

Residential Development Supplementary Planning Document

Adopted Document

April 2019



Oadby & Wigston
BOROUGH COUNCIL

Contents

Chapter 1	Introduction and general advice	page 2
Chapter 2	Local Plan related policy	page 3
Chapter 3	Specific advice and guidance	page 5
	Design and overall appearance of the development	page 5
	Roof Design	page 5
	Impact of side extensions on the street scene and the terracing effect	page 6
	Impact of side extensions to corner plots on the street scene	page 7
	Use of materials	page 7
	Windows and Doors	page 8
	Loft Conversions and dormers of existing residential dwellings	page 9
	Residential amenity, privacy and visual intrusion	page 10
	The provision and retention of private open space associated with residential accommodation	page 11
	Sunlight and daylight	page 12
	The 45 Degree Code of Practice	page 12
	Joint Extensions	page 17
	Wedge Shaped Extensions	page 17
	Continuous development on side boundaries	page 17
	Annexes	page 18
	Parking, highway safety and garages	page 19
	Garages in communal parking areas	page 20
	Infill and backland development in the Borough	page 20
	Boundary Treatments	page 21
	Housing Choices and Housing Standards	page 24

1. Introduction and general advice

- 1.1 This Supplementary Planning Document (SPD) is a planning policy document that focuses on the design, character and use of materials of all new residential related development within the Borough of Oadby and Wigston. The document seeks to supplement the related policies set out within the Council's Local Plan, as well as offering advice to any prospective residential related development applicant. Alongside the Local Plan, this SPD will help the Council approach planning decisions in a positive and creative way.
- 1.2 The following chapters set out specific (detailed) design, character and use of materials advice and guidance relevant to all new residential development proposals within the Borough area that require planning permission.
- 1.3 It should be noted that not all residential development proposals require planning permission before they can begin works. Works that do not require planning permission are referred to as Permitted Development. Permitted Development rights are set out within the governments General Permitted Development Order. Further information can also be found on the Planning Portal website.
- 1.4 It is however, always advised that expert advice is sought from the Council.
- 1.5 Both national planning policy and the Council encourage prospective applicants for residential development to contact the Planning Control team to discuss their proposals before making any planning application submission. Such approach is referred to as 'Pre-application advice'. Further information relating to Pre-application advice can be found on the Council's website.
- 1.6 Pre-Application Advice is promoted through the National Planning Policy Framework (NPPF), which suggests that the more issues that can be resolved at pre-application stage, the greater the benefits. It goes onto suggest that *'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'*.
- 1.7 Pre-application advice is available to anyone who is thinking about submitting an application to the Council; however it is always encouraged that an applicant employs the services of a professional architect and / or an independent planning expert if they need help with the design of a scheme, as the Council cannot undertake such work.
- 1.8 In addition, it is advised by the Council that prior to Pre-application discussions taking place and / or the submission of a planning application proposal for residential related development, the applicant should check to see whether there are any existing planning restrictions, covenants on the deeds and / or Party Wall Act restrictions related to the proposal site.
- 1.9 Land drainage and flood risk issues may also be relevant to a development site. Advice is available from the Environment Agency's website www.environment-agency.gov.uk and the Lead Local Flood Authority.

2. Local Plan related policy

- 2.1 Amongst others, the Council's Local Plan sets out a number of residential related policies. These policies set out the Council's policy approach to specific residential related aspects and will need to be taken account of when new development is being drawn up / proposed.
- 2.2 Chapter 3 of this document sets out supplemental advice and guidance in relation to specific residential planning policies (listed below).
- Policy 6 High Quality Design and Materials
 - Policy 15 Urban Infill Development
 - Policy 44 Landscape and Character
- 2.3 Chapter 3 also seeks to help an applicant interpret the listed policies. It should be noted, that not all residential related policies are listed. It should also be noted that further information and guidance relating to residential development is contained within the Council's Landscape Character Assessment, as well as other Supplementary Planning Documents. All such documents can be found on the Council's website.

Policy 6 High Quality Design and Materials

The Council will require the highest standards of inclusive design and use of the highest quality materials for all new development and major refurbishment in the Borough.

Proposals for new development and major refurbishment should create a distinctive environment by;

- *respecting the existing local and historic character;*
- *utilising inclusive design principles, including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction;*
- *creating development that is of high architectural quality;*
- *ensuring patterns of development are sympathetic to their surroundings;*
- *responding to the local topography and the overall form, character and landscape setting of the settlements.*

Proposals for new development and major refurbishment should ensure safe and healthy communities by;

- *creating inclusive places that design out opportunities for anti-social behaviour and crime;*
- *creating spaces that are accessible to all regardless of ability or background;*
- *encouraging sustainable means of travel;*
- *protecting local amenity, including, resisting development that has unacceptable contributions towards air quality, noise, vibration, smell, light or other pollution, loss of light or overlooking;*
- *providing opportunities to promote biodiversity;*
- *providing opportunities for well designed and integrated public art;*
- *incorporating measures to minimise waste and energy consumption, conserve water resources and provide for renewable energy generation.*

Proposals for new development and major refurbishment should create connected places by ensuring that development;

- *connects effectively and efficiently to existing routes, by avoiding dead ends and convoluted routes, to allow it to integrate into the wider settlement and to link to existing services and facilities;*
- *integrates with existing sustainable modes of transport including cycle, pedestrian (including canal towpaths and public rights of way), and public transport; and*
- *provides appropriate parking facilities, including that for cycling and motor vehicles (where relevant).*

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 and/or design code where deemed appropriate by the Council.

Proposals for innovative and outstanding 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.

Policy 15 Urban Infill Development

Within the urban areas of the Borough, proposals for infill development on previously developed land that are of high quality design, improve the character of the locale, do not have any adverse effect on / or loss of amenity to adjacent properties or nearby properties, and do not cause unacceptable noise, will in principle be considered favourably.

Any proposal for development on residential garden land or any other open amenity space around buildings will not be permitted unless it conforms to the guidance set out within the Council's Landscape Character Assessment.

Proposals that seek to split existing residential plots and propose development on the garden land of and / or open amenity space of existing plots will not be granted planning permission unless the proposal sits comfortably, is consistent with, in character with, and respects the direct existing street scene in which it is situated. The Council will not accept development proposals that 'over develop' a site from its original intended or existing use.

Development proposals would also need to illustrate high quality design and use of materials that are consistent with the character of the area and the existing properties in the direct area.

Policy 44 Landscape and Character

All development proposals within the Borough will be considered against the need to conserve and enhance the distinctive landscapes in the Borough. The Council will seek to ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats.

Development proposals will only be permitted where it is in keeping with the area in which it is situated. Development proposals that are contrary to the policy guidance as set out within the Council's Landscape Character Assessment, the Conservation Areas Supplementary Planning Document and / or the Conservation Area Appraisals will not be approved.

Development proposals that have a potential impact on nationally designated areas or features of landscape and cultural significance will not be permitted.

- 2.4 In addition to other relevant local policies set out within the Council's Local Plan national policy set out within the National Planning Policy Framework (NPPF), will also be of relevance in certain residential development related cases.
- 2.5 When preparing any planning application, the applicant must take account of NPPF, particularly where it states planning '*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents*'. The Council will also take account of the NPPF throughout the decision making process.

3. Specific advice and guidance

- 3.1 This Chapter sets out specific design, character and use of materials advice and guidance for all new residential related development within the Borough.

Design and overall appearance of the development

- 3.2 All new residential related development should have a relationship with its surroundings in terms of massing, height, balance, use of materials, roof shape and architectural detailing. The character and appearance of residential related development and how this fits with the local streetscene are important considerations when deciding if proposed development is acceptable. All new residential related development should fit with the existing streetscene and retain and / or enhance locally distinctive character. In addition, all new residential related development should have regard to Sport England's 'Active Design' guidance, in particular its ten key principles. The Active Design guidance is supported by Public Health England and is part of our collaborative action to promote the principles set out in Public Health England's *'Everybody Active, Every Day'*, to create active environments that make physical activity the easiest and most practical option in everyday life.
- 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.
- 3.4 Whilst variety in design through changes in roof form or storey height will not be discouraged, new development should not be over-dominant or otherwise harmful to the locally distinctive appearance of the surroundings. Large dominant extensions are rarely satisfactory and particular care is needed in the case of front extensions to semi-detached or terraced properties.
- 3.5 In order to improve the architectural quality of the built environment, a high standard of design will be required in all forms of development and external materials and finishes should be chosen to give a high quality appearance and identity to the scheme. Consideration should also be given to the boundaries (walls, railings, fences, hedges) and trees and vegetation within the area. Reference may also be made to the Council's non-statutory publication – *'OWBC Tree Strategy 2018 – 2023, Trees for Life'* which is available via the Council's website.

Roof design

- 3.6 Roof form and style often contribute significantly to the appearance and character of a residential dwelling. A Victorian villa and a post war suburban semi-detached property are both residential dwellings which can be built out of red brick but the

differences in their roof form helps define their character. Roof form also has an important part to play in ensuring an extension is appropriately designed.

- 3.7 In order to ensure an extension is sympathetic to the original dwelling its roof should replicate the proportions, pitch, shape and materials of the main house. This is just as important for single storey extensions as those at two storey level.
- 3.8 Unless the existing residential dwelling dictates, the use of flat or semi-pitched roofs, particularly when extending above single storey level, often makes extensions incongruous features within the street scene, particularly when such roofs are on front or side extensions and are inconsistent with the design of the roof on the existing house. Full pitched or hipped roofs should be used to match the style of the existing roof on the dwelling, especially on two storey or first floor extensions. The use of full pitched roofs on single storey extensions and buildings within the curtilage of dwellings will be encouraged where appropriate.

(a) Likely to be acceptable
subject to terracing effect



(b) unacceptable



- 3.9 The illustrations above (a) show a hipped roof property that has been extended to the side with sympathetic and consistent design that is in principle acceptable and (b) an unsympathetic side extension detailing a flat roof with a mock pitch to the front with the windows out of scale with the existing that would be deemed unacceptable.

Impact of side extensions on the street scene and the terracing effect

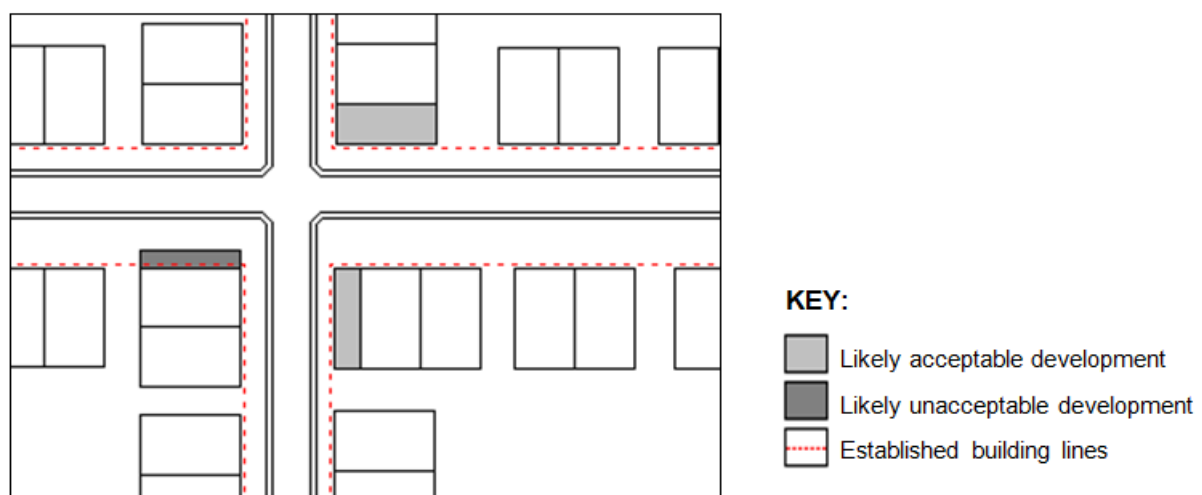
- 3.10 It is very often the case that the only satisfactory means by which detached or semi-detached dwellings can be extended is at the side and, because of the restricted nature of some plots, flush with the side boundary. Whilst such extensions can provide much needed additional living accommodation they often have a negative impact upon the house, street and locally distinctive character.
- 3.11 Such development proposals often give rise to unsatisfactory design since two adjacent properties may create a terrace effect by extending at two storey level up to their common boundary. 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 in order to avoid any detrimental impact on the visual characteristics of the street scene. However, where the front walls of adjacent dwellings do not follow a common building line and there is an offset of at least 1 metre between the front walls, this may be satisfactory in preventing the terraced appearance. The front wall of the building nearest to the front boundary will be defined by the nearest corner of the dwelling to the side boundary at first floor level. Projecting bays, gables and other features will not be taken into account.

- 3.12 A terracing effect will occur where buildings follow a common building line. Where dwellings are not on a common building line and the position of the plots are staggered there may be no risk of terracing hence the 1m set back at first floor level or the 1m offset from the boundary may not be required.

Impact of side extensions to corner plots on the street scene

- 3.13 Side extensions to existing residential dwellings situated on corner plots effectively become front extensions and ultimately can have a major impact upon the appearance of the street scene. It is for this reason, as well their impact upon motorist visibility, that they are deemed unacceptable, unless exceptional circumstances dictate otherwise.
- 3.14 Existing building lines of development should be respected in all instances. If the building line is not clearly defined, then a projecting side extension may be acceptable if it would not have a detrimental impact on the street scene or motorist visibility or locally distinctive character.



- 3.15 The above drawing illustrates when a side extension to existing residential dwellings situated on corner plots would be acceptable and when they wouldn't be acceptable.

Use of materials

- 3.16 All new residential related development should make use of materials that are in keeping and character with the local area in which it is situated. In exceptional

circumstances, use of materials not in character with the local area can be deemed acceptable should they enhance the existing local character and streetscene.

- 3.17 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. It should be noted that the use of matching materials is relevant to the extension in its entirety, for example the façade, the side(s) and the rear.
- 3.18 All external brickwork should be built using a high quality brick, mortar and pointing that has aesthetic value. Unless in exceptional circumstances, it would not be acceptable to use a low quality common brick or 'fletton' for external brickwork.
- 3.19 The re-use of building materials is in principle acceptable and encouraged by the Council, unless those materials were to have a detrimental impact on the local character and streetscene.
- 3.20 The details of materials to be used for any residential related development should be submitted with the planning application submission documentation to avoid the need for pre-commencement conditions requiring submission of details regarding the proposed external materials before the commencement of any building works (where a favourable planning recommendation has been given).

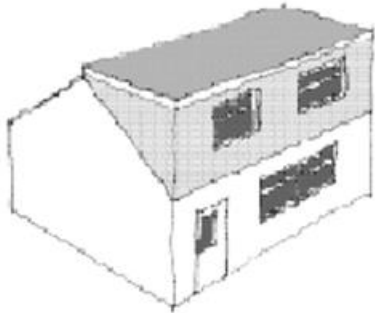
Windows and doors

- 3.21 The use of inappropriate door and / or window sizing, detailing and materials can have a significant detrimental impact on an otherwise acceptable development proposal and its impact upon local character or upon close neighbours.
- 3.22 All new windows and doors should respect the character and appearance of the local area, and extensions or enlargements should respect the character and the appearance of the existing residential dwelling that is to be extended.
- 3.23 Particular attention should be afforded to all elevations equally. Specific details that will be considered (but are not limited to) by the Council when proposals are put forward are:
 - the size, shape, design and materials;
 - the placement of windows and doors within the building;
 - any recessing or reveals;
 - window and door heads and cill details.
- 3.24 The position of windows and / or doors should be positioned so as not to have a negative impact on the residential amenity or actual and perceived privacy of surrounding properties. The locating of primary windows to habitable rooms such as living rooms or bedrooms on the flank of a property (where they would rely upon the adjacent property for light and air) should be avoided.

Loft conversions and dormers of existing residential dwellings

- 3.25 Utilising roof space of existing dwellings to provide additional living accommodation has proved popular to householders in recent years because it offers economy in space requirements and costs. However, it must be recognised that many dwellings were never designed to accept this form of extension and modern dormers are rarely attractive features unless designed well.
- 3.26 If a loft conversion / extension is to be proposed, particular care should be afforded to the size, design and positioning of dormers on dwellings. Badly designed dormer windows can create incongruous and / or intrusive features which would have a detrimental impact on the character of an area and / or can lead to a substantial loss of privacy and amenity of surrounding properties.
- 3.27 Measures that may assist in reducing the visual impact of dormers include (but are not limited to);
- the placing of dormers to the rear of the property,
 - restricting the size of the dormer so the main roof slope remains the dominant feature,
 - positioning the dormer below the ridge of the roof,
 - cladding the dormer in materials to match the existing dwelling,
 - and providing a pitched roof over the dormer.
- 3.28 Like all extensions, dormer windows should relate in scale and style to the original building and be in keeping with its fenestration. It is important for dormers to be designed to incorporate elements of balance and symmetry within their design which relate to the dwelling on which they are to be placed. They should be kept to a minimal size and avoid becoming an over dominant feature within the roof which creates a top heavy appearance to a dwelling. As a general guide dormers should be the same size or smaller than any windows on the existing property. Flat roofed dormers should be avoided.
- 3.29 Front dormers will only be acceptable where they can create an attractive feature which is in keeping with the style and character of the property on which it will be placed. Side dormers or proposals to create gable end roofs on one side of pairs of semi-detached and detached dwellings where both sides were originally hipped will not be acceptable unless there are exceptional circumstances that dictate otherwise.
- 3.30 Except in exceptional circumstances, dormers should be set at least 0.5 metres below ridge level.
- 3.31 Materials used on dormers should be sympathetic to the existing roof to help the dormers blend into their background. The pitches of the dormer must be designed to incorporate the same tiles as on the existing roof.
- 3.32 Except in exceptional circumstances box dormers will not be acceptable. The drawings below clarify this.

Unacceptable design



More appropriate designs

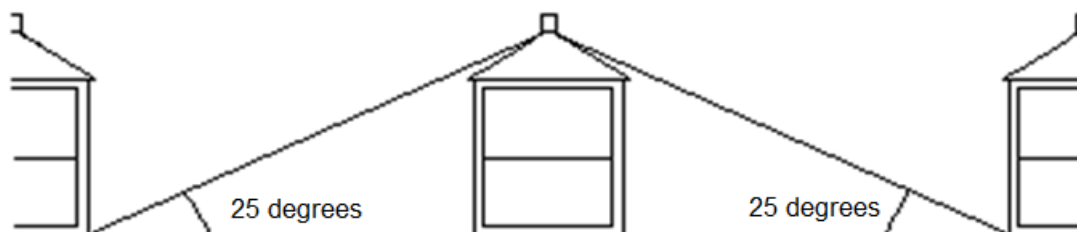


- 3.33 It should be noted that for any loft conversion or extension proposals, sections should be prepared, and submitted with any application, to illustrate that there is suitable vertical space within the roof to create a habitable room, with adequate roof space above to meet the requirements of paragraph 3.30 above.

Residential amenity, privacy and visual intrusion

- 3.34 All new residential development, including extensions and alterations, should be designed so that adequate levels of amenity for future and existing residents of the property and neighbouring properties are provided and maintained. This can be achieved either by spacing buildings at a suitable distance apart to avoid overlooking, visual intrusion and loss of daylight, or by the careful design and placing of windows and doors. Such guidance, applies, in the main, to habitable dwelling rooms. A habitable room includes bedrooms, dining rooms, kitchens, conservatories, studies, playrooms and home offices. It does not include bathrooms, en-suites, halls, utility rooms, landings, garages and workshops.
- 3.35 In some circumstances new extensions can be detrimental to the amenity of existing properties because they close the space between the facing windows of the two properties or because a flank elevation is proposed which is too close to the main habitable room windows of the neighbouring property. This kind of situation is particularly likely to arise where properties close to street corners are to be extended.
- 3.36 New housing development or extensions to existing dwellings must conform to separation distances unless there are exceptional circumstances that dictate otherwise. Separation distances do not normally allow distances of less than 22 metres between facing windows of two storey houses on level ground and, between facing windows and flank or secondary elevations, development should not rise above a line drawn at 25° from the ground floor of the neighbouring dwelling fronting onto the new dwelling or extension.
- 3.37 In addition to these separation distances, clear glazed windows in side elevations and the use of flat roofs as balconies where this would lead to overlooking of neighbouring properties and gardens will not be acceptable.

- 3.38 It should be noted that all measurements are taken from the original dwelling as built.
- 3.39 The diagram below assumes that a site is entirely level. In considering any particular case, account will be taken of any changes in level between properties to avoid any adverse impact upon loss of amenity due to loss of privacy or potential for overlooking.



The provision and retention of private open space associated with residential accommodation

- 3.40 Private open amenity space (garden space) to the rear of dwellings plays an important role in facilitating the health and wellbeing of current and future occupiers of a dwelling. It is important therefore to protect any provision of open space at a level which can be utilised efficiently and enjoyed.
- 3.41 The amount of rear garden space required on all residential related development is dependent on the size of the property and so the practical needs of any household who might live within it. All dwelling house rear gardens should have the following minimum sizes, unless exceptional circumstances dictate otherwise
- 1 bedroom properties shall have a minimum private rear garden space of 50 square metres.
 - 2 – 3 bedroom properties shall have a minimum private rear garden space of 75 square metres.
 - 4 – 5 bedroom properties shall have a minimum private rear garden space of 100 square metres.
 - The loss of over half of an original garden to extensions or enlargement will not be acceptable.
- 3.42 This minimum provision will be applied to new residential development and to the remaining rear garden space should a proposed extension or enlargement to an existing dwelling house be built.
- 3.43 A bedroom is deemed to be any room which could potentially be used as a permanent bedroom. This includes any room annotated 'study', 'family room', 'store', 'bonus room' or the like. The rear garden will usually be classed as the main open section of the rear garden and shall not include alcoves or small un-useable sections of garden land.
- 3.44 An application for a development of more than 5 bedrooms shall have no less than 115 square metres of rear garden space however the required provision will be

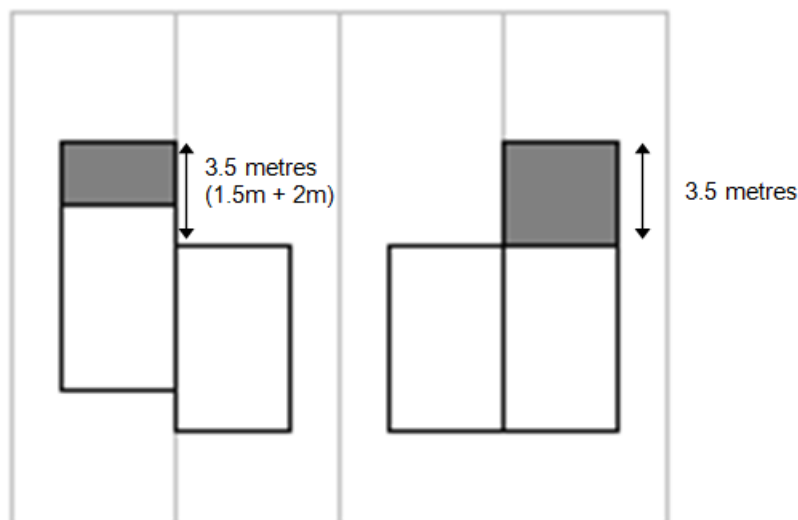
judged on its own merits. Flats and residential care units / homes should have a minimum of 75 square metres for up to 5 units with an additional 15 square metres per unit. That might include a combination of communal open space and 'private' spaces, such as balconies. If any development results in the loss of half or more of the original garden it may not be acceptable.

Sunlight and daylight

- 3.45 Extensions can be of great benefit to the resident who builds it and at the same time a curse to the neighbour. If designed wrongly, it can cut out both sunlight and daylight, be overbearing and be too dominant on the boundary separating the neighbours.
- 3.46 To lessen the negative impact and to endeavour to protect the neighbour who will be affected by the extension, the Council will assess the natural lighting implications of any new development. All residential related development will need to conform to the 45 degree code of practice. This code is intended to make sure that extensions do not dominate neighbouring properties and detract from the enjoyment that neighbours have in their property.

The 45 Degree Code of Practice

- 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.



- 3.48 The code is intended for use in relation to all extensions, which affect residential properties and will be applied in the assessment of planning applications in conjunction with all the Council's related planning policies.
- 3.49 The 45 Degree Code is simple in its compliance. An imaginary line is drawn at an angle of 45 degrees from the nearest window of the flat / house that may be affected by any building work. This window must be the main source of light to a main habitable room such as a living room or bedroom. Secondary windows to a

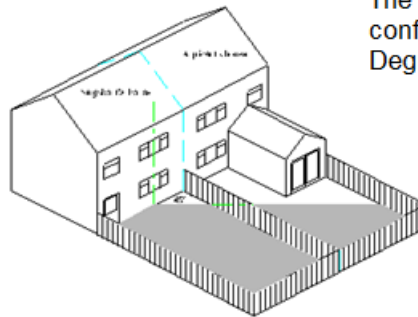
room will not normally be taken into account. See also the point in paragraph 3.24 regarding flank windows.

3.50 A habitable room includes bedrooms, dining rooms, kitchens, conservatories, studies, play rooms and home offices. It does not include bathrooms, en-suites, halls, utility rooms, landings, garages or workshops.

3.51 The new building work should not cross this 45 Degree Line. The point from which the imaginary line is drawn depends on whether it is a single storey or two or more storeys. The following diagrams illustrate how the 45 Degree Code will be applied in a variety of circumstances.

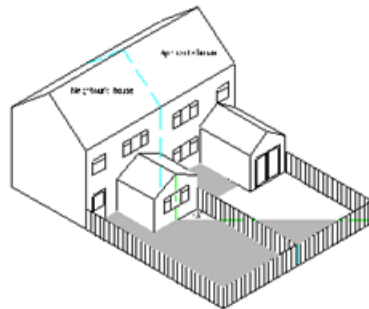
Single storey extensions (including conservatories).

The line is taken from the centre of the nearest ground floor window.



The extension shown conforms to the 45 Degree Code

An existing extension



If your neighbour has an existing extension, the 45 Degree Code line is taken from the nearest habitable room window. This is providing it is the most likely to be affected.

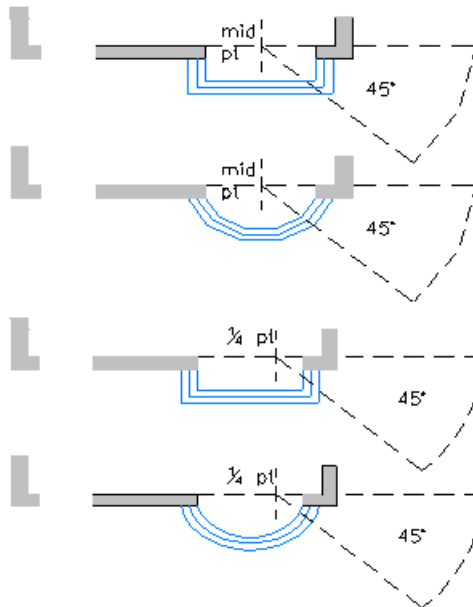
Two storey and first floor extensions

3.52 It is important to remember that the Code will be applied when a further storey is added on an existing single storey extension. So if it is intended to build a first floor extension at a later date, the ground floor extension on which it is to be built should be designed to meet the requirements of the code for a two storey extension or the second storey will need to be set back.

3.53 The Code is applied in the same way, except that the line is drawn from a point a quarter of the way along the window.

Bay and Bow Windows

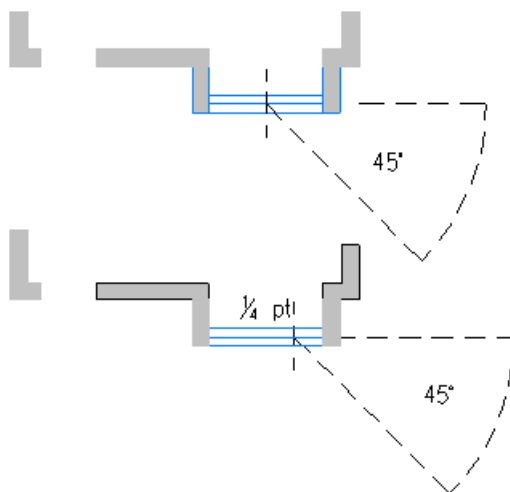
- 3.54 If the neighbour has a bay or bow window, the measurement is taken from the mid or quarter point at the back of the window where it joins the main wall or flat. See below.



The 45 Degree Code line is applied from the midpoint of the neighbouring bay / bow window for a single storey extension.

The 45 Degree Code line is applied from the quarter point of the neighbouring bay / bow window for a two storey extension.

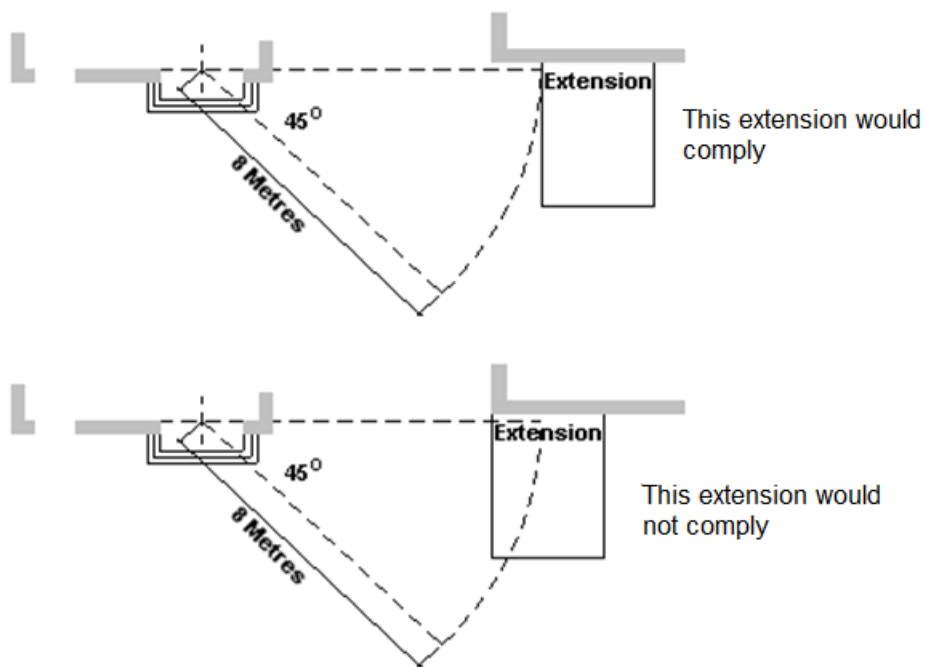
- 3.55 French windows, bay windows, bow windows and those with multiple sashes shall be treated as one opening and the measurement obtained from the face of the glazing where the windows project.
- 3.56 However if the bay has solid brick or similar sides, then the measurement is taken from the glazed part of the window. See below.



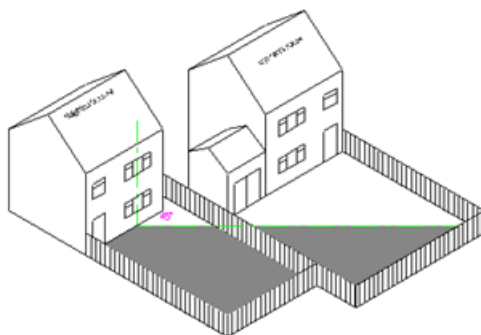
The 45 Degree Code line is applied from the mid point of a bay / bow window with brick sides, for a single storey extension.

The 45 Degree Code line is applied from the quarter point of a bay / bow window with brick sides, for a two storey extension.

Application over distance



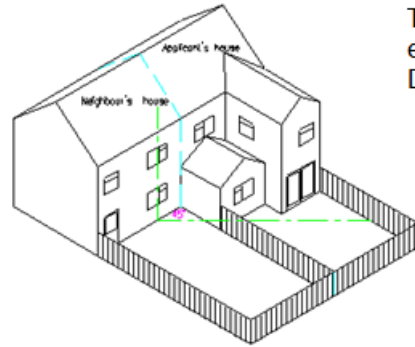
Side extensions



If the extension is to the side of the property the 45 Degree Code line is only applied if the extension projects out further than the front or back wall of the neighbours house. This may apply where there is a staggered building line.

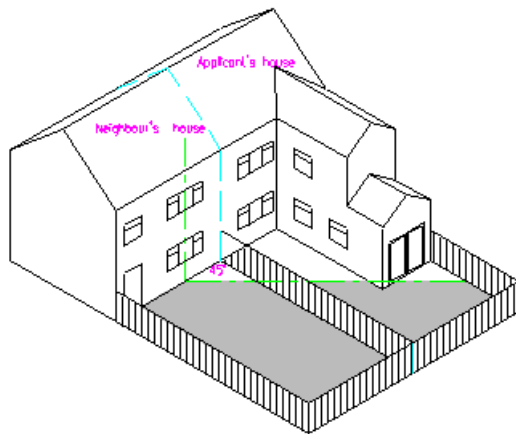
Extensions to terraced properties

- 3.57 In cases of older terraced properties, where the original building has an existing rear projecting 'wing' extension, it is not normally acceptable to build an extension which fills the gap between the two properties unless it does not break the 45 Degree Code line. Examples are shown.



This infill single storey extension breaks the 45 Degree Code line.

3.58 Single storey extensions at the end of the existing projecting 'wing' extension will be looked at on their own merits as long as they leave enough back garden space. See below. Two storey extensions are not normally acceptable.



The extension would need to ensure that the minimum 8 metre distance is exceeded as it breaks the 45 Degree Code line.

Additional factors to consider when applying the 45 Degree Code

3.59 The 45 Degree Code is simple to apply in most cases, but there are some circumstances, where it is not so simple to apply. Such circumstances include.

- If the ground level is different between properties appropriate allowances must be made.
- In some case, extensions may be considered overbearing or too dominant on the neighbouring property even though they comply with the Code. In these cases, planning permission may not be forthcoming.

3.60 The above is not an exhaustive list of circumstances. Each planning application is carefully considered on its own merits. However, this guidance is given in order to assist the applicant to decide whether or not planning permission may be easily obtained or not.

3.61 It should be note that the code will be applied with regard to all habitable room windows to the front and rear elevation of the affected property. In addition, the Code does not apply to windows in side elevations.

3.62 Staggering the design of an extension in attempt to conform to the Code would not be acceptable unless in exceptional circumstances. The design of any extension must take account of the architectural language and materials used in the main existing building. The extension must also be subservient to the main building. Angled walls on a new extension may only be acceptable if the main building has angled walls.

Joint extensions

3.63 If you and your neighbour submit joint planning applications for extensions which are of the same size and will be built at the same time, the extensions may be allowed even though they would breach the 45 Degree Code if they were built separately. In these cases, neighbours must confirm in writing that the extensions will be built at the same time. It is important to stress that in these cases the 45 Degree Code will also be applied in the normal way to any other neighbouring houses / flats that might be affected. Please note that entirely separate planning applications by each of two neighbours will not readily be supported, as the Council could not then ensure that both extensions would be completed simultaneously.

Wedge shaped extensions

3.64 Wedge shaped extensions can be detrimental to the street scene and the visual amenities of neighbouring residents. The construction of such extensions often creates an uncomfortable appearance particularly in the roof form of any construction. Particular care is needed to achieve an acceptable design. In prominent locations wedged shaped extension will rarely be acceptable.

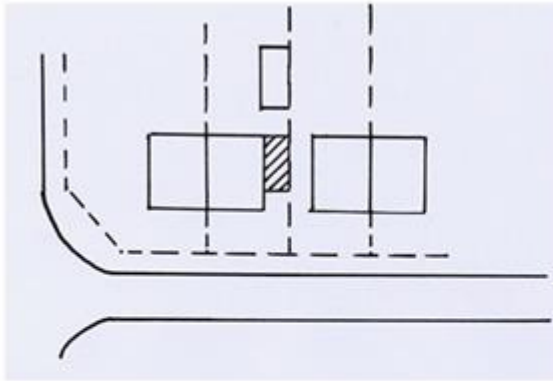
Continuous development on side boundaries

3.65 In some circumstances, extensions on, or close to, side boundaries can be detrimental to the amenity of neighbouring residential properties, if they result in long, continuous development along the side boundary, particularly where homes are in line. This can be worsened by two storey extensions and by extensions which link to an existing garage or outbuilding at the rear of the dwelling, filling in the entire gap, from the front of the property to a rearward garage. The excessive length and mass can be overbearing and result in an intrusive and over-intensive form of development, which would detract from the light, outlook and amenities of nearby residents to an unacceptable degree.

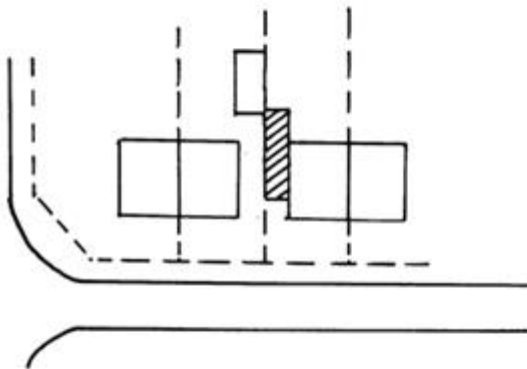
3.66 Such extensions can also be out of keeping with the existing form of development in established residential areas and cause harm to its character and appearance.

3.67 This overbearing impact can be reduced by limiting the two storey part of extensions to the same rear line as the original dwelling and by leaving a gap at the side / rear of the property, to give an open area adjacent to the side / rear of the neighbouring dwelling. Full two storey extensions may be acceptable but will have to mitigate any adverse effect upon the adjacent neighbour in terms of orientation to the sun, outlook and amenity.

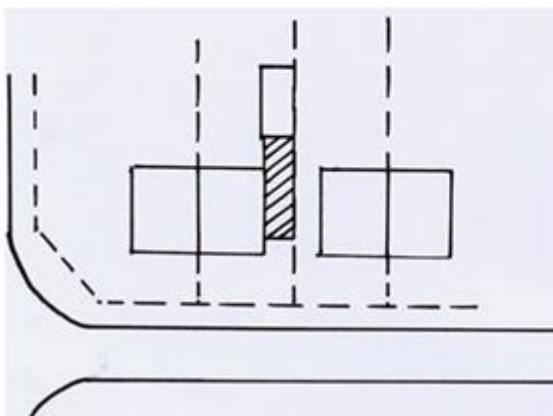
3.68 The diagrams below illustrate this.



Acceptable for single or two storey extension.



Acceptable for single storey extension.



Not acceptable for two storey extension.

- 3.69 In addition, two storey extensions on, or within one metre of, side boundaries will not readily be permitted if they project beyond the rear line of the original dwelling. Single storey extensions on, or within one metre of, side boundaries should not extend for an effective length of more than 3.5 metres beyond the rear of the original dwelling, including any existing development, where this would close the gap to the rear of the adjacent property. This applies to dwellings in line; side extensions to staggered dwellings will be considered on their merits.

Annexes

- 3.70 The Borough Council has seen a rise in applications for annexes / additional living units to existing residential properties, normally to house a dependent relative of the household. An applicant's proposals for 'granny annexes' are often driven by persuasive family circumstances. However, such personal circumstances can rarely be taken into account as a material planning consideration since the Council must

consider the future of any home over time and well beyond the life of the current household.

- 3.71 An annexe is an area of enlarged accommodation which is associated with, but not used as part of the main house. A proposal that forms its own entirely self-contained residential dwelling will not be considered an annexe. It will not be considered acceptable to create a separate unit with an independent entrance which could either be let or sold separately to the dwelling. The creation of a new habitable dwelling would require planning consent and would be subject to other planning restrictions and policy guidance.
- 3.72 In determining a planning application for an annexe, unless exceptional circumstances dictate otherwise, the Council will expect the development to:
- be linked internally to the main existing dwelling.
 - remain ancillary in form and function to the main existing dwelling.
 - have no boundary demarcation or sub division of garden areas between the curtilage of the main existing dwelling and the annexe.
 - have adequate parking and amenity facilities for the needs of the annexe occupants and other residents of the main household.
 - comply with the councils normal design standards for extensions.
 - share a pedestrian and vehicular access with the main existing dwelling.
 - be within the curtilage of the main existing dwelling.
 - be in the same ownership as the main existing dwelling.
 - be designed in such a manner as to easily enable the annexe to be used at a later date as an integral part of the main existing dwelling.
 - be used only by persons clearly associated with the occupants of the main existing dwelling.
- 3.73 Applicants should be aware that there may be other constraints which need to be considered on a case by case basis. Applicants will also need to comply with other relevant policies contained within the adopted Local Plan, such as, but not limited to, those related to housing allocation, conservation areas, listed buildings and development within areas at risk of flooding.

Parking, highway safety and garages

- 3.74 Unless a residential development would involve small dwellings in a Town Centre location where there are good and frequent public transport services (i.e. a 'sustainable location'), adequate off street car parking provision will be required for all new dwellings that are built or created within the Borough area. That new parking provision will meet the need to accommodate vehicles that are used in the short term, but also to meet any future need by future residents and visitors to the same premises. Over time such new provision will help to reduce reliance on unsightly on-street car parking, and will also reduce competition for the often very limited amount of on-street parking capacity that is available in a number of locations. By reducing on-street parking in some locations it may also help to improve road safety for pedestrians, cyclists and other road users.
- 3.75 Occasionally works within the curtilage of a dwelling may involve changes to the means of access or to the parking arrangements which have implications for highway safety. Development will not normally be acceptable where it would cause

an obstruction to sight lines at a junction. New garages or car ports, which give access to a public highway, should retain a driveway within the residential curtilage in order to enable a vehicle to stand clear of the highway whilst the garage doors are opened.

- 3.76 When assessing a proposal that has an impact on; parking, garaging and / or highway safety, Leicestershire County Council's most up to date adopted parking, garaging and highway safety standards will be taken into account. Account should also be taken of the guidance set out in the Manual for Streets 2 publication.

Garages in communal car parking areas

- 3.77 There are a number of areas in the Borough where the layout or density of residential development has resulted in car parking provision in communal areas. At the detailed planning stage, consideration is given to the design of parking areas so that they are adequately supervised, subject to public oversight and that trespass is discouraged. Communal car parking should not be subject to a higher risk of vandalism or auto-crime or become an unsafe area for those using the facility. Such communal car parking areas should ideally be designed, built and managed as part of the overall landscaping of the development as a whole. They should not be secreted away from the wider public domain.
- 3.78 In the past, some of the communal parking spaces have been used for the construction of single garages. Whilst this may provide enhanced security for the individual, it can result in hidden areas and create opportunities for crime. If natural surveillance is reduced, the potential for unlawful activities increases.
- 3.79 The erection of a garage on a single space can also reduce the effective width of adjoining spaces, as more space is needed to open a car door adjacent to a wall than over the edge of another parking space, thus making the spaces more difficult to use. This can result in additional, unnecessary on-street parking.
- 3.80 Individual garages, of differing types and materials in visually exposed areas, do not enhance residential environments and can cause loss of visual amenity.
- 3.81 The erection of individual garages on communal residential car parking areas will not be permitted unless in exceptional circumstances.

Infill and backland development in the Borough

- 3.82 Many of the issues which are relevant to extensions also apply to new residential development which is infilling between existing residential properties. Any infill development will need to conform to all of the relevant guidance set out within this document, as well as all other related planning policy and guidance.
- 3.83 Infill development can vary from single dwellings to small clusters of development. It can be located where there are large gardens or where an area of backland is accessible. In some cases it may involve wholesale redevelopment of a site within a residential area.
- 3.84 Individual plots should fit in with the existing street scene and should have an area, frontage and depth which are comparable with adjoining properties. New residential

homes should not be out of character or do harm to the locally distinctive character of the locality in which it is situated.

- 3.85 It will not be appropriate for small dwellings to be tucked into the grounds of larger homes and / or gardens.
- 3.86 In cases where backland infill is in principle appropriate, both the new and existing properties should have sufficient private amenity space to complement the design of the buildings in order to avoid a discordant streetscene or other harm to the locally distinctive character of the locality.
- 3.87 The design of the new dwelling(s) should not have a detrimental impact on the amenities of existing properties through the loss of light or privacy and should normally provide sufficient off street car parking and garden space to meet the needs of the new development.

Boundary treatments and frontage treatments

Arrangements for collection of Refuse and Recyclables

- 3.88 The Council operate a service to collect refuse and recyclables throughout the Borough for domestic premises (i.e. homes). This service is generally operated using 'Eurobins' which are of a standard or modular size. Ideally these should be stored in a convenient location at the rear of the home, before being placed temporarily on the street frontage ready for routine collection and emptying.
- 3.89 Leaving Eurobins on or near to the street frontage between collections can have a very detrimental effect upon the visual character of any street. This is particularly so when a number of nearby households behave in a similar way. Section 23 of The Building Act 1984 makes it an offence to 'close or obstruct the means of access by which refuse ... is removed from a building, and the local authority in giving their consent may impose such conditions as they think fit ...'
- 3.90 All new and existing homes throughout the Borough should have convenient and efficient arrangements for the storage and collection of refuse and recyclables. Proposals to extend or enlarge a home sometimes remove or obstruct the means of access to store refuse and recyclables out of sight at the rear or side of that home, so that the household are then only able to leave them permanently and visibly on or near to the street frontage.
- 3.91 If it is possible to do so in a visually acceptable and practical manner having regards to any competing needs for space in the front garden (such as off-street car spaces) then the Council may grant planning permission subject to a condition requiring prior provision of a suitably sized and visually acceptable 'bin store' structure near the street frontage. The location and appearance of any such bin store should be shown on submitted drawings to enable the Council to consider its implications, along with other aspects of that same proposal.
- 3.92 If in a particular case the visual and practical implications of a proposed bin store are in themselves unacceptable then the proposal as a whole might be refused planning permission due to the adverse visual impact of leaving multiple Eurobins visible from the street, in the absence of satisfactory means of access from the front

to rear/side of that enlarged home for the storage and removal of refuse and recyclables.

The Enclosure of Front Gardens

- 3.93 Boundary treatments (fences, walls and hedges) can have many functions. They are used to enclose garden areas around houses and to differentiate between public and private areas. The type of boundary treatment, its materials and its height help to define the character and appearance of an area.
- 3.94 When many estates in the Borough were given planning permission, to retain their 'open plan' appearance, the Council felt it appropriate to take away the permitted development rights by which fences and means of enclosure could be erected. However, the Council recognise the desire of householders for boundary demarcation of front gardens and as such low level (610 mm) boundary treatments will normally be acceptable on such estates. It will not normally be appropriate to allow higher fences (up to 1 metre) since there may not be adequate visibility at accesses, bends and corners to ensure that a satisfactory level of highway safety is achieved. When the original open plan estate layout was approved, visibility across the front garden areas would have been taken into account.
- 3.95 Where the permitted development rights have not been removed, a fence or other means of enclosure up to 1 metre high can be constructed along the highway boundary of a property without applying for planning permission and there is no restriction on the height to which a hedge or tree screen can grow. This permitted development maximum of 1 metre has been set in recognition that the front gardens of a property are normally regarded as only semi private open space because the landscaped area of a front garden and drive all contribute to the quality of the street scene. Taller, tree and hedge screens can provide more privacy without having an intrusive and detrimental impact on the street scene and are therefore acceptable.
- 3.96 The Council recognises the importance of security but considers that it is important to ensure that the visual appearance of the street scene is not harmed by the introduction of inappropriate walls/fences.
- 3.97 Throughout most of the Borough the Council considers that the most acceptable way to provide adequate security while retaining the quality of the street scene is for fences and walls (or combinations of them) abutting the highway to be restricted to 1 metre high unless the wall / fence is set back from the boundary by a metre and a landscape screen or hedge is grown in front of it. Where metal railings or gates are proposed immediately adjacent to a public footway the Council would strongly prefer that those are 'hoop topped' or interlocking hoop topped, to prevent any possibility of a penetrating injury to passing pedestrians, including school children. Such injuries have arisen from 'arrow head' railings in the past. Railings may be permitted along the boundary provided a landscape screen of the same or a greater height is allowed to grow through them. It may be necessary for pedestrian visibility splays to be provided at driveway entrances in the interest of highway safety.

Front boundary treatments in Oadby Hill Top

- 3.98 In the Oadby Hill Top Conservation Area and the adjoining streets which have a recognisable open character (The Broadway east from its junction with The Fairway

up to Manor Road, The Fairway eastwards from its junction with The Broadway including Ringers Spinney, Southmeads Close and Enysford Close) fences and / or walls will not be acceptable unless in exceptional circumstances. In these locations existing hedges shall be retained and where necessary reinforced.

- 3.99 In general the appearance of the boundary treatments of individual plots can be broken down into two broad types; (1) open, with the property bounded by a low wall or fence, this type of treatment is often backed by dense planting or; (2) enclosed, properties are bounded by hedges between 1.5 and 2 metres in height, these hedges may be backed by fences, walls or railings or have a low fence in front of them.
- 3.100 The street scene is made up of a mixture of this type of treatment. A predominance of either an open or enclosed frontage gives the street its general appearance and so it's locally distinctive character.
- 3.101 Enclosed boundaries by and large have a solid appearance, tall open railings and low walls surmounted by railings would therefore harm the locally distinctive character of the area. Only where this type of feature is backed by a solid screen of vegetation will it conform to the general appearance of the surrounding enclosures and not be objectionably intrusive.

The need to have regard to the character of an area

- 3.101 Where new walls or fences are proposed which require planning permission, the Council will ensure that the proposal will not have a detrimental impact on the visual environment and / or character of the area. Local Plan Policy 44, Landscape and Character requires all new development to have regard to the character and land use of the surrounding areas. This could mean, for example, that it would be inappropriate for new fencing to be installed adjoining the highway boundary in an area where all the nearby premises had walls / fences set back from the boundary.

Choice of materials

- 3.102 Where it is appropriate for new fencing or other boundary treatments to be granted planning permission, the Council will ensure that the impact of the new boundary treatment is as least detrimental to the visual environment and / or character of the area as possible. Local Plan Policy 6, High Design and Materials requires that the building design, scale, form and materials should contribute positively to the overall quality of the environment and that it should be carefully related to existing development.
- 3.103 The choice of materials is particularly important when fences or walls are constructed. The materials should be chosen to give a pleasant appearance and identity to the scheme. They should be of a permanent texture and colour and should be designed for external use. The use of materials like galvanised metal will not be appropriate. 'Hoop topped' metal fences will need to be painted, preferably by treatment before they are erected. Walls will not be acceptable in common brick and long expanses of brick wall will need the introduction of brick detailing features to provide visual interest. Additionally, gates, both pedestrian and vehicular need to be taken into account when considering materials.

Landscaping

3.104 A landscaping scheme should be provided where the characteristic front garden boundary treatments proposed are set off from the site boundaries. This will avoid the need for pre-commencement conditions where the Council has made a favourable approval of the proposed scheme.

Housing Choices and Housing Standards

3.105 The Borough of Oadby and Wigston's new Local Plan provides details about the Council's commitment to providing new homes that are 'fit for purpose' and appropriate for modern living and requirements. The Council will therefore require all new homes, regardless of type or tenure, to be of a size that allows sufficient space for all of its proposed inhabitants to live comfortably and sustainably in the future.

3.106 Recognising that the Council has in recent times received a number of planning applications seeking to sub-divide, convert and / or change the use of existing properties into flats / apartments that are not of a size that is suitable for modern-day living standards, the Council's new Local Plan Policy on Housing Choices states that there is a requirement for applicants to take the Government's Technical Housing Standards into account when devising residential schemes that involve conversion, sub-division and / or changes of use. The Council will also use the Government's Technical Housing Standards to inform the planning application decision making process.

3.107 The Government's Technical Housing Standards sets out minimal space standards for all dwelling types and therefore, applicants seeking to convert, change the use of, and / or, to sub-divide existing buildings must conform to and satisfy these space standards.

3.108 In any submitted planning application that proposes the conversion, sub-division and / or change of use of an existing building (in any use) to a residential dwelling and / or dwellings, it is for the applicant to provide the Council with all the appropriate information to make an informed planning decision. Appropriate information must be provided for each of the proposed dwellings and must include, but is not limited to;

- The total gross internal floor area of the entire dwelling (sqm).
- The total number of bedrooms within the dwelling.
- The gross internal area of each room in the dwelling (sqm).
- The number of persons to be using each bedroom.
- The total gross area of built in storage within the dwelling.

3.109 In the absence of the appropriate information, the Council holds the right to, either;

- Refuse planning permission on the grounds that the information submitted is not sufficient to make an informed and robust planning decision, or
- Make informed presumptions on what the appropriate information would be, and make a planning decision based on those presumptions.