The impact of the proposal on neighbouring residential properties.

#### The impact of the proposal on neighbouring residential properties.

The proposed development breaches the 45-degree code of practice with the neighbouring property No. 14, as the extension has a maximum depth of 3.50m along the northern side elevation.

However, the Residential Development SPD (2019) quotes in section 3.47:

*“It should be noted that at the rear of dwellings a single storey extension projecting an effective maximum distance of 3.5 metres along the boundary will usually be allowed irrespective of these guidelines”.*

Therefore, in light of the above policy guidance, the proposed depths of the single storey rear extension is policy compliant as a maximum depth of 3.50m is proposed, which does not exceed the limit set out in guidance, and thus would not be considered to impact upon existing sunlight, daylighting or impose overshadowing effects upon neighbouring habitable windows and their rear garden spaces. The impact to the neighbours in terms of daylight and overshadowing impacts is considered minimal.

Furthermore, with regards to the design and overall appearance of the proposal, the Residential Development SPD (2019) quotes under section 3.3:

*“Residential extensions and enlargements should be in keeping with the character and appearance of the dwelling to be extended as well as the wider local area. There is a limit to the number of extensions which can be added to a property or to a site. What constitutes overdevelopment will vary from site to site, as each set of circumstances is unique. If extensions are beginning to overwhelm a property or if there is a large number of outbuildings in close proximity to each other, site boundaries or the main house, it may be that a site is already overdeveloped. In such circumstances additional development may not be appropriate. A key point of note, is that any extensions or enlargements should be visually subordinate to the existing dwelling that is to be extended”.*

The visual amenity and outlook from the street scene is maintained, as the rear extension cannot be viewed from the front elevation or alternative viewing angles within the street due to the nature of the two-storey terraced layout. Therefore, the significance of the proposed rear extension is limited to its impact upon the character and appearance of the host dwelling itself and local surroundings to the rear. The height and massing of the overall rear extension is also within the general permitted development guidance, whereby an overall height of below 3.00m is deemed permissible for a flat roof extension. Therefore, visibility and bulk of the rear extension would be considered acceptable in line with current policy guidance.

Furthermore, the proposed extension is also a significant distance away from the rear boundary at around 19.80m and thus impacts upon any existing neighbouring amenities for neighbours to the rear on Brabazon Road is considered negligible. Overall, the development would be in compliance with section 3.3 of the Residential Development SPD (2019) as it would not be considered overbearing within the local surroundings or deemed as overdevelopment within the curtilage of the host site.

In terms of the overall expanse of the rear extension, the scale and mass of the development is considered in keeping with the existing patterns of development within the local surroundings by respecting the staggered layout of the neighbouring terraced dwellings. As such, as the host dwelling has no other previous extensions, the proposal is not considered to overwhelm the host dwelling whilst enclosing the existing space, as it retains an acceptable height and depth from the original rear elevation. Therefore, development would not be considered as an unduly or obtrusive

addition in nature, as the host dwelling's prominence is respected using similar matching materials and provides a very minimal impact on the existing visual amenity within the surrounding area.

As a result, the development with regards to the character and appearance would be in compliance with Policy 6 and 44 of the OWBC Local Plan (2019) and section 3.3 of the Residential Development SPD (2019) and therefore deemed an acceptable form of development.

There are also no highways concerns raised for the proposed works and no other matters are considered necessary.

## Conclusion

In summary, the proposed development is not considered to significantly harm the character and appearance of the existing property or that of the surroundings or the amenity of neighbouring residential properties. Therefore, it is recommended for approval subject to Conditions.

## 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

For the reasons set out in the above report then **Permit** subject to the following conditions:

- 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, Policies 6 and 44 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 sent to the Local Authority of Oadby & Wigston Borough Council, listed in the schedule below:

Location & Proposed Site Plan, Plan Ref No. R3398-006 / Rev A: Received 30 March 2023-  
Proposed Ground Floor Plan, Dwg No. R3398-003 / Rev A: Received 8 June 2023  
Proposed Roof Plan, Dwg No. R3398-006 / Rev A: Received 6 June 2023  
Proposed Elevations, Dwg No. R3398-004 / Rev A: Received 6 June 2023

**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 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 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

If you are aggrieved by the decision of your local planning authority to refuse permission 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 this is a decision to refuse planning permission for a householder application, 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 can be made online at: <https://www.gov.uk/appeal-householder-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### **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. **23/00135/FUL**



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