



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 20th December, 2012
at 1.30 pm

MEMBERSHIP

Councillors

D Congreve
(Chair)
R Grahame
M Harland
C Macniven
A McKenna
E Taylor
B Selby

C Campbell

J Procter
G Wilkinson

Whip's nominee

Agenda compiled by:
Angela M Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754

AGENDA

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the North and East Plans Panel meeting held on 29th November 2012</p> <p>(minutes attached)</p>	3 - 8
7	Alwoodley		<p>APPLICATION 12/04103/FU - 29 PRIMLEY PARK CRESCENT ALWOODLEY LS17</p> <p>To consider a report of the Chief Planning Officer on an application for new first and second floor with dormers to existing bungalow to form house; porch to front and new ground floor window to each side; two storey extension and conservatories to rear and front boundary wall and gates</p> <p>(report attached)</p>	9 - 20

Item No	Ward	Item Not Open		Page No
8	Harewood		<p>APPLICATION 12/04456/FU - DENE COTTAGE LINTON LANE LINTON WETHERBY LS22</p> <p>To consider a report of the Chief Planning Officer on an application for two storey side, front and rear extension including dormer window with Juliet balcony to the side; raised terrace with balustrading above to front and new bay window to other side</p> <p>(report attached)</p>	21 - 34
9	Harewood		<p>APPLICATIONS 11/00975/UTW1 AND 12/00501/FU - 10 ELMETE AVENUE SCHOLELS LS15 - APPEAL SUMMARY</p> <p>Further to minute 212 of the Plans Panel East meeting held on 17th May 2012, where Panel resolved to refuse an application for the variation of condition 2 (approved plans) of approval 09/03138/FU for minor material amendment relating to three 4 bedroom detached houses with integral garage to rear garden, to consider a report of the Chief Planning Officer setting out the appeal summary in respect of this application and an enforcement notice issued against the raising of ground levels to facilitate the erection of a detached house and associated works</p> <p>(report attached)</p>	35 - 44
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 24th January 2013 at 1.30pm</p>	

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To all Members of North and East
Plans Panel

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
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angela.bloor@leeds.gov.uk
Your reference:
Our reference: n&e pp site visits
Date 12th December 2012

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – 20TH DECEMBER 2012

Prior to the meeting of the North and East Plans Panel on Thursday 20th December 2012 the following site visits will take place:

10.35am	Depart Civic Hall
10.50am	29 Primley Park Crescent LS14 – new first and second floor with dormers to existing bungalow to form house; porch to front and new ground floor window to each side; two storey extension and conservatories to rear; front boundary wall and gates – 12/04103/FU
11.20am	Dene Cottage, Linton Lane Wetherby LS22 – two storey side, front and rear extension including dormer window with Juliet balcony to the side; raised terrace with balustrading above to front and new bay window to other side – 12/04456/FU
12.00 noon approx	Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.35am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.30am**.

Yours sincerely

Angela M Bloor
Governance Officer

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NORTH AND EAST PLANS PANEL

THURSDAY, 29TH NOVEMBER, 2012

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,
M Harland, C Macniven, A McKenna,
J Procter, E Taylor, B Selby and
B Anderson

21 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

22 Late Items

There were no late items

23 Declarations of Disclosable Pecuniary and other Interests

There were no declarations of disclosable pecuniary interests, however Councillor Macniven declared an other interest in application 12/01597/FU – 11 Old Park Road Gledhow LS8 through being a Ward Member for Roundhay and living in close proximity to the site (minute 26 refers)

24 Apologies for Absence

Apologies for absence were received from Councillor Wilkinson, who was substituted for by Councillor Anderson

25 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 1st November 2012 be approved

26 Application 12/01597/FU - Alterations to existing unauthorised residential annexe at 11 Old Park Road Gledhow LS8

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Draft minutes to be approved at the meeting
to be held on Thursday, 20th December, 2012

Officers presented the report which sought approval for alterations which had been made to an existing unauthorised residential annexe at 11 Old Park Road Gledhow, which was situated in the Roundhay Conservation Area

The Panel noted the planning history and that several applications in respect of the annexe had been refused since planning permission was first granted in 2007, with enforcement proceedings being implemented culminating in appeals and a public inquiry, with the Inspector requiring the building to be demolished within 8 months of the date of his decision, this being by 19th April 2011. The Panel also noted that a further application had been submitted in December 2010 which was subsequently refused by Plans Panel East at its meeting on 6th October 2011 (minute 85 refers)

Members were informed that when comparing the 2007 approved scheme with the current application, the first floor level would be identical to that which was approved in 2007, although at ground floor level this would be 2.6m longer and slightly higher by approximately 10cm. The footprint of the proposed building would be 25% larger than that approved in 2007 but would be constructed narrower than that originally approved. The accommodation in the roofspace of the existing building would be removed; the gable roof of the annexe would be removed and lowered to a pitch roof and re-clad in clay tiles. In respect of the windows, the UPVC windows would be removed and replaced by timber frames

Alongside these alterations, Members were informed that the applicant had agreed to enter into a unilateral undertaking which would restrict occupancy of the annexe building solely to family members of the occupants of the main dwelling on the site. If minded to approve the application, Officers proposed that a timescale for the completion of the necessary works should be incorporated into the unilateral undertaking, which would also include timetables for the submission of details to discharge conditions

When considering the application, Officers advised Members that the main issues related to:

- the principle of development – and that an annexe to the main house had been accepted by the Inspector
- the impact on the Roundhay Conservation Area – that the Inspector identified a sense of spaciousness to the properties surrounding the Park and that as built, the annexe was too big and constrained this openness. The proposal before Panel had been reduced and to the front, now complied with the 2007 approval. It was the view of Officers that the proposed alterations helped address some of the concerns which existed and that on balance, it could be difficult to refuse on the grounds of the minor impacts on the Conservation Area which remained

Receipt of further representations were reported, these being from Gledhow Valley Conservation Group; a local resident; Leeds Civic Trust and local Ward Members Councillor Urry and Councillor G Hussain

If minded to grant the application, Officers recommended a further condition to set out that the development to be carried out in accordance with the approved and specified finished floor levels and ridge height. A amendment to condition no. 2 was also recommended to specify the development to be built in accordance with the most recently submitted plans

The Panel heard representations from an objector and the applicant's agent who attended the meeting

Members discussed the application and commented on the following matters:

- that the situation concerning this development, as described to Panel, brought the planning process into disrepute
- the length of time which had been spent on this development; Plans Panel East's concerns about the application which had been considered in October 2011; the fact that an Inspector had required the annexe to be demolished and why this had not been followed up by Officers
- the materials used and whether if approved, the building would remain the existing colour of whether it would be rendered to match the host property
- the applicant's agent's comments that a draft unilateral undertaking could be submitted to the Council within a few days and the possible timescales for Officers to deal with this

The Head of Planning Services stated that Officers had sought to pursue the enforcement matter but that where, as in this case, an applicant wished to submit a further application, on the grounds of reasonableness, this had to be considered. In relation to the application now being considered, there had been a substantial push by the applicant to retain more of the first floor and that the lengthy negotiations which had taken place were reflected in the time taken to bring a scheme before Panel which could be recommended for approval

In terms of the Inspector's decision, some of the scheme was found to be acceptable and that proportionality also had to be considered when seeking an outcome

Concerning the unilateral undertaking, a completed document had not yet been obtained from the applicant as this was a relatively recent proposal and arose only when an acceptable scheme had been drawn up

The Panel's legal adviser stated that it would be possible to deal with the documents for the unilateral undertaking fairly quickly but this would require a willingness on both parties and for there not to be any problems arising out of the documentation

In respect of materials, Members were informed that the existing stone material would be retained and that this was considered to be acceptable by the Council's Conservation Officer

Members considered how to proceed with concerns continuing to be raised at the way the development had proceeded in this case; the time taken to deal with the issues it had raised and that what was being proposed was a material change from the original proposals

Discussions also took place on the recommendation proposed with Members requiring the application to be determined by Panel rather than delegated to the Chief Planning Officer, in the event that a satisfactory unilateral undertaking was not submitted by the applicant

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report, subject to an amendment to condition no.2 to state that the development to be built in accordance with the approved plans to refer to the most recently submitted

plans; an additional condition requiring the development to be carried out in accordance with the approved and specified finished floor levels and ridge height and the receipt of a completed and signed unilateral undertaking from the applicants restricting occupation of the annexe building to family members of the occupants of the main dwelling and tying the applicants into completion of the works to comply with the plans now submitted within a period of 8 months from the date of the decision

In the circumstances where the unilateral undertaking has not been completed within 3 months of the resolution to grant planning permission, that a further report be submitted to Panel for determination of the application

27 Application 12/03841/FU - Detached bungalow to side garden plot at 7 Brookside Alwoodley LS17

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which related to an application for a detached bungalow to a garden plot at 7 Brookside, Alwoodley LS17

The planning history of the site was outlined for Members who were informed that previous proposals for a residential dwelling on the site had been refused, with the most recent refusal being in October 2010

Members were informed that the development site was constrained due to an easement which ran across it which had to be kept clear, however the application before Panel sought to address previous concerns raised in relation to the proximity of the hedge and the width of the driveway which would now be 3.3m in width as requested by the highways officer

In terms of recent policy changes, it was stated that the changes to national planning policy, initially set out in PPS3, was relevant in this case as it removed gardens from the definition of previously developed land and in this case it was felt gave greater weight to the reason for refusal which was proposed in report before Members

The receipt of further representations was reported, with additional representations being received from Harewood Parish Council stating that its objection was to be withdrawn; the applicant who requested determination of the application to be deferred to enable Councillor Buckley, a local Ward Member, further consideration in view of a recent site visit he had undertaken with the applicant and from Councillor Buckley who had stated that some of his previous concerns about the proposal had been overcome but that some remained

As the recommendation within the report was to refuse the application, in line with the Council's Protocol for Public Speaking at Plans Panels, Members heard representations firstly from the applicant and then from an objector who attended the meeting

The Panel considered how to proceed and the Panel's Lead Officer suggested if minded to refuse the application, that the proposed reason be amended to include reference to a cramped and over-intensive form of development causing harm to the character of the area

RESOLVED - That the application be refused for the following reason:

The proposals, by reason of the size, scale and design of the proposed dwelling, including hardstanding and the loss of mature landscaping within the site, would fail to reflect the character and pattern of surrounding development and would result in the loss of a mature garden area which is considered to be a positive feature within the context of this established residential area and would lead to a cramped and over-intensive form of development causing harm to the character of the area. The proposed development is therefore considered to be of significant detriment to the character and appearance of the area, contrary to policies GP5, N12, N13 and BD5 of the Leeds Unitary Development Review 2006 and the guidance in Supplementary Planning Guidance 13 and the National Planning Policy Framework

28 Date and Time of Next Meeting

Thursday 20th December 2012 at 1.30pm in the Civic Hall, Leeds

29 Chair's closing remarks

In closing the meeting, the Chair paid tribute to Mr David Marsh, the Local Government reporter with the Yorkshire Evening Post, who was to retire from the paper at the end of the week and commented on the fairness of his reporting of Council business and that he would be sadly missed

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Originator: J Riley

Tel: 0113 2477042

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 20th December 2012

Subject: APPLICATION 12/04103/FU – for new first and second floor with dormers to existing bungalow to form house; porch to front and new ground floor window to each side; two storey extension and conservatories to rear; front boundary wall and gates at 29 Primley Park Crescent, Alwoodley, LS17 7HY

APPLICANT

Mr R Bhambra

DATE VALID

26th September 2012

TARGET DATE

21st November 2012

Electoral Wards Affected:

Alwoodley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT planning permission subject to the following conditions:

1. Three year time limit
2. Development to be in accordance with the approved plans
3. Materials to match those existing
4. First floor windows to west side and second floor rooflights to both sides to be obscure glazed
5. No further insertion of windows to either side at first or second floor level
6. Retention of proposed hedge for the lifetime of the proposal
7. Retention of driveway
8. Tree protection during construction

Reason for approval:

The proposal is considered to be an appropriately designed and scaled extension which, on balance, does not cause harm to the character and appearance of the dwelling or the wider streetscene and would not unreasonably impact upon neighbours. The proposed development is considered to comply with local and national planning policies.

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel at the request of Councillor Peter Harrand, who objects to the proposal for the reasons set out in paragraph 6.2 below

2.0 PROPOSAL

- 2.1 Permission is sought to construct a new first and second floor including dormer windows to an existing bungalow to form a house. The proposal includes a proposed two storey side extension, porch to front, new ground floor windows to both sides, a ground extension and conservatories to rear, and a new front boundary wall and gates. The proposal is considered to be an acceptable form of development and as such is recommended for approval.
- 2.2 The proposed extended dwelling will build up over the existing footprint of the bungalow and measure a total of 13m in width and 8.1m in depth. The hipped roof proposed will measure 5.3m and 9m to the eaves and ridge respectively. The proposed dormer windows will measure 2.4m in height, 2.5m in width and have flat roofs. They will be set down from the ridge by 650mm and up from the eaves by 800mm. The conservatories will measure 4.3m in length, 4.35m in width and have pitched roofs measuring approximately 2.4m and 3.75 to eaves and ridge respectively. The porch will measure 1.4m in depth, 2.3m in width and have a pitched roof which measures 2.2m and 3.5m to eaves and ridge respectively. Due to the sloping nature of the site the proposed front boundary wall and gates will measure between 1m and 1.3m. It is also noted that part of the existing garage will be removed.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a red brick, detached bungalow with a grey tiled hipped roof. The bungalow is located within a generous plot with garden areas to the front and side, and a particularly large garden area to the rear. Located to the west side of the bungalow is a narrow driveway which connects to a detached garage. The dwelling has been previously extended with a single storey side extension. The application site is bounded to the front with low level walling including pillars and iron gates measuring a maximum height of approximately 1m. The side and rear boundaries are treated with timber fencing measuring approximately 1.8m in height. A large, mature beech tree is situated to the south west of the site and adds considerable amenity value to the character of the area. This tree is protected by a Tree Preservation Order. This tree overhangs part of the rear garden of the application site but the canopy does not encroach above the footprint of the existing property. It is noted that beyond the rear boundary there are also a number of mature trees which are not protected but are considered to have some amenity value.
- 3.2 The surrounding streetscene is mixed, with both two storey and single storey dwellings in evidence. The two storey dwellings are largely pairs of semi-detached red brick hipped roof properties with bay and bow windows to their front elevations. Some detached properties are also present, as are some gabled dwellings. There is a reasonably regular spatial rhythm to the streetscene with the dwellings separated by domestic driveways to their sides. The near ubiquitous use of brick and red pantiles, the shape and scale of the properties as well as the gaps between the houses all contribute to the character and appearance of the area. It is noted that beyond the southern boundary of the site there are a number of larger detached houses set in generous plots. Houses within the street are set back from the pavement edge

behind open front gardens which are separated from public space by low walls and hedging.

- 3.3 Like surrounding properties the main amenity space is set to the rear where a domestic garden is enclosed by a 1.8m close boarded fence. Parking is to the western side of the dwelling where a domestic driveway and a garage allow two cars to be parked off-street.

4.0 RELEVANT PLANNING HISTORY:

None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the course of the application, a number of concerns have been raised from local neighbours which have reflected the concerns of officers. Discussions have been held with the applicant and the agent to address these concerns and this has resulted in the following changes to the scheme:

- the gabled roof has been replaced with a hipped roof;
- the front gable features above the bay windows have been removed;
- the existing side extension now includes a set back at first floor level;
- the depth of the conservatories have been reduced to 4m;
- the proposed double garage has been removed from the proposal;
- the dormer windows have been reduced in size;
- the front boundary treatment has been reduced in height;
- the scheme now includes some boundary hedging and planting to the front.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by neighbour notification letter on 28th September 2012. Later revisions to the scheme were re-advertised on 15th November 2012. Further revisions were received on 6th December which included change looking to address the concerns of officers. It was not considered necessary to write to neighbours a third time given that the changes did not add massing and looked to overcome the objections raised. The plans were made available on the Council's Public Access website for public viewing and copies were sent to all objectors and the ward members.
- 6.2 Councillor Harrand objects to the proposal due to the overbearing size and excessive proportions of the proposed development in terms of its impact on the streetscene of Primley Park Crescent, and the potential for the overlooking of adjacent houses. A copy of the revised plan has been forwarded to Councillor Harrand. No further correspondence has been received.
- 6.3 Alwoodley Parish Council have objected to the proposal. The neighbours at numbers 20, 22, 23, 24, 26, 28 and 65 Primley Park Crescent and 28 Nursery Lane have also objected to the proposal. Concerns raised include:
- That the proposed house is of an overbearing size and scale which detracts from the character of the wider streetscene;
 - That the proposal would lead to potential for overlooking of neighbouring properties;
 - That the side elevations of the property are excessive in size and overbearing;

- That there is a lack of clarity over what the existing garage would be used for following alterations;
- That there will be a significant increase in vehicle movements at the property which could also lead to excessive noise and disturbance;
- That there is a lack of clarity about surface water drainage;
- That the applicant has removed vegetation and trees previously at the site;
- That the proposed front boundary treatment is inappropriate in terms of size and scale;
- That the proposal will lead to a reduction in daylight to neighbouring properties;
- That the proposal may add to parking congestion on the street;
- That the proposal is out of character with the rest of the street in terms of design and proposed materials;
- That there will be considerable disturbance during construction;
- That the property may attract a number of visitors, particularly due to the presence of a prayer room;
- That the proposal is ecologically unsound.

6.4 A number of neighbours have also questioned why site notices were not displayed to advertise the planning application. In response to this point the Council wrote to surrounding neighbours as is standard practice for householder planning applications, in line with statutory requirements.

6.5 The neighbours at number 31 Primley Park Crescent support the proposal.

7.0 CONSULTATIONS RESPONSES:

7.1 None

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.3 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.4 Unitary Development Plan Policies:

- LD1 Any landscape scheme should normally:
- i. Reflect the scale and form of adjacent development and the character of the area;
 - ii. Complement and avoid detracting from views, skylines and landmarks;
 - iii. Provide suitable access for people with disabilities;
 - iv. Provide visual interest at street level and as seen from surrounding buildings;
 - v. Protect existing vegetation, including shrubs, hedges and trees. Sufficient space is to be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings;
 - vi. Complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development;
 - vii. Be protected, until sufficiently established, by fencing of a type appropriate to the prominence of the location, around all those parts of the landscaping susceptible to damage.
- GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.
- BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.
- N25 Boundaries of sites should be designed in a positive manner, using walls, hedges, or railings where appropriate to the character of the area. All paving materials should accord with the character of adjacent buildings and surrounding areas.

8.5 Householder Design Guide Supplementary Planning Document:

Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

- HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to:
- i) The roof form and roof line;

- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials;

HDG2 All development proposals should protect the amenity of neighbours. Proposal which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

8.6 National Planning Policy Framework

The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

9.0 MAIN ISSUES

- 1) Design and Character
- 2) Neighbour Amenity
- 3) Impact on Trees
- 4) Additional Considerations raised by Objectors

10.0 APPRAISAL

Design and character

10.1 The National Planning Policy Framework (NPPF) states that "good design is indivisible from good planning". The NPPF goes on to state that design which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". Unitary Development Plan policies GP5 and BD6 encourage design which is appropriate for its setting. Householder Design Guide policy HDG1 gives further advice in relation to design, noting the importance of respecting scale, form, proportions, character and appearance.

10.2 The proposal is made up of a number of extensions and alterations. The combined impact of these extensions and alterations will be a significant alteration of the character and appearance of the original, modest sized bungalow property. Therefore it cannot be said that the proposal complies with the aims of UDP policy BD6 which states that "all alterations and extensions should respect the scale, form, detailing and materials of the original building". It is noted that in some circumstances, as is well established in Leeds, extensions and alterations may be acceptable where these do not respect the scale, form and detailing of the original building where a proposal would fit in with its wider setting. This is also subject to a proposal meeting the aims of other relevant planning policies such as UDP policy GP5 and Householder Design Guide policy HDG1 which look to prevent harm being created within the wider context of a site and surrounding streetscene. With the above in mind, this appraisal will consider whether the aforementioned policies have been met.

- 10.3 When considering whether an extension to a dwelling is acceptable there are two main considerations; firstly whether the extension respects the scale, form and detail of the existing dwelling and secondly whether it is in keeping with the character of the surrounding area. The application seeks to turn a bungalow into a two storey dwelling, and thus its size, scale and mass cannot reasonably be said to respect the existing dwelling. However, extensions which alter the character and scale of a dwelling can be considered appropriate if they respect the character of the streetscene and the wider area.
- 10.4 As outlined above the character of the streetscene is created by the near ubiquitous use of brick and red pantiles, the shape and scale of the properties as well as the gaps between the houses. In its revised form the application has been amended so that the dwelling resembles other two storey hipped roof properties within the area. Its front elevation is balanced and resembles the pairs of semi-detached dwellings with flat roofed bay windows which lie to the east of the site. The existing area of extension to the side of the dwelling has been amended so that it includes a set back at first floor and thus now appears as a subordinate, in scale hipped roof extension appended to a standard two storey dwelling. The dormer windows to the rear of the dwelling have been reduced in size and are now similar in scale to others within the area, such as those to the rear of the adjacent pair of semi-detached dwellings at 31/33 Primley Park Crescent. As such the extended dwelling now resembles a two storey, hipped roof property which has been extended to the side at two storey height, and with dormers and in scale conservatories to its rear. Such extensions to a dwelling are reasonable and must be expected within residential contexts. As such the scale, form and design of the extended dwelling are therefore considered to be acceptable.
- 10.5 The extended house is also considered to respect the spatial character of the streetscene. The existing bungalow sits within a plot which is wide in comparison to others along the street, and it is not unreasonable to assume that a pair of semi-detached dwellings was originally planned, however a single bungalow was instead constructed. In its extended form the dwelling will sit no nearer to the side boundaries than the existing property, retaining a generous 6m to its eastern boundary and 4m to its western boundary. This western side elevation includes the driveway of the dwelling and the gap here appears to be fairly standard along the streetscene, where houses are separated by the width of a domestic driveway. As such the dwelling will respect the spatial rhythm of the street and will not harm the character of gaps within the area.
- 10.6 The alterations to the front boundary are also considered to be acceptable. As noted above the front boundary treatments within the area are low and the majority are formed or augmented by planting and hedging. This creates a soft, open feel to the street which is important to its character. Policy N25 of the UDP notes that boundaries of site should be designed in a positive manner using walls, hedges, or railings where appropriate to the character of the area. At present there is an existing wall and gates which are supported by brick piers which are slightly taller than the wall. It is proposed that railings be added above the wall which section of the boundary being increased to 1.5m in height. Although railings are not a particularly common feature within the area and officers are a little uncomfortable with the principle of raising the boundary to a height over 1.0m, the soft landscaping which has been included behind the wall should sufficiently soften the frontage to prevent it appearing as a hard, dominant and oppressive frontage which harms the streetscene. In order to ensure that this softness is retained in perpetuity a retention condition will be imposed.

Neighbour Amenity

- 10.7 Unitary Development Plan policy GP5 and Householder Design Guide policy HDG2 aim to protect the amenity of neighbours. Neighbouring amenity can be impacted upon in a number of ways. Policy HDG2 states that significant harm can be created through the “excessive overshadowing, overdominance or overlooking of neighbouring properties and gardens”.
- 10.8 As noted above, the proposal sits within a generous plot with considerable distances retained to neighbouring boundaries. Further to this, the proposal represents only a modest increase on the footprint of the existing bungalow and so in this respect the existing spatial relationships between properties will be largely unaltered. This being said, it is clear that the proposal will result in a property which is significantly greater in height when compared to the existing bungalow. This will inevitably lead to an increase in the overshadowing, overdominance and overlooking impacts which exist at present.
- 10.9 In terms of overshadowing and overdominance the proposal retains sufficient distances to neighbouring properties and, in combination with the revisions made to the scheme to reduce roof massing in particular, is considered to prevent a significant impact on neighbouring properties and well used garden areas. It is also noted that the gaps between the side elevations of neighbouring properties and the shared boundary with the host site are less than those proposed as part of this application.
- 10.10 In terms of overlooking, the proposed first floor windows to the west side will both serve en-suite bathrooms and as such will be conditioned to be obscure glazed for the lifetime of the proposal. The proposed rooflights to both sides at second floor level will also be conditioned to be obscure glazed for the lifetime of the proposal. A further condition will be attached stating that no new windows are to be inserted at first and second floor level to either side of the property in the future. The remainder of the new windows proposed at all levels, including the two dormer windows proposed to the rear, are considered to be of sufficient distance to neighbouring properties to prevent a significant impact on neighbouring privacy.
- 10.11 Parking

In order to be considered acceptable in respect of parking provision development proposals must not prevent two cars parking within the site in order to ensure that on-street parking is not encouraged. As part of the proposal the existing garage is to be curtailed to its front and extended to its rear, which in essence relocates the existing structure 1.0m deeper within the plot. The existing side driveway is to be retained as well as additional block paving included to the front of the building. The existing garage is not of a size and scale which would normally be considered to provide a parking space, being a little too narrow and thus conditioning its retention as a parking space is not particularly appropriate. The hardstanding which is proposed is more than sufficient to allow two cars to be parked off-street and thus the retention of the garage is not critical. A condition will be imposed to ensure that the side driveway be retained as a parking area.

Impact on Trees

- 10.12 As is noted in paragraph 3.1 a large beech tree, located to the south west of the site, is protected by a Tree Preservation Order (Reference 2002/92). This tree is more than double the height of the properties it surrounds and appears to be in good health. However, given the considerable distance to the trunk of the tree it is not considered that the proposal is likely to significantly impact on its root system or canopy through construction or through future pressure for pruning and lopping. It is further noted that the proposals do not create a significantly enlarged footprint over that which exists at present and a number of existing structures, including garages, are situated between the host property and the tree which would have further discouraged root spread towards the host property in the past. The new conservatories proposed to the rear are also lightweight structures unlikely to have a significant impact on any root structures which do exist in this area.

Additional Concerns raised by Objectors

- 10.13 A number of additional concerns have been raised by objectors. These are outlined in paragraph 6.3. Taking into consideration those concerns which form material planning considerations relevant to the determination of this application, it is not considered that any matters raised would lead to significant harm being created which would justify the refusal of planning permission.
- 10.14 Particular points raised (with comments in response) include:

Highways and parking – the proposal is for a single dwelling and includes sufficient off-street car parking to meet the requirements of the Unitary Development Plan and guidance contained within the Householder Design Guide. It is not considered that the proposal will lead to an increase in traffic movements to and from the property which could be considered unreasonable in a residential setting or which would be likely to lead to a significant impact in terms of local parking congestion.

Planting and Drainage – the proposal will retain large amounts of soft landscaped areas within the site and as such it is not considered that the development would lead to a significant increase in surface water at the site. Although neighbours have noted that the site has been previously cleared of vegetation this is not a relevant material planning consideration for the determination of this application. It is also noted that this clearance would not have required planning consent.

Disturbance during construction – it is not unreasonable to expect noise and disturbance during the construction stages of a development proposal. This would not form a material planning consideration which would justify a planning refusal in this instance.

11.0 CONCLUSION

- 11.1 Taking the above into consideration, it is noted that the proposal, when considered in its entirety, is considered to sit relatively comfortably within its plot, be broadly in character with the shape and form of neighbouring properties and leaves sufficient gaps to neighbouring properties, complementing those gaps between other properties in the street. It is also noted that, following concerns raised by planning officers and neighbours, the scheme has been significantly altered in an attempt to reduce massing, remove inappropriate design features and reduce the size of the proposed boundary treatments. It is thus considered that the proposal is in keeping with the aims of the NPPF, UDP policies GP5 and LD1 and Householder Design Guide policy HDG1. Although the proposal is contrary to UDP policy BD6 this is not considered to be reason to refuse the application given the wider planning merits of the proposal.

- 11.2 The proposal is not considered to be introducing a significantly harmful overshadowing, overdominating or overlooking impact due to the sufficient distances retained to neighbouring boundaries and the conditions proposed by officers. Therefore it is considered that the proposal is in keeping with the aims of the NPPF, UDP policy GP5 and Householder Design Guide policy HDG2.
- 11.3 The proposal is not considered to be having a significantly harmful impact on the large beech tree to the south west due to the sufficient distances involved. As such it is considered that the proposal is in keeping with the aims of the NPPF, UDP policy LD1 and the Householder Design Guide.
- 11.4 It is not considered that any of the additional concerns raised by objectors would form material planning considerations which would outweigh the reasons to approve the proposal. It is therefore considered that the application should be approved with the conditions suggested at the beginning of this report.

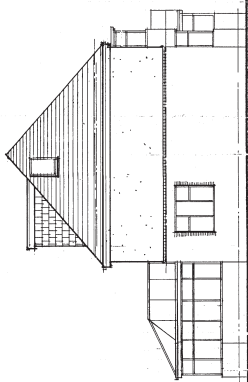
Background Papers:

Application files 12/04103/FU

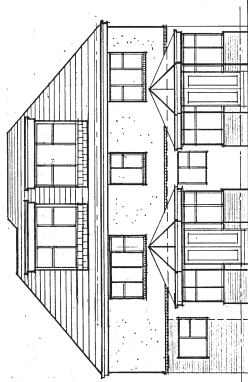
Certificate of ownership: Certificate A (site owned by applicant) signed by agent



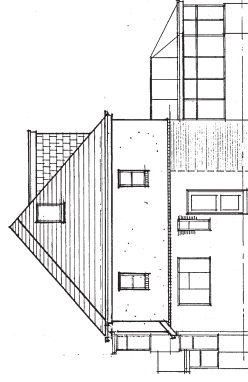
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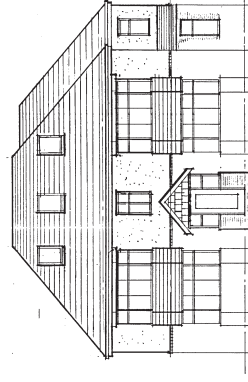
SIDE ELEVATION



REAR ELEVATION



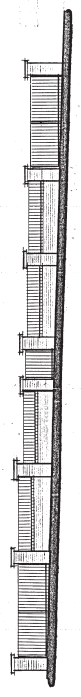
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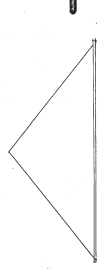
**FRONT ELEVATION
PROPOSED**

The changes shown on this plan do not need further public comment

LEEDS CITY COUNCIL
- 4 DEC 2012
REVISED



PROPOSED FRONT BOUNDARY WALL



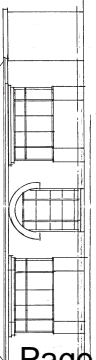
SIDE ELEVATION



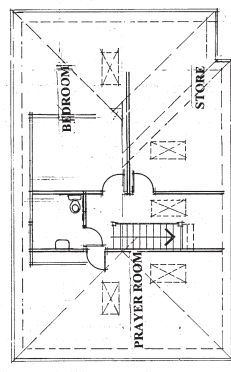
REAR ELEVATION



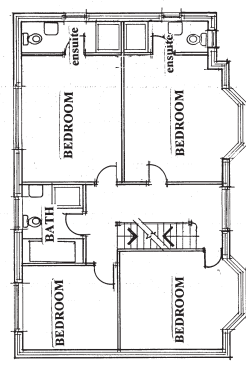
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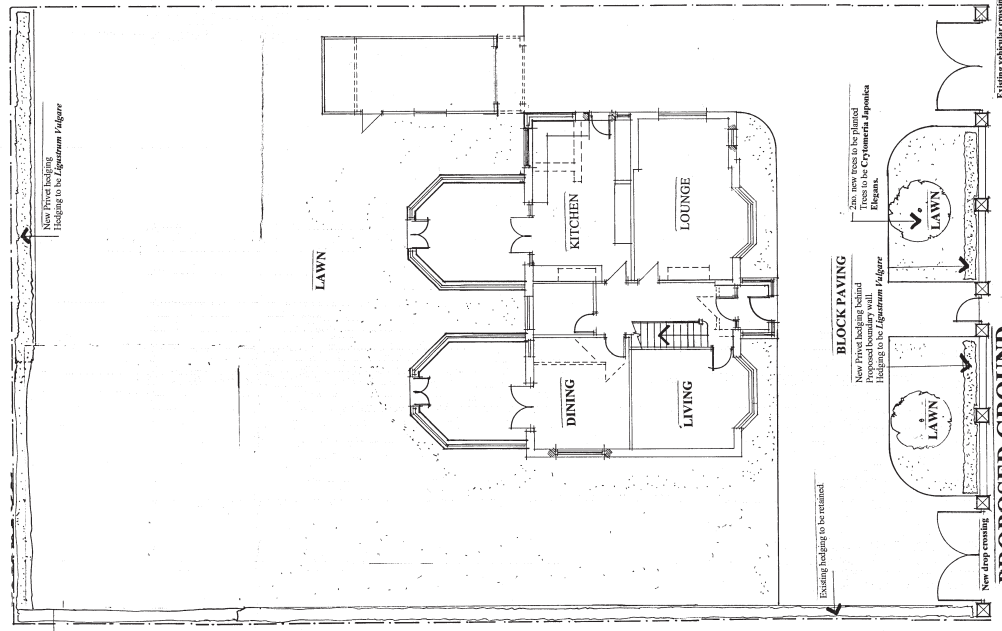
FRONT ELEVATION



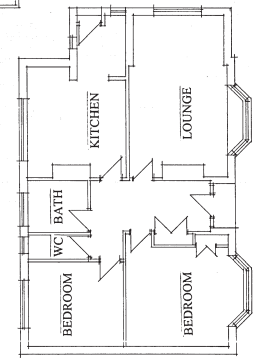
LOFT PLAN



FIRST FLOOR PLAN



PROPOSED GROUND FLOOR/SITE PLAN



EXISTING FLOOR/SITE PLAN

Please note these drawings are for Planning and Building Regulation purposes only.

NOTE:
This certificate is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before works commence.
All drawings must be read with and checked against any structural or other specialist drawings provided.
All works to comply with the Building Regulations, Code of Practice, various Building Acts and other relevant legislation and must be to the satisfaction of Building Inspector. All materials to comply with the relevant British Standards.

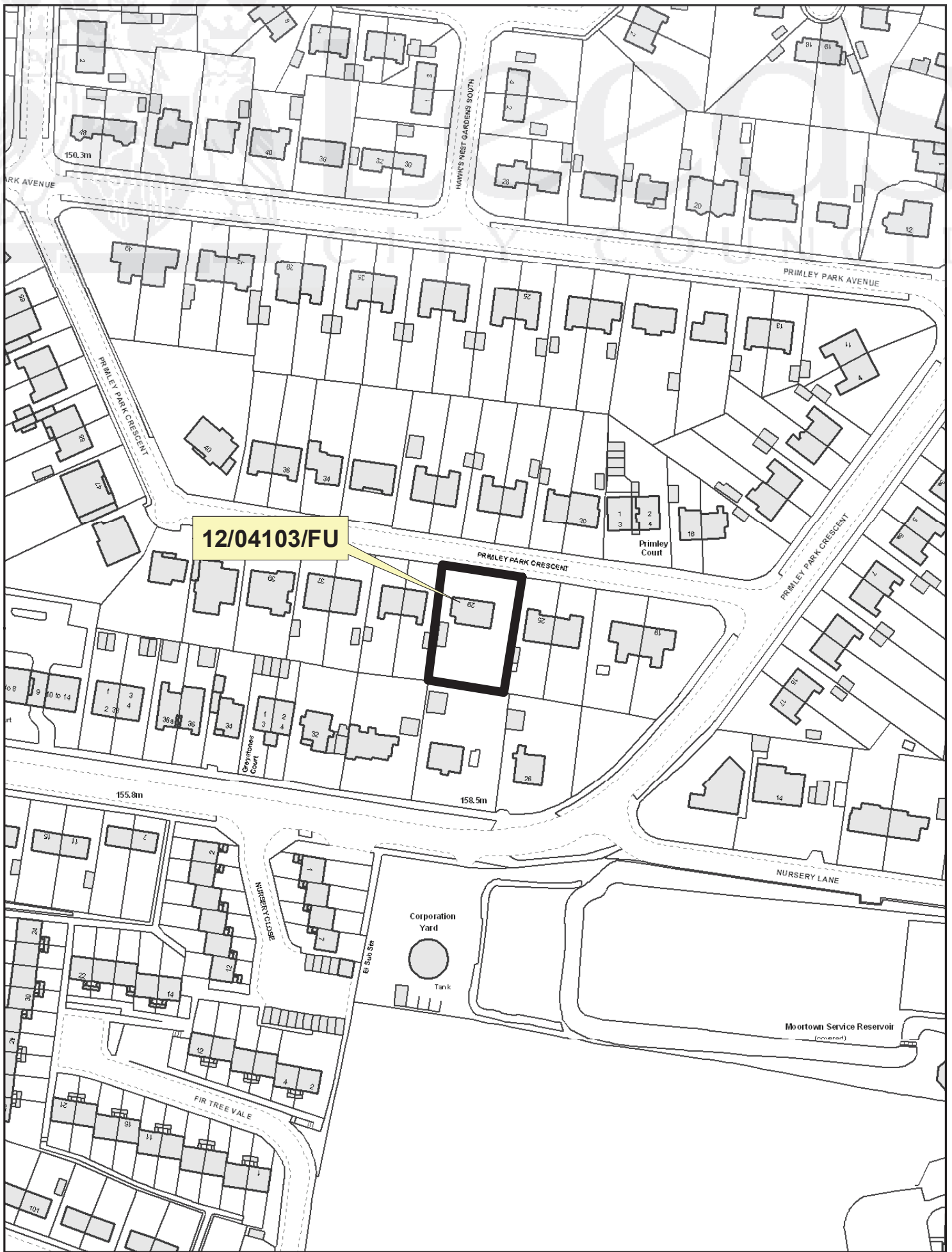
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Client:
MR R S BHAMBRA

Project:
PROPOSED ALTERATIONS AND EXTENSION AT 29 PRIMLEY PARK CRESCENT LEEDS LS17 7HY

Drawing:
EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS

Scale: 1:50 & 1:100
Date: SEPT 2012
Drawing No: 189901/K/FC
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NORTH AND EAST PLANS PANEL



Originator: David Newbury

Tel: 0113 247 8056

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 20th December 2012

Subject: APPLICATION 12/04456/FU – Two storey side, front and rear extension including dormer window with Juliet balcony to the side; raised terrace with balustrading above to front and new bay window to other side at Dene Cottage, Linton Lane, Linton, Wetherby, LS22 4HL

APPLICANT

Mr Mike Jamieson

DATE VALID

24th October 2012

TARGET DATE

19th December 2012

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission;
2. Approved plans;
3. Matching materials;
4. No further insertion of windows to the side;
5. Landscape/management plan for trees.

Reason for approval:

The proposal is considered to be an appropriately designed and scaled extension which, on balance, does not cause harm to the character and appearance of the conservation area and would not unreasonably impact upon neighbours. The proposed development is considered to comply with local and national planning policies.

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel due to the concerns of neighbours and local residents regarding the scope and content of pre-application discussions held with officers.
- 1.2 As will be outlined below there have been a series of applications submitted to the Council in relation to this site which began in 2004. These gave consent for a two storey side/front extension. An application was submitted earlier this year which sought consent for similar works, with additional development to the rear. Officers were concerned that this proposal did not represent good design, harmed the character and appearance of the conservation area and had too great an impact upon neighbours. This proposal was withdrawn. Following this withdrawal the applicant's approached officers to discuss how the scheme could be amended. Details of these discussions are outlined in section 5 below.
- 1.3 Works have commenced on site and although there has been suggestion that the 2009 permission was being implemented it is clear that the works which have been undertaken relate to the current scheme. The applicant's are not using a Council Building Inspector and thus it is not clear exactly when works commenced but it appears to have been late July, prior to this current application being submitted to the council in late October. Following complaints enforcement officers visited the site on 20th September and verbally advised that works were not authorised, that building should cease and that continuing works would be at the applicant's own risk. Building works did not cease and a letter was sent on 28th November which reiterated the previous verbal advice.
- 1.4 Works on site were well advanced at the time of the site visit with the extension to the front already roofed and the rear extension partially roofed. The works to the garden area are also largely in place. A letter was received in the department on the 5th December from the applicant in which it was noted he was unaware works should have ceased and has confirmed that works have now stopped on site. This position has been confirmed by officers.

2.0 PROPOSAL

- 2.1 Retrospective permission is sought to construct a two storey extension to the front, side and rear. The extension includes a dormer window with Juliet balcony to the front portion (southern end) facing east into the front garden of the host property. This balcony faces away from the nearest property the 'Willows'. The garden is also be regraded with an enlarged terraced area and steps to the lower portion.
- 2.2 The extension is essentially a transverse wing which has been appended to the west side of the dwelling. It is 6.4m in width and extends forward of the front (southern) wall of the dwelling by approximately 4.0m and 7.3m to the rear (northern). It has a gabled roof form and a new gable end is also added to the dwelling to create a continual span of ridge line from the main house and across the extension running in line east-west parallel to the boundary with the footpath. Much of the proposed extension has its back to the property to the west ('The Willows') however, a 4m portion projecting northward lies forward of the 'Willows' front elevation, but this is largely screened by a tall hedge.
- 2.3 The raised terrace area extends the previous patio so that the bulk of the garden area which lies close to the dwelling is now a patio area, with steps leading to a lower grassed area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a detached, single storey cottage which is sited just north of Linton village core and within the conservation area. The property is largely rendered with a stone plinth and has a gabled, tiled roof which is augmented by dormers to the front and rear. The dwelling is typical of the Linton vernacular, displaying a self consciously quaint character and is assumed to reflect the influence of Alban-Jones within the village. This exaggerated Arts and Crafts influence is reflected in the proportions and scale of the dwelling as well as details such as the mock-leaded windows, mock-Tudor detailing and the peaked roof of the entrance hall. The property is assumed to have been a simple two bay dwelling with the hall being a central entrance point. The dwelling has subsequently been extended to the side and rear. Other additions include the glazed entrance porch to the front of the hall and the detached garage.
- 3.2 The property is sited within a generous plot and is set back from Linton Lane and is orientated side-on to the highway with its principal elevation facing toward its main amenity space which is to the front of the property. The house lies close to its western boundary and thus is close to 'The Willows', a newer build dwelling which lies behind a substantial evergreen hedge. This property fronts onto Muddy Lane. Muddy lane fades into a public footpath at this point. The "Willows" forms the last property fronting onto Muddy Lane. Views of the application site from this dwelling are possible over this tall hedge and also from the footpath which lies to the rear of the site that beyond the hedge. The Conservation Area Appraisal and Management Plan notes that the view from the footpath across the application site is an important key view.
- 3.3 The plot and wider area are very verdant and this is an important part of the semi-rural character of the area. The bank of trees and vegetation to the north of the site are visible from Linton Lane and form an important backdrop to this section of the village.

4.0 RELEVANT PLANNING HISTORY:

31/2/97/FU	Part two storey and part first floor side extension with new dormer windows Approved
31/148/04/FU	Two storey side extension with balcony to front Refused
31/281/04/FU	Part two storey part single storey side extension with balcony to side of first floor Approved
09/01910/FU	Part single storey and part two storey side, front and rear extension with balcony over part, dormer windows to side and rear of extension, and new raised terrace area to front Approved
12/02122/FU	Two storey extension to front, side and rear with balconies to side, new entrance porch to front, raised terrace to rear and replacement bay window to side Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 An application for a substantially similar development was submitted in May of 2012. This application was withdrawn as officers were minded to refuse the scheme. Concerns were expressed about the impact of the extension upon the character of the house and the area as well as the impact upon the neighbouring dwelling 'The Willows'.
- 5.2 Discussions were held with the case officer and the conservation officer whom suggested that
- the ridge line of the dwelling be extended to the west to create the impression of a larger dwelling;
 - that the front extension be narrowed and its ridge line dropped so that it resembled an extension to the enlarged dwelling;
 - that the rear extension be wholly omitted;
 - that the design of the proposal be simplified and its glazing pattern amended.
- 5.3 Further discussions were held with the Head of Planning Services which has resulted in the current submission. This has reduced the projection of the rear extension by approximately 3.0m.
- 5.4 Enforcement officers visited the site on 20th September and verbally advised that works were not authorised, that building should cease and that continuing works would be at the applicant's own risk. Building works did not cease and a letter was sent on 28th November which reiterated the previous verbal advice.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by neighbour notification letter, site notice and a notice in the paper.

Concerns have been raised by;

- The Parish council who note that planning permission has not been granted and works have commenced on site. Attention is drawn to the fact that the extensions could have a negative impact upon neighbours and that the works have caused traffic problems;
- The occupants of 'The Willows' who lie immediately to the west of the site in respect of dominance and the impact upon the conservation area. Concern has also been raised regarding the unauthorised works at the site and the pre-application discussions which have been held;
- The occupants of 'Beck House' who raise concern regarding the impact upon the streetscene of Muddy Lane and the footpath and the unauthorised nature of the works;
- An out of area objector who raises concern regarding the loss of views through to the village, the impact upon the conservation area and the use of render.

Following the request to stop works letters of support have been received from:

- 1 Northgate Cottages who consider that the works are in keeping with the area and are screened by vegetation;

- 'Hillfoot Cottage' who consider that the works are in keeping with the area, that the materials are appropriate and who also note that the extensions are screened by vegetation.

Further letters of support from outside the immediate area have been received from:

- 'Westacre House' in Wetherby who consider that the works are in keeping with the area;
- 2 Barley Fields Mews in Wetherby who consider that the extension is of good quality and is preferable to demolishing the dwelling and building several houses on the plot;
- 'The New House' in Thorner who consider that the works are in keeping and are preferable to demolishing the dwelling and rebuilding.
- 31 Lambert Avenue in Roundhay who consider that the works are in keeping and are preferable to demolishing the dwelling and rebuilding. It is also noted that key view 1 of the conservation area appraisal is not affected and that the extension is not significantly visible from Linton Lane.
- 14 Beck Lane who consider that the works are in keeping with the character of the dwelling and the area and that the extensions are largely screened by vegetation.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Public Rights of Way note that the extension does not interfere with the footpath and thus express no objection.
- 7.2 Conservation Officers raise concern regarding the projection to the rear (north elevation), the scale of the extensions relative to the original building and conclude that the building fails to preserve or enhance the special character and appearance of the conservation area.

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.
- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.3 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.4 Within the Publication Draft Core Strategy the following policy is relevant:

Policy P10: Design

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views,
- (iv) Car parking, cycle, waste and recycling storage are integral to the development,
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion,
- (vi) The development is accessible to all users.

8.5 UDP Policies:

N19 All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area by ensuring that:

- i. The siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;
- ii. Detailed design of the buildings, including the roofscape is such that the proportions of the parts relate to each other and to adjoining buildings;
- iii. The materials used are appropriate to the environment area and sympathetic to adjoining buildings. Where a local materials policy exists, this should be complied with;
- iv. Careful attention is given to the design and quality of boundary and landscape treatment.

LD1 Any landscape scheme should normally:

- i. Reflect the scale and form of adjacent development and the character of the area;
- ii. Complement and avoid detracting from views, skylines and landmarks;
- iii. Provide suitable access for people with disabilities;
- iv. Provide visual interest at street level and as seen from surrounding buildings;
- v. Protect existing vegetation, including shrubs, hedges and trees. Sufficient space is to be allowed around buildings to enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings;
- vi. Complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development;
- vii. Be protected, until sufficiently established, by fencing of a type appropriate to the prominence of the location, around all those parts of the landscaping susceptible to damage.

GP5 Refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion and to maximise highway safety.

BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

8.6 Householder Design Guide SPD:

Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight. This guide provides help for people who wish to extend or alter their property. It aims to give advice on how to design sympathetic, high quality extensions which respect their surroundings. This guide helps to put into practice the policies from the Leeds Unitary Development Plan which seeks to protect and enhance the residential environment throughout the city.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials;

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

45° Code This code is used as a way of assessing the impact that an extension will have upon the amenity of neighbours. The code does not take account of all factors on a site and is used as a guide which informs planning judgements.

8.7 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

Specific advice is offered in relation to Green Belts where it notes that there is a general presumption against inappropriate development within the Green Belt. Limited extensions may not be inappropriate development within the Green Belt provided that they do not result in disproportionate additions over and above the size of the original building.

In respect of heritage local planning authorities are encouraged to sustain and enhance the historic environment.

9.0 **MAIN ISSUES**

- 1) Conservation Area/Design and Character
- 2) Neighbour Amenity
- 3) Vegetation

10.0 **APPRAISAL**

Conservation Area/Design and Character

10.1 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy N19 notes that extensions within conservation areas should preserve or enhance the character or appearance of the area, and further general guidance in respect of design is given in policies GP5 and BD6 of the UDP and also the Householder Design Guide. Some additional guidance in respect of the Conservation Area is contained within the Linton Conservation Area Appraisal which notes the footpath to the rear of the site is a key pedestrian link within the village and also that the view across the western end of the application site is a key long distance view. It is noted however, that views across this part of the site have for some time been obscured by tall conifer trees predating the 2010 designation of the conservation area.

10.2 As has been noted above there is a history of planning applications which have been submitted at Dene Cottage. In 2004 a two storey side/rear extension was granted planning permission following a previous refusal due to impact upon neighbouring dwellings. A substantially similar scheme to the approval was submitted in 2009. The officer report, which has been referenced in the neighbour's objection letter, raised concerns about the scale, mass and design of the scheme, but concluded that the previous 2004 permission was a strong material planning consideration and with no other changes to the material circumstances of the site or the relevant policy documents, a refusal could not be substantiated. Permission was therefore granted. This permission has not been implemented and has now lapsed.

- 10.3 The earlier 2012 application sought permission for a reduced two storey rear extension with an enlarged dormer and portico detailing, with a two storey front extension with a large dormer added to the scheme. This raised concern as its design was considered to be a retrograde step from the 2009 permission, and officers were of the view that the policy changes (the adoption of the Householder Design Guide and the Conservation Area Appraisal) suggested that the proposal should be reassessed from first principals, with the previous permissions now having limited material weight. The current submission is the result of discussions following the withdrawal of the earlier scheme. As noted above the works on site relate to the current, undetermined scheme and have not implemented any previous applications.
- 10.4 In order to understand the current application it is best to split the scheme into two elements. The first element is the works to the front (south facing) which are of a similar size and scale to the 2009 and 2004 permissions. The second element is then the works to the rear (north facing) of the property which have not been previously proposed or approved. These will be discussed in turn.
- 10.5 Taking the front element first it should be noted that the current proposal simplifies the design of the west facing element, removing dormers allowed in 2009 and introducing a new gabled roof to the western elevation which resolves a previous design concern. As such these changes can be considered an improvement on the 2009 permission. However the detailed design of the new proposal does partially erode the character of the current dwelling and this has been raised as a concern by the Conservation Officer who considers that the scale of the proposal will dominate the existing building and that its overall scale and detail are suburban in character. However, given the limited visibility of the bulk of the extension from the Conservation Area the extensions are, on balance, not considered to be harmful to its character and appearance.
- 10.6 Moving on to discuss the works to the rear of the house (north elevation), facing the boundary with the 'Willows' it is important to note that these have not been previously approved and there is therefore no precedent on the site for this element. The works to the rear appear to be the most contentious element of the scheme and are the main concern for the objectors. This two storey addition extends the built mass of the property approximately 4.0m closer to the public footpath at the rear of the site and brings the application dwelling forward of the dwellings on Muddy Lane. A distance of approximately 3.5m is retained to the boundary with the footpath. Concern has been expressed about the extension breaching the building line on Muddy Lane and being an obvious and dominant element from the footpath.
- 10.7 As works have commenced on site and this element of the scheme is significantly advanced it is possible to fully appreciate the impact of this element. When viewed from the footpath looking west from Linton Lane toward Muddy Lane the extension is not a significant or dominant presence. It's roof is visible, however this is read against the more obvious mass of the main dwelling and the existing dormers (approved in 1997) and in this context it appears as a subordinate element. The vegetation along the boundary of the site in the form of hedge also helps to mitigate its impact. This said, the screening is largely created by a multiple stemmed tree which is unlikely to be considered worthy of retention on amenity grounds and thus its long term presence on the site cannot be guaranteed. As mentioned previously however, the key view mentioned in the conservation area appraisal is considered to be that running in a diagonal line across the front of the site in north-east to south-west direction. This is not hindered by the proposal.

- 10.8 When the extension is viewed from Muddy Lane, looking from the South the extension could appear as a much more dominant and obvious presence. From this perspective the main mass of the dwelling is not visible and thus the extension is a visible element which does draw the eye albeit in the main hidden by the tall hedging. It is set forward of the building line of dwellings along Muddy Lane, and does impact on the spatial character of this section of the conservation area. As mentioned previously there is an existing conifer hedge (approximately 5.0m in height) which screens the walling of the extension and the lower portions of the roof; however its ridge line is clearly visible above the hedge line. It is also unknown what impact the extension will have on the long term health and vitality of the hedge. In reaching a decision as to the acceptability of this element of the extension a decision needs to be made as to whether the application dwelling is read as part of the streetscene of Muddy Lane, or whether it is read as a more isolated element which has a spatial setting of its own. Because of its location at the end of this section of Muddy Lane officers are of the view that it in effect creates a visual an end stop before Muddy Lane becomes a footpath and is therefore not inappropriate.

Neighbour Amenity

- 10.9 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposal should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking with be strongly resisted”.
- 10.10 Concern has been expressed regarding the impact of the extension upon amenity by the occupants of ‘The Willows’. This property lies to the immediate west of the application site and the extension introduces 18.5m of two storey built development within 1.5-2.0m of the boundary. Although this is undoubtedly a significant increase in massing there are several factors which must be considered before reaching a judgement as to harm. Firstly, the bulk of the extension lies adjacent to the side gable of the neighbouring dwelling and thus will not impact the main front and rear windows or the main garden area of the neighbour. The presence of a conservatory to the rear of the neighbouring dwelling is noted and it is likely that this structure will be impacted by the proposal. However as the majority of this room will remain unaffected and the conservatory will still receive direct sun for the majority of the day it is unlikely that significant harm will occur. The second factor which must be considered is the majority of the roof form hips away from the boundary and thus at its closest point the roof is at its lowest, with distance increasing as the height increases. This then also helps to lessen the impact of the extension.
- 10.11 There is some concern regarding the projection of the rear element (to the north), which extends approximately 4.0m forward of the front wall of the neighbour. This projection does not conform with the 45 degree code as set out in the Householder Design Guide. This code is used as a way of assessing the impact upon outlook from main windows. It measures the distance from the common boundary to the nearest point of the neighbour’s window and then draws a line at an angle of 45 degrees toward the area of the extension. Any development which falls within the area beyond 45 degrees is usually considered to harm outlook. These judgements usually apply to two storey development. As measured on site the neighbour’s ground and first floor windows are set 2.5m from the common boundary, which means that the forward most 1.8m of the two storey rear extension is out of guidance and could harm outlook from the windows, with the ground floor window being the most affected. However, the impact of this projection must be weighed

against the presence of 5.0m high hedging to the front section of the boundary which does currently help to soften the impact of the proposal and restricts light to the bedroom window. In addition beyond the hedge there was previously a double garage which had its particularly tall gable facing the boundary which would have already affected outlook from these windows.

- 10.12 It should also be noted that this element of the extension affects the front of the neighbour's dwelling which is normally considered to be the least sensitive section of a site and that due to its north facing orientation this area of the neighbour's site does not receive a significant amount of sun and the extension is unlikely to unreasonably reduce this level. In reaching a view on the impact of this element of the scheme Members should also be aware that the hedge itself could be subject to a high hedges challenge and is it no usually considered good practice to impose planning conditions which conflict with other legislation. Without the hedge in place the extension would be more visible and potentially more dominant however, in view of the location of the extension at the top of this section of Muddy Lane and that there was previously a the rear wall of a large double garage it is not considered that the proposal would represent an unreasonable degree of built mass affecting the neighbour's front windows, front garden and views from Muddy Lane.
- 10.13 The application raises no significant concerns in respect of overlooking. Additional windows are proposed to all elevations of the scheme. Those to the north overlook the footpath and allow views toward Muddy Lane but will not have a significant impact upon neighbouring dwellings. Those to the east (which include the Juliet balcony) face into the applicant's front garden and toward Linton Lane and again will not have an impact upon neighbour amenity.
- 10.14 The windows which are proposed within the south elevation do face toward the common boundary with Hillfoot Cottage and serve a bedroom at first floor and a playroom at ground floor and thus would be considered secondary windows. These windows retain approximately 8.0m to the common boundary within guidance suggesting that a minimum of 7.5m is required. The site does slope to the south meaning that the impact of the windows will be heightened by the level changes. The occupants of Hillfoot Cottage have commented on the scheme and have offered their support.
- 10.15 Windows are also included in the west facing elevation that look toward The Willows. These include high level windows to an open plan kitchen-dining area and standard glazing to a study room. The high level windows to the kitchen-dining area will not allow views of the neighbour's site and both these windows and those to the study are largely screened by the applicant's hedge and the neighbour's fence. It is acknowledged that the presence of windows along this side elevation could lead to the perception of increased surveillance and that the upper portions of the high level windows are visible over the fence line, however as there is unlikely to be any demonstrable overlooking, this perception of overlooking can only be given very limited weight. As the fence which screens these windows is within the control of the neighbour it is not considered necessary to impose its retention through a condition.

Vegetation

- 10.16 Policy LD1 notes that "sufficient space [should] be allowed around buildings to enable existing trees to be retained in a healthy condition". As has been discussed above the presence of vegetation along the boundary with the footpath helps to mitigate the impact of the extension on view toward Muddy Lane, and the boundary

hedge between the application site and The Willows helps to mitigate the impact upon neighbour amenity. The appropriateness of a condition to retain the hedges along the boundary with the 'Willows' has been considered however, officers mindful of the fact that a High Hedges challenge could result in this hedge being reduced to a significantly lower height of approximately 1.8-2.0m as opposed to the 6.0m which currently exists, and therefore consider it is not appropriate for this section in this case.

- 10.17 The hedging which provides mitigation along the footpath can be protected by a standard condition which will also ensure replanting for a period of 5 years should the hedge die back. The tree along the footpath is trickier to retain as it does not have a sufficient amenity value in the wider area to warrant protection, however a special condition which requires the submission of a management plan and, in the event of its loss, replacement specimens to be provided, can be imposed. These conditions should ensure that the vegetation is maintained reasonably long term.

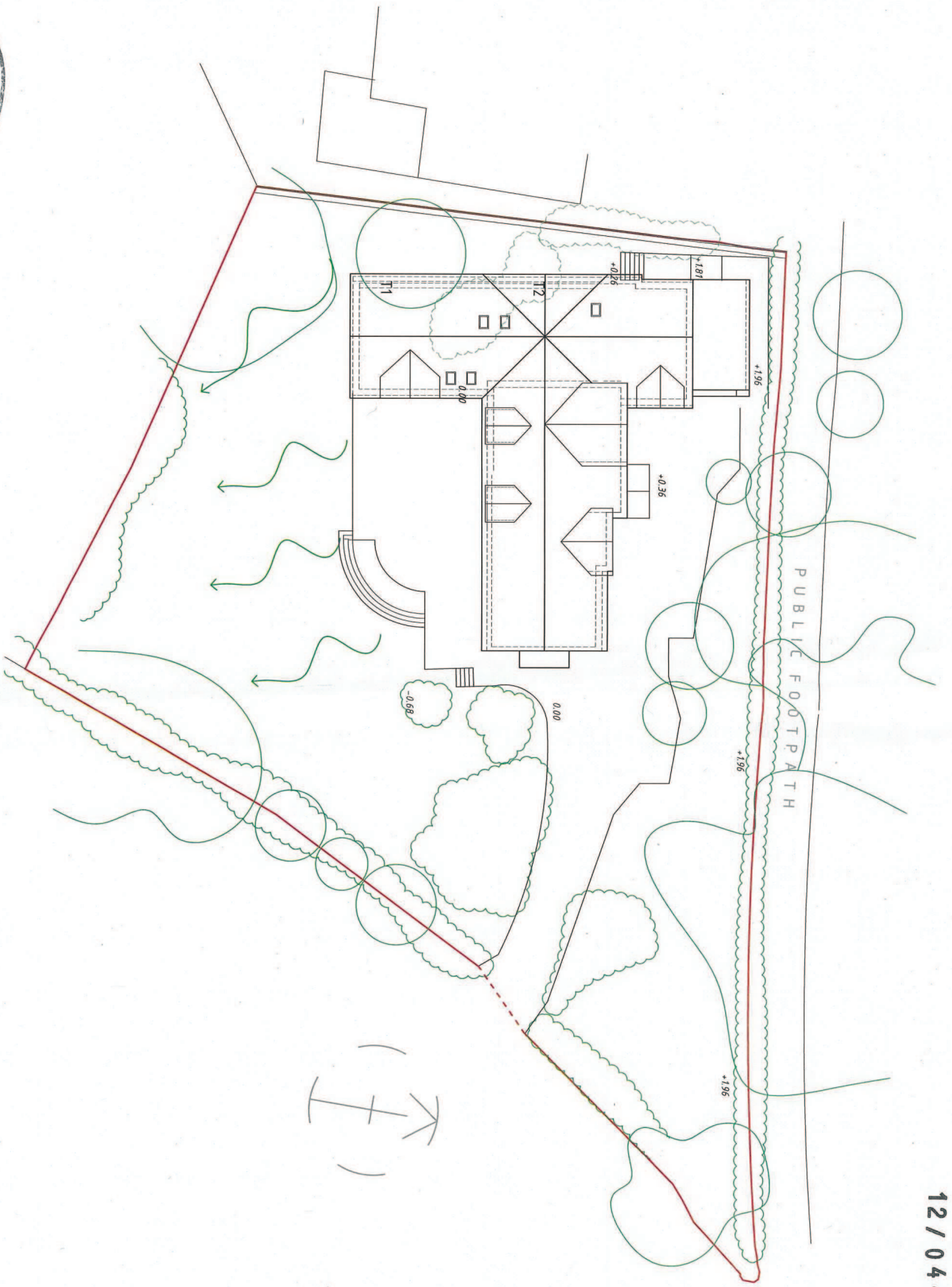
11.0 CONCLUSION

- 11.1 The planning application is, on balance, considered to be acceptable. The changes to the character of the dwelling and the projecting rear gable do not, on balance, harm the character and appearance of the conservation area. The impact upon the amenity of neighbours in respect of overlooking and overdominance is also, on balance acceptable and thus the application is recommended for approval.

Background Papers:

Application files 12/04456/FU

Certificate of ownership: Certificate A signed by agent

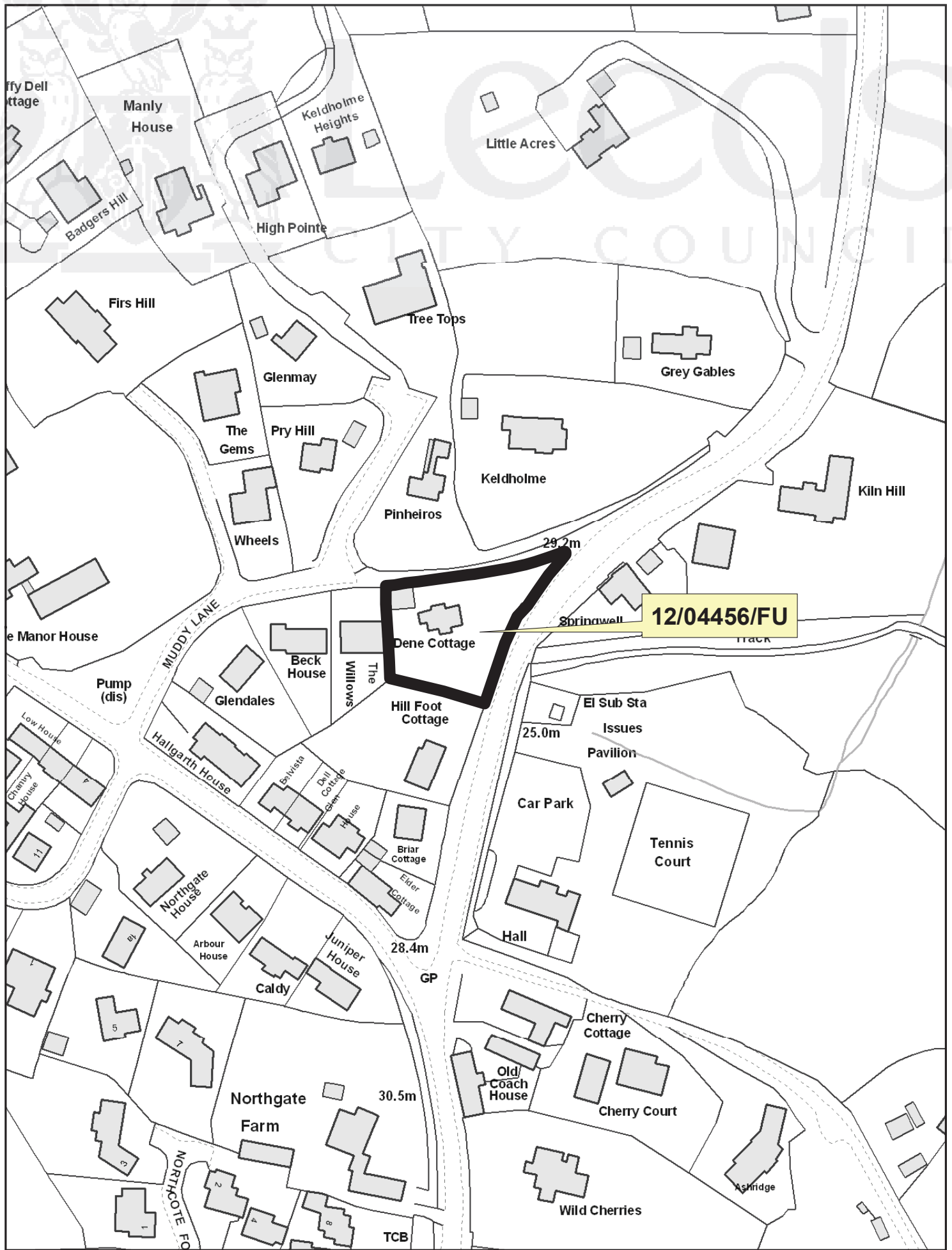


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Holdsworth Design Practice Ltd.
 Architectural Design & Services, 07769700912 / 01434 380002
 Thortleigh, Nenthead, Cumbria, CA9 3PD. REG. NO. 00000000 VATA.000000000000
 hdp@holdsorthdesign.co.uk

Survey site plan.

project Two storey side extension with internal alterations.
 client Mr & Mrs M. Jamieson, Dene Cottage, Linton Lane, Linton, LS22 4HL.
 dwg no JAM412 / PL4 rev I date OCT 2012 scale A3 @ 1:200



NORTH AND EAST PLANS PANEL



Originator:	David Newbury
Tel:	0113 247 8056

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 20th December 2012

Subject: Enforcement Case 11/00975/UTW1 and Planning Application 12/00501/FU – Appeals by Mr J Townsend against:

- (i) an enforcement notice issued against the raising of ground levels to facilitate the erection of a detached house and associated works; and
- (ii) the refusal of planning permission for Variation of condition 2 (approved plans) of approval 09/03138/FU for minor material amendment relating to three 4 bedroom detached houses with integral garage to rear garden, at 10 Elmete Avenue, Scholes, LS15 4BL

The appeal against the enforcement notice was dismissed and the planning appeal was allowed.

<p>Electoral Wards Affected:</p> <p>Alwoodley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:

Members are asked to note the following appeal decisions.

1.0 BACKGROUND

- 1.1 These appeals concerned a residential development of 3 houses that was granted planning permission on appeal (the 2010 planning permission). One of the houses, plot 3 as identified on the plans approved 2010 but identified as plot 1 on drawing 11/06/ 011 of application reference 12/00501/FU, had been constructed on ground levels raised approximately 400 – 750mm above those shown on the approved plan. The council issued an enforcement notice against the unauthorised works and required the demolition of the house and the restoration of land to its former level and condition and infill the existing mature beech hedge. The Notice also required the removal of a retaining wall and fence from the eastern boundary and the restoration of ground levels. The house had also been sited closer to the common boundary with existing dwellings of Elmete Croft; plot 1 (as identified on drawing

11/06/ 011 of the 12/00501/FU application) is erroneously sited and is approximately 300mm – 500mm closer to the existing garage at No. 4 Elmete Croft than the original plans subject to the Inspectors decision in 2010.

- 1.2 A revised planning application was submitted to the council and this sought planning permission for the re-siting of the dwelling, the increase in levels and the amendment to the roof design of the house by changing from a house with gable ends to a hipped roof on both sides. In order to compensate for the hedge that has been removed, and which was supposed to be retained by planning condition, a replacement hedge in place of where the previous beech hedge was removed, adjacent to the boundary with Elmete Croft.
- 1.3 The planning application was recommended for planning permission by officers but the Plans Panel of 17th May 2012 resolved not accept that recommendation and that planning permission should be refused for reasons relating to the impact of the dwelling on the amenities of neighbouring residents.
- 1.4 The appellants also made an application for an award of costs against the council and all of these decisions are summarized in the following paragraphs.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 With regard to the enforcement appeal the Inspector concluded that the house as constructed was in breach of planning control and that the variations have had clear consequences for the neighbouring residents in terms of the physical presence of a gable elevation higher and closer than that approved. The Inspector considered that the additional height and proximity of the gable wall make it unduly overbearing when viewed from Nos. 4 & 5 Elmete Croft and must diminish the amount of daylight and sunlight by a measurable degree. The Inspector also considered that the boundary fence whilst ensuring a reasonable amount of privacy is itself harsh and visually dominant. With regard to concerns raised by residents about drainage the Inspector concluded that on completion it is likely that the site is to be adequately drained.
- 2.2 For the reasons set out above the Inspector dismissed the appeal and upheld the enforcement notice.
- 2.3 Turning to the planning appeal the Inspector set out that regard must be had in reaching a decision to the realistic fallback position of constructing plot 3 in accordance with the 2010 planning permission.
- 2.4 The proposal was to modify the roof of house from a gable to a hip style. The sole issue is the impact on the living conditions of nos. 4 & 5 Elmete Croft. On this point the Inspector concluded:

“...the lowering of the eaves height and the removal of the gable end as now proposed would, to my mind, result in an acceptable relationship. The new, hip roof design would result in far less masonry abutting the common boundary. It would appear far less imposing and would allow a noticeable increase the sunlight and daylight reaching no.4.
- 2.5 Moving on to the issue of the boundary treatment the Inspector set out:

“The boundary treatment remains of some concern in terms of the height of the

fence and whether it can be adequately softened by landscaping. I am satisfied that it provides adequate privacy for the neighbouring residents, and would so do even if reduced to 1.5m in height as proposed. Whether the reinstatement of a beech hedge is practical, given the present ground conditions, remains in some doubt. However, I am satisfied that a scheme could be devised to introduce suitable ground conditions for planting.”

2.6 Accordingly the Inspector allowed the appeal and granted planning permission.

3.0 THE COSTS DECISION

3.1 The appellant made an application for an award of costs against the council. The Inspector noted that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The Inspector noted that following negotiations between officers and the appellant that the application was recommended for permission. The Inspector set out that the Plans Panel were entitled to take a different view on the merits of the case but are required as part of any appeal to produce evidence to substantiate its decision. The council failed to do so in this case. The Inspector ordered that the council pay the appellants costs in respect of the planning appeal.

Comment:

3.2 It should be noted that this situation rose through an administrative error. The officer dealing with the appeal did prepare an appeal statement setting out the council's reasons and case for refusing planning permission. This was prepared within the appeal timeframe for the submission of evidence. However, due to a misunderstanding of the way the council administers such appeals the statement was not submitted in a timely manner. Consequently, in accordance with the appeal rules, the Planning Inspectorate returned the appeal statement to the council.

4.0 IMPLICATIONS

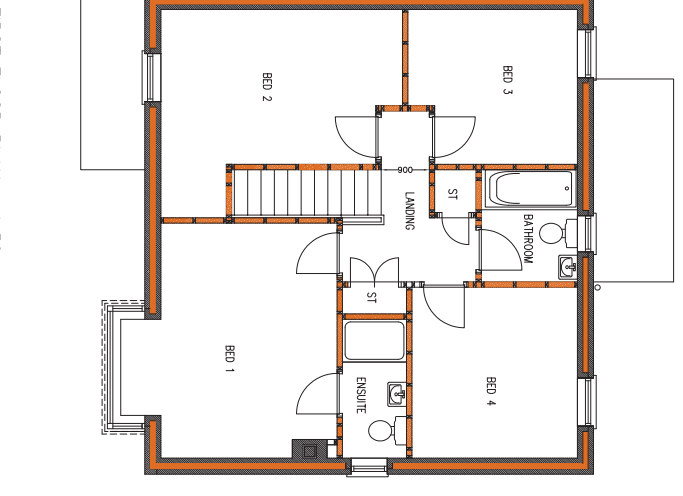
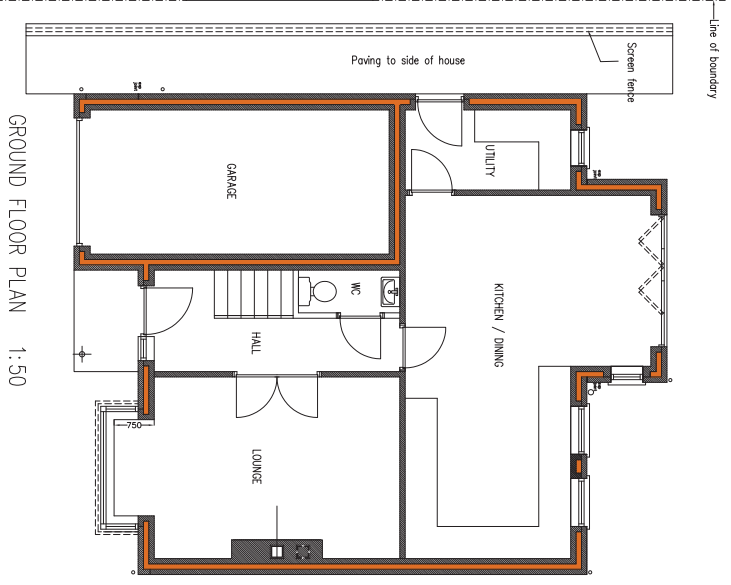
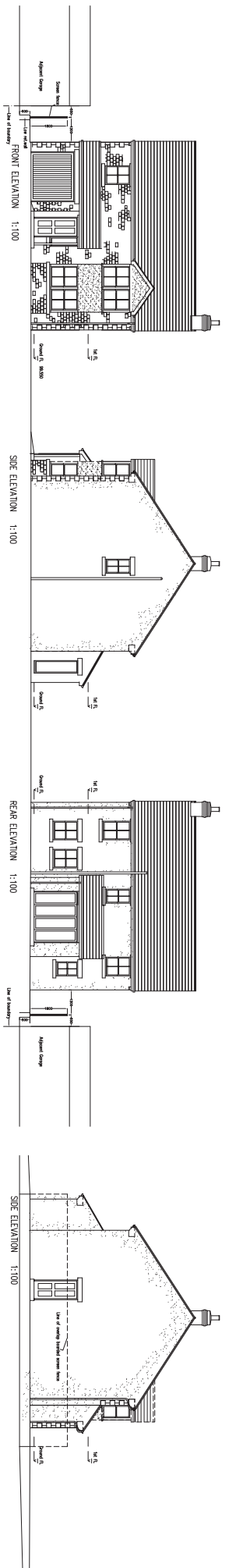
4.1 Within Planning Services there is a clear procedure in place for the submission of appeal statements and officers are aware of the need for them to be submitted within the timeframe set by the Planning Inspectorate. As a consequence of this case all officers have been reminded of internal processes in administering an appeal and the need to abide by the appeal timetable.

4.2 The attached plans show the house as originally proposed, as built and the development allowed on appeal.

Background Papers

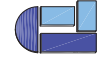
Planning Application File

Inspector's Decision Letter



GROUND FLOOR PLAN 1:50

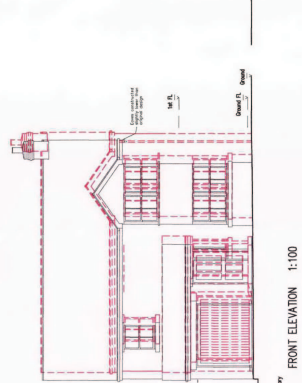
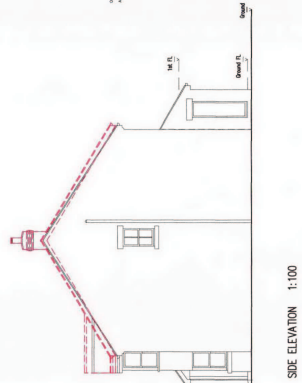
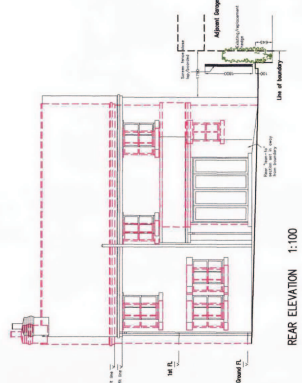
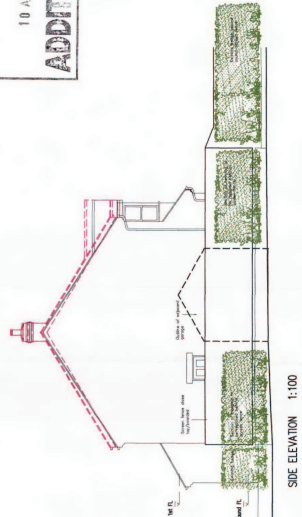
FIRST FLOOR PLAN 1:50



Revisions	Date	Suffix	Description	Date	Suffix	Description
	02/08/2011	A	Some doors and window indicated			
	20/07/2011	C	Drawn and design checked. Some doors and window indicated			

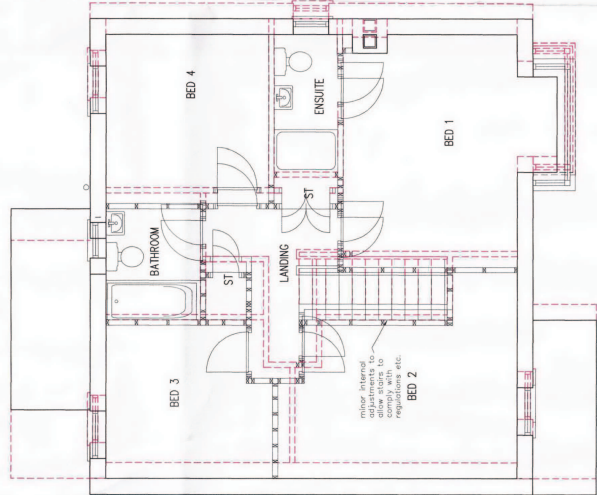
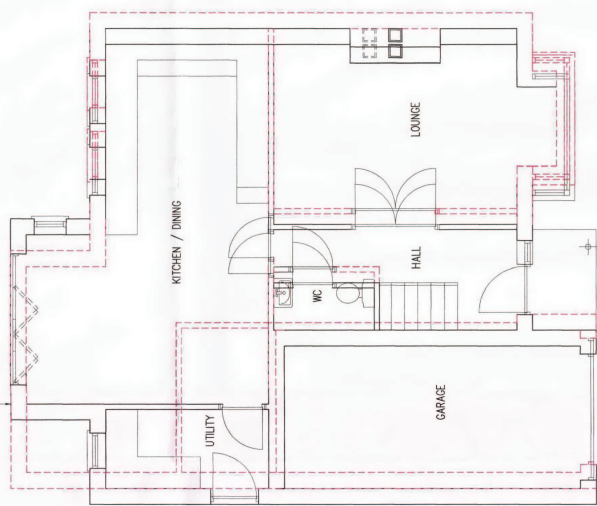
<p>TU BUILDING DESIGN LTD 1A, Oxford Drive, Kippax, Leeds LS25 7JL tel: 0113 2863617 mobile: 0780277692 e-mail: tubuildingdesign@btinternet.com</p>		<p>Client: JMT DEVELOPMENTS</p>	
<p>Project: PROPOSED HOUSE TYPE B (Phd 1) ELMER AVENUE SCHOLES</p>		<p>Date: JULY 2011 Scale: 1:50 & 1:100 @A1</p>	
<p>Drawing Title: PLANS AND ELEVATIONS TYPE B</p>		<p>Drawn By: [Blank] Checked: [Blank] Date: 11/06 Dwg. No: 003 Rev: C</p>	

LEEDS CITY COUNCIL
10 APR 2012
ADDITIONAL



OF ORIGINAL APPROVAL

Refer "Proposed" section set in away from boundary



Additional

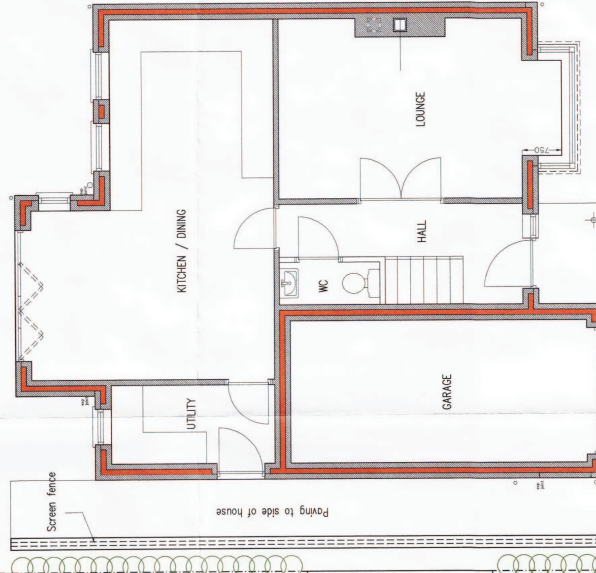
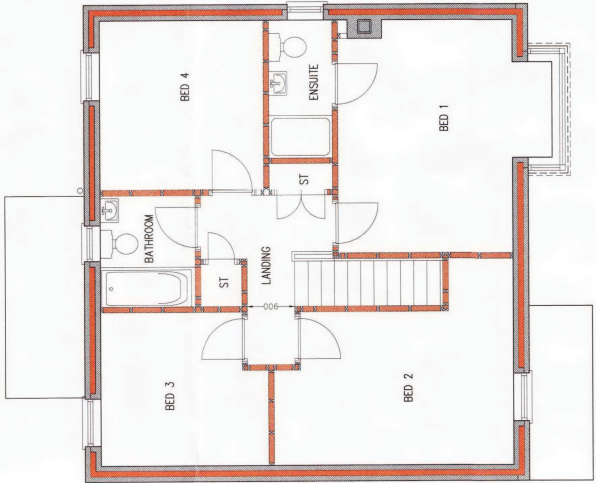
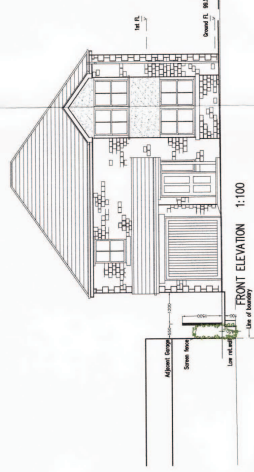
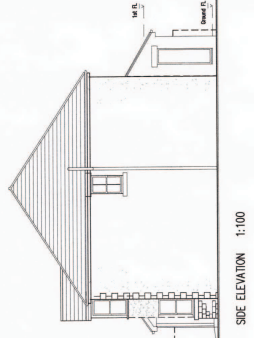
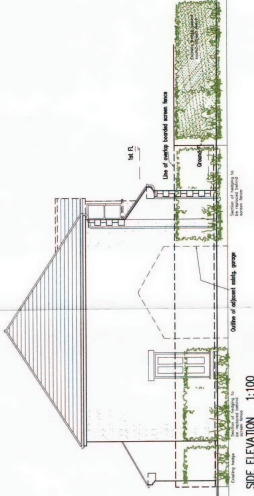
LEEDS CITY COUNCIL
10 APR 2012
ADDITIONAL

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10 APR 2012
ADDITIONAL

TJ BUILDING DESIGN LTD 1A, Oxford Drive, Kippax, Leeds LS25 7JE tel: 0113 2863617 mobile: 07802771692 e-mail: tjbuildingdesign@btinternet.com		Client: JWT DEVELOPMENTS	
Project: PROPOSED HOUSE TYPE B (Plot 1) ELMEIE AVENUE SCHOLES		Date: APRIL 2012 Drawn By:	Scale: 1:50 & 1:100 @A1 Checked:
Drawing Title: ORIGINAL & AS BUILT PLANS AND ELEVATIONS TYPE B		Ref: 11/06 Drawn By:	Rev: 01/2A Rev.

Revisions Date	Suffix	Description	Date	Suffix	Description

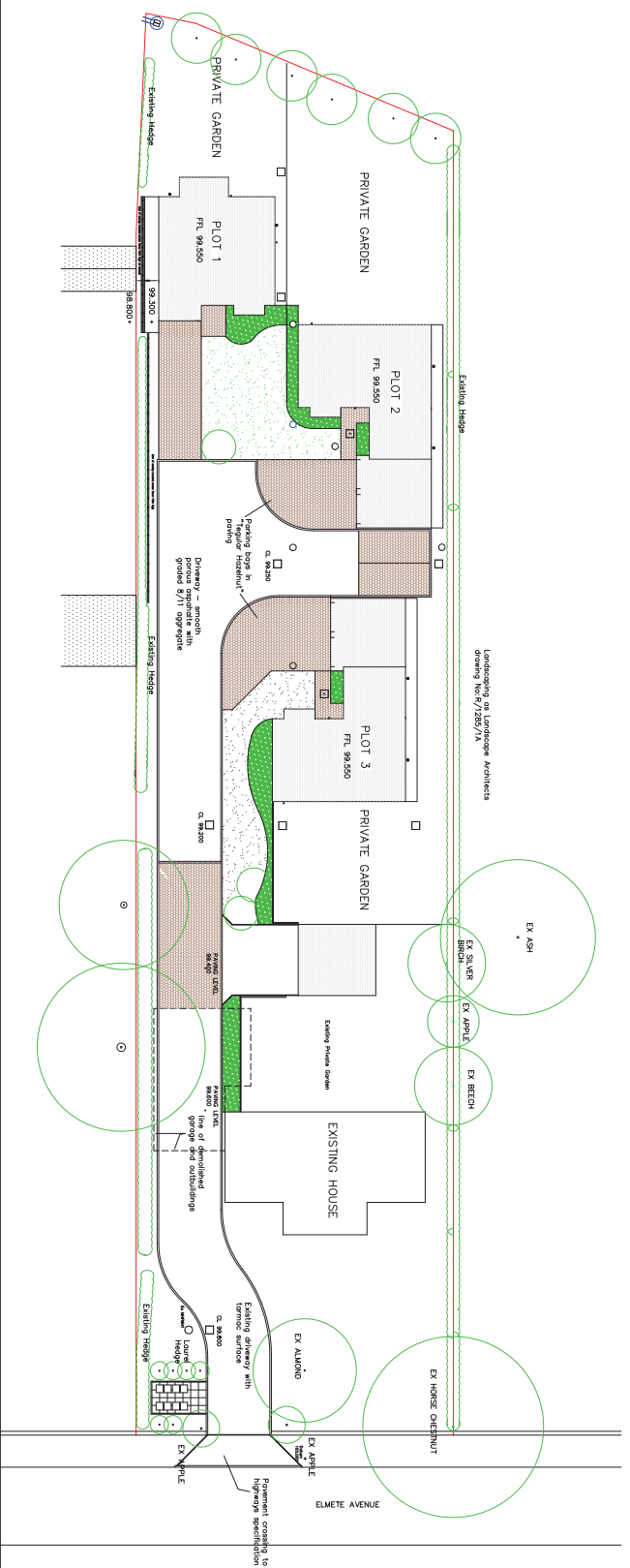




T J BUILDING DESIGN LTD 1A, Oxford Drive, Kippax, Leeds LS25 7JE Tel: 0113 2863617 mobile: 07802771692 e-mail: tjbuildingdesign@btinternet.com	
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Date: APRIL 2012 Drawn By:	Scale: 1:50 & 1:100 @A1 Checked:
Ref: 11/06 Draw. No. 003 Rev. D	Plans and Elevations TYPE B

Date	Revisions	Description	Date	Suffix	Description
09/02/2011	A	As per schedule			
20/02/2012	B	Draw and elevations. Screen fence and wall to site boundary			
04/04/2012	C	As per schedule and types for materials. Screen fence raised			
	D				





Revisions	Date	Surfix	Description	Date	Surfix	Description

TJ BUILDING DESIGN LTD
 1A, Oxford Drive, Kippax, Leeds LS25 7JL
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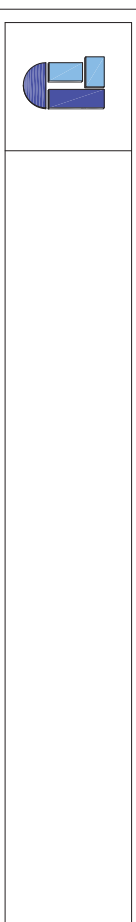
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 PLOT 1, ELMETE AVENUE
 SCHOLES

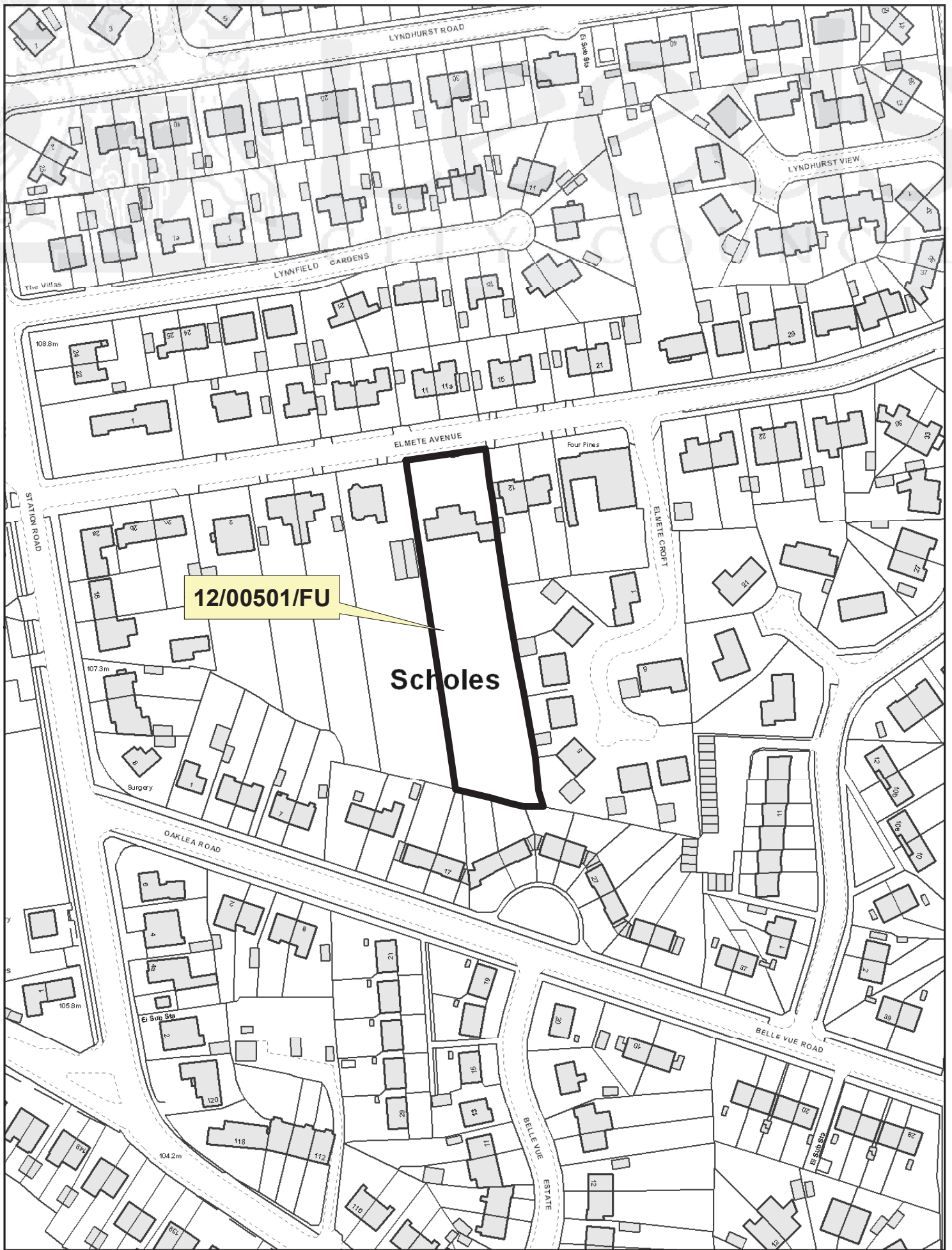
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Date: JANUARY 2012
 Drawn By: [Name]
 Checked: [Name]
 Scale: 1:200 @A1

Ref: 11/06
 Dwg. No: 011
 Rev: [Number]





12/00501/FU

Scholes

EAST PLANS PANEL



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