

Committee:	Development Control		
Date of Meeting:	24 February 2021		
Subject:	21/00006/FULHH - Erection of two storey side and rear extensions, front parking area and construction of vehicular crossover – Resubmission		
Report Author:	Jonathan Hill		
Contact Officer:	Jonathon Hill		
Implications:	Legal <input type="checkbox"/>	Community Safety <input type="checkbox"/>	
	Equalities <input checked="" type="checkbox"/>	Environment <input type="checkbox"/>	
	Financial <input type="checkbox"/>	Consultations <input type="checkbox"/>	
	Staffing <input type="checkbox"/>	Other <input type="checkbox"/>	
Wards Affected:	Icknield		

Purpose

1. To advise Members of a current application for planning permission and to seek their decision.

Recommendations

2. It is recommended to the Committee:
 - I. That the reasons for approval set out in this report are agreed;
 - II. That planning permission is granted, subject to the conditions set out below ('Appendix 1');
 - III. That delegated authority is granted to the Head of Planning to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
 - IV. That following any grant of permission that delegated authority is granted to the Head of Planning to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications):

Conditions ('Appendix 1')

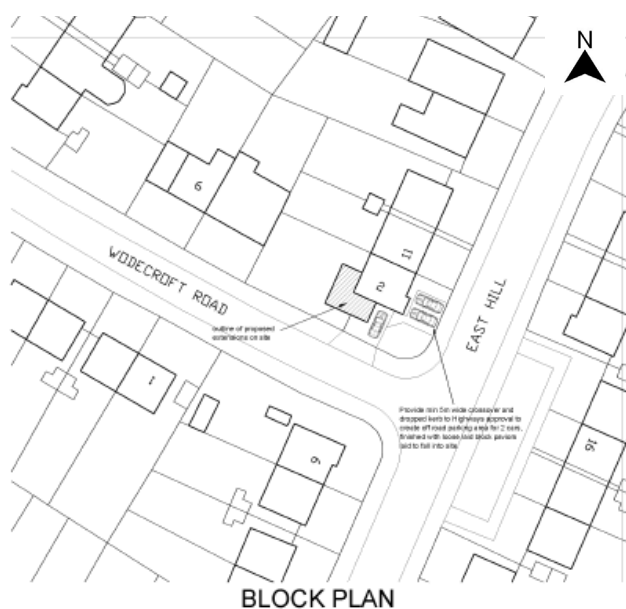
- (01) *Period of Consent;*
- (02) *Approved Plans and Documents;*
- (03) *External Material;*
- (04) *No Windows in Flank Elevations; and*
- (05) *Single Family Dwellinghouse.*

Background

The Site

3. The application site, No. 2 Wodecroft is a Luton Borough Council owned site and the applicants are LBC Building Technical Services. Permission is being sought to improve and adapt the site for the future occupiers whom have specific space and accessibility needs.
4. The application site comprises an end-of-terrace dwellinghouse located on a corner plot to the north of the junction between Wodecroft Road and East Hill. The property benefits from a large front and side garden, as well as a rear garden that is larger than most within area. The property currently benefits from an existing area of off-road parking to the side, accessed from Wodecroft Road.
5. No. 2 Wodecroft Road is a unique site, which, appears to front East Hill as part of the terrace block of Nos. 11 & 13 East Hill, however, the dwellinghouse takes its address and is principally accessed from Wodecroft Road.
6. For the purposes of this application, the view is taken that the southern 'principle elevation' should be considered as a 'side elevation' given the property's strong relationship with the attached dwellinghouses within the terrace block, which, as a result of the siting and detailed design of the group of properties, give the appearance and impression of the dwellinghouse having a direct relationship with East Hill. The application site is therefore viewed and interpreted in this context.

Figure 1: Site Location Plan



Site History

7. A previous application was submitted (20/00848/FULHH) for this site on 20th July 2020 for a scheme that was identical in principle, however, different in design, to this scheme.

8. It came to the attention of Officers prior to determination of the former application that works had commenced on site. This was due to miscommunications between the applicant and on-site personnel due to the urgency at which the development was needed for the future occupiers.
9. An immediate site visit by Planning Enforcement was conducted, confirming the current state of site and the phase at which the construction was at. All involved were advised to stop works until the application had been determined. This request was complied with.
10. Councillor Mahmood Hussain and Chief Executive Robin Porter expressed their desire for the previous scheme to be brought before the Development Control Committee if it was to be approved in the interest of transparency due to works starting without planning permission.
11. Ultimately the previous application was refused, due to a combination of design concerns and material impacts upon the openness of the street scene and, therefore, the application was not put before members.

Policy Implications

National Planning Policy Framework (NPPF, or the Framework)

12. The revised National Planning Policy Framework (NPPF, or the Framework) was published in June 2019 and replaces the previous NPPF (2012). It provides guidance as to how the government's planning policies are expected to be applied. The core principle of the revised Framework is a "presumption in favour of sustainable development". However, this does not change the statutory status of the development plan as the starting point for decision making. Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.
13. Paragraph 38 of the Framework advises that local planning authorities should approach decision making in a positive and creative way and should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Discussions have taken place with the applicant following the requirement for the application to be determined by the Development Management Committee.

Planning Policy Guidance (PPG)

14. The guidance was published in March 2014 and has been maintained in support of NPPF policy.

Luton Local Plan 2011-2031

15. The application site does not benefit from any specific allocation within the Luton Local Plan 2017. Relevant policies are, therefore, as follows:

- *Policy LLP1 (Presumption in Favour of Sustainable Development)*: sets out a sustainable development strategy for the Borough;
- *Policy LLP19 (Extensions to Dwellings and Annexes)*: expects extensions to dwellings to be in keeping with the scale and design of the original and neighbouring properties and to ensure that they do not significantly reduce the amenity of the nearby occupiers, in respect of visual intrusion, loss of light, loss of privacy and/or overlooking.
- *Policy LLP25 (High Quality Design)*: seeks to have development enhance the character of an area, respond positively to the local context, minimise adverse amenity implications, optimise a site, achieve adopted standards and create attractive and safe spaces;
- *Policy LLP31 (Sustainable Transport Strategy)*: sets out the sustainable transport strategy and stipulates that development will be permitted where it minimises the need to travel, reduces congestion and provides sustainable transport choices;
- *Policy LLP32 (Parking)*: considers the parking requirements of development, stipulating expected provisions and highlighting the sustainability of Town Centre-proximate locations;

Consultation Responses

Technical Consultation

16. Given the extent of the application, the nature of the works proposed and the absence of any changes to the parking areas, it was not considered necessary to carry out any statutory consultations in relation to the current scheme.

Statutory Public Consultation

17. The application was notified to 9 adjoining and nearby residential occupiers. To date, one representation has been received. The issues raised are captured at 'Appendix 2' of this report.

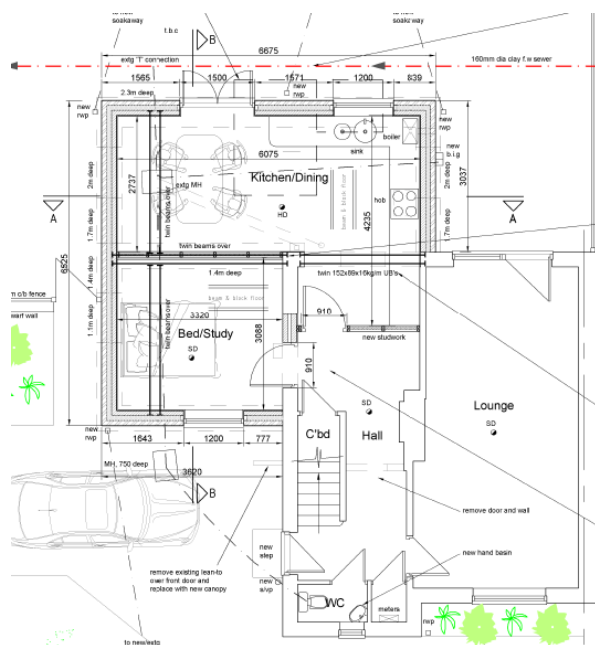
Report of the Officer

Design

18. The proposed scheme has been amended from the previous, with the first floor side extension being limited to 2.7 metres, comparatively, the previous scheme proposed the first floor side extension to be limited to 3.6 metres.
19. While the footprint of the proposal is of a notable size, especially the ground floor side extension, it was clarified by the agent that a manhole cover and drain run is present underneath this part of the proposal and any reduction in width of the ground floor side extension to avoid this would result in an unviable space for its intended use as an accessible bedroom for the occupier.
20. The reasoning for the size of this element would not be a material planning consideration, however, given the large plot size and the size, scale and footprint of

the original dwelling, it is not considered that the proposal would be significantly disproportionate to that of the original dwelling and site.

Figure 2: Proposed Floorplan



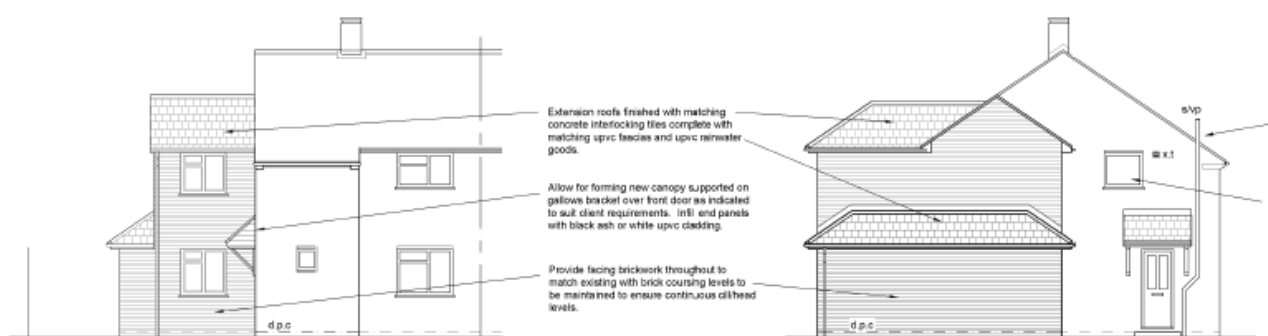
21. Overall, it is considered that this proposal should be assessed primarily on the impacts and harm associated with the first floor elements of the scheme.
22. The reduction in width of the first floor side extension gives rise to a stepped aesthetic which would reduce the bulk, and therefore prominence of the side extension and would create an extension that would be sympathetic in its size and scale, forming a consistent and subordinated relationship with the original dwelling.
23. The roof forms of the side elements would be a combination of hipped and pitched, these would be considered sympathetic to the roof form of the original dwellinghouse.
24. The two-storey rear element of the proposal would project out from the rear elevation of the original dwelling by 3.05 metres, no issues are raised with the size and scale of this element of the proposal, however, while the dual hipped roof design of this aspect would not necessarily be a common roof form used for first floor rear extension, on balance, it is not considered that this roof design would materially harm the design and character of the host dwelling, owing to its subordinated design and sympathetic materials.
25. Overall, it is considered that the development as a whole would be proportionate to the size and scale of the original dwelling, while the proposed roof forms and materials would be similarly sympathetic.
26. It is noted that the proposal would increase the number of bedrooms of the site from 3 to 4 (excluding the adapted bedroom/office on the ground floor) which would provide a high quality living space for a larger family.

27. To ensure that the proposed would continue to be used as a dwelling for larger families, it is recommended that if Members are minded to approve the application, a condition be imposed to restrict the use class of the site to C3 (single family dwellinghouse).

Street Scene Implications

28. The proposal would be visible from the street scenes of both East Hill and Wodecroft Road.
29. Given the appropriate design when the proposal is viewed from East Hill, no material implications are anticipated, while the same is true when approaching the development from Wodecroft Road.
30. The most significant concern is the impact of the proposal on the openness of the street scene when viewing the site proximate to the Wodecroft Road/East Hill junction, similarly, this was the most significant concern for the previous scheme, which ultimately influenced the refusal.
31. The decreased width in the first floor side element and stepped approach would result in a more gradual increase in the elevations, ultimately, reducing the bulk and prominence of this aspect of the development, subsequently, it is considered that any impact upon the street scene would be limited and would not be to a significant enough level to justify attributing material harm to it.

Figure 3: Proposed front (left) and side (right) elevations



Amenities of Adjoining Occupiers

32. Owing to the characteristics and location of the development the only occupier that would be implicated by this scheme would be the neighbour at the attached property of No. 11 East Hill due to the two-storey rear extension.
33. The proposal may have some impact upon the outlook from the rear aspects of this attached dwelling, however, given the approximate 3 metre gap that would be achieved between the common boundary and the two-storey rear extension, it is not considered that the loss of outlook would be significant so as to cause material harm.
34. Furthermore, given the location of the two-storey rear extension in relation to the attached dwelling of No. 11 East Hill there may be some loss of light impacts upon the rear garden, however, given the orientation of the terrace block and their rear gardens

(north-west facing), in addition to the 3 metres gap and the limited roof height of the two-storey rear extension, the view is taken that any loss of light would not be a significant increase to that which already exists at this attached dwelling, it would therefore, be unreasonable to attribute material harm to this, especially given the absence of any representation from this adjoining occupier.

Figure 4: Proposed front rear elevations



35. It is not considered that the rear windows of the two-storey rear extension would result in material harm in terms of overlooking or visual intrusion, however, although none are proposed, it is advised that if Members are minded to approve, a condition be imposed to restrict the addition of any windows to the northern and southern flank elevations of the entire first floor extension.
36. It is not considered that any other adjoining or surrounding occupier would be materially impacted by this scheme.

Parking & Highway Implications

37. The site would provide one off-road parking space accessed from Wodecroft Road and another 2 off-road spaces accessed from East Hill.
38. The on-site parking provision would achieve the standards as set out within Appendix 2 of the Luton Local Plan 2011-2031. No material implications are anticipated.

Concluding Remarks

39. While the proposal would have some impact upon the design and character of the original dwelling and may have some impact upon the amenities of the adjoining occupier of No. 11 East Hill, it is considered that these impacts would not be of a significant level to which it would be reasonable to attribute material harm, this is also emphasised by the limited number of objections received.
40. The most significant concern with the previous scheme was the loss of openness and the impact this would have upon the prevailing street scene. It is considered that the reduction in width of the first floor side extension successfully mitigates this issue and as a result, preserves the open character of the street scene.

41. Overall, it is considered the proposal would result in very limited harm to the design and character of the host dwelling, amenities of the adjoining occupiers and the prevailing street scene and, on that basis, conditional approval of the application is recommended.

Appendix

- Appendix 1: Conditions and Reasons
- Appendix 2: Public Consultation Responses
- Appendix 3: Case Officer Report for previous Scheme - 20/00848/FULHH

List of Background Papers - Local Government Act 1972, Section 100D

42. Luton Local Plan 2011 – 2031
43. National Planning Policy Framework (NPPF) (2018)
44. National Planning Practice Guidance (NPPG)
45. Planning Application Ref: 20/00848/FULHH

Determination of Planning Applications

46. The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan, unless material considerations indicate otherwise.

Human Rights Act 1998

47. The determination of the application which is the subject of this report is considered to involve the following human rights:
1. Article 8: Right to respect for private and family life; and
 2. Article 1 of the First Protocol: Protection of Property.
48. The report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

Section 17: Crime and Disorder Act 1998

49. In reaching the recommendations set out in this report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

Equality Act 2010

50. In reaching the recommendation set out in this report, proper consideration has to be given to the duty imposed on the Council under the Equality Act 2010 to have due regard

to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief. In this case, no disproportionate effect on people with protected characteristics has been identified.

Implications

Item	Details	Clearance Agreed By	Dated
Legal			
Finance			
Equalities	The development seeks to improve and adapt the site for the future occupiers whom have specific space and accessibility needs.		
Environment			
Community Safety			
Staffing			
Consultations			
Other			