



Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 31st October 2013

Subject: 13/9/00161/MOD - Non Material Amendments to application 11/01051/FU for three replacement dormer windows to front, replacement dormer window to rear, and reduction in height of existing two storey front extension at 61 High Ash Avenue, Alwoodley, LS17 8RS

APPLICANT

Mr M Shabir

DATE VALID

7th October 2013

TARGET DATE

1st November 2013

Electoral Wards Affected:
Alwoodley

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: APPROVE the Non Material Amendment to the approved scheme 11/01051/FU

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel given the long application and enforcement history associated with the property. The non material amendment is brought back to panel for Member's consideration and as a means to resolve the present position rather than request a fresh application which would involve further delay.
- 1.2 The application was considered by Members on 3rd November 2011 and following extensive negotiations a scheme was approved which addressed the concerns which had been raised as a result of the unauthorised development that had taken place at the property.
- 1.3 Since the application was approved the property has been sold and a new owner has commenced development to undertake the works required. The works to the

rear elevation have been completed in accordance with the planning permission. As the build has progressed a number of issues have arisen which has resulted in the development to the front elevation not being in accordance with the planning permission. Work has stopped on site and discussions have been held with the owner regarding the practical issues they have experienced. There are two issues, firstly the dormer windows are deeper and in a slightly altered position than approved and secondly the eaves height of the front gable is higher than the approved scheme. The owner has been advised that what is currently built is not acceptable but has submitted an alternative non-material amendment showing changes to the front elevation

- 1.4 There has been extensive consultation with the adjoining owners regarding the works at the premises who have been kept informed of the work as it has progressed on site and the proposed changes. Whilst they welcome the works done to the rear which have substantially improved their amenity they do not agree to the works to the front and consider that the previous approval was reached following extensive negotiation, that the new owner was fully aware of what needed to be done when purchasing the house but that the plans have not been followed and the works should be amended so that they comply with the previous approval. The adjoining owners accept that the alterations to the front do not directly affect their amenity but consider that the streetscene is adversely affected.

2.0 PROPOSAL:

- 2.1 The scheme has been progressing on site over the last four months, the rear elevation and extension of the roof to the side has been completed in accordance with the planning permission. The front gable has been set back by 1.15m and the ridge height of the front gable has been lowered, all in accordance with the approved plans. The amendments relate to the eaves height of the proposed front gable elevation and the finished sizes of the dormers which are larger than approved with amended glazing detail.
- 2.2 In detail, the approved eaves height is proposed to change from 3.4m to 3.8m giving an extra 40 cm of headroom internally. The eaves height, as built, is currently 4.4m and 1.0m higher than the approval. The dormer windows are located in slightly altered positions to the approved plans and are higher. (2.0m high as opposed to 1.65m) There is a resulting reduced set back from the front eaves. As built there is more tile cladding to the front of the dormers than approved. The non material amendment seeks to retain the dormers in the positions as built but replace the windows with larger windows to reduce the area of tile cladding to the dormer fronts.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to what was a modest stone bungalow with a tiled roof. The dwelling is set within a residential area characterised by similarly designed dwellings. Although there has been development of some properties over the years most retain their original basic shape and form, and there is a consistent and regular streetscene in which bungalows and dormer bungalows are separated from their neighbours by gaps of varying size. The bungalows have a simple form with the majority having a rectangular footprint and a gabled roof. They are set back from the highway behind small, open front gardens.
- 3.2 Although the dwellings do retain their original basic shape, extensions and additions over the years have changed the character of some dwellings. Gabled two storey

front extensions are present within the immediate vicinity, at numbers 66, 70, 51, 53, 55 and 79 High Ash Avenue. Dormers are a common feature within the streetscene, with properties such as 17 High Ash Avenue having four peaked dormers to its front roof plane.

- 3.3 The main amenity space of the dwelling is set to the rear where a private garden is enclosed by fencing and vegetation. Between the application site and 63 High Ash Avenue there is a hedge and a 2.0m high fence. Between the dwelling and 59 High Ash Avenue there is more substantial vegetation.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 In 2002 the applicant sought permission for a substantively similar scheme to that which has been constructed. A large two storey front gable, two large wall dormers and a large rear dormer were refused planning permission. The subsequent appeal was dismissed.

- 4.2 In 2003 consent was granted for two small dormer windows to the front, a large front porch and a large rear dormer. Permission was granted with the case officer noting that similar structures to the porch and dormer were present within the streetscene, whilst to the rear the dormer was largely PD.

- 4.3 At some point after 2003 structures were built without the benefit of planning permission.

- 4.4 In 2005 an enforcement notice was issued. This was appealed and upheld with some minor amendments to its text. To date the enforcement notice has not been complied with.

- 4.5 In 2007 two applications were submitted to the LPA. One was returned as no fee was paid. The second was refused. This second application sought to marginally reduce the existing structures. During the progress of the application extensive negotiations were entered into. These negotiations established that, in order to consider approval:

- the front dormers must be significantly smaller and retain more of the roof;
- the front gable must be reduced in scale so that it resembles a porch;
- the rear dormer must be inset from the verges of the roof so that there is an obvious distinction between the side elevation and the side of the dormer;
- the materials of the rear dormer must be altered.

- 4.6 In 2010 the Council successfully prosecuted the applicant for non compliance with the 2005 enforcement notice. A substantial fine was levied and costs were awarded.

- 4.7 Another application was submitted in late 2010. This was refused. This sought to lower the height of the front gable, extend the front roof plane and reduce the scale of the front dormers. This was refused for the following three reasons:

- 1) The Local Planning Authority consider that the proposed alterations to the unauthorised front gable, front dormers and rear dormer as well as the proposed single storey front extension are incongruous and alien additions to the dwelling which fail to adequately respect the scale and form of the original property and which harm its character. The property also remains an obvious, incongruous and alien feature within the immediate streetscene and is considered harmful to the character and appearance of the locality.

The application is therefore contrary to policies GP5 and BD6 of the Unitary Development Plan Review and PPS1 Delivering Sustainable Development.

- 2) The Local Planning Authority considers that the rear dormer remains an unacceptable addition to the property by virtue of its overall size, scale, massing and materials in close proximity to the common boundary with neighbouring dwellings. As such it remains a feature which unreasonably asserts its presence and is thus detrimental to the residential amenity of the occupants of said dwelling. As such it is contrary to policy GP5 of the Unitary Development Plan.
- 3) The submitted details contain various inaccuracies and inconsistencies and are insufficient to allow an appropriate and accurate assessment of what is proposed, and also to allow accurate conditions to be drafted. As such the applicant has failed to demonstrate that the proposed extension can be accommodated on the site without causing harm to the character and amenity of the property and the wider area. The proposal is therefore considered to be contrary to policies GP5 and BD6 of the Leeds Unitary Development Plan (Review) 2006 and the guidance in Supplementary Planning Document: Street Design Guide.

4.8 In April 2011 a further application was submitted (Ref 11/01051/FU) Following extensive discussions this was considered by Members on 3rd November 2011 and subsequently approved following some further discussion regarding accurate plans and details. Following this grant of planning permission the property has been sold to a new owner who has commenced work at the property to implement the planning permission.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Detailed discussions have been undertaken with the owner as the build has progressed and the site has been regularly monitored throughout the build.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The occupants of 63 High Ash Avenue refer to the long history of the site and raise concerns that further alterations are now proposed despite the lengthy discussions that took place in relation to the planning application and note that the applicant was fully aware of the requirements of the planning permission when the property was purchased. Concerns regarding the accuracies of the plans are also raised as are the effect of the alterations on the character of the immediate streetscene.

7.0 CONSULTATIONS RESPONSES:

7.1 None

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD.

Local Policy:

Unitary Development Plan (Review 2006) Policies:

Policy GP5: General planning considerations

Policy BD6: General planning considerations

Supplementary Planning Documents:

Householder Design Guide

- 8.2 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;

Emerging Local Development Framework Core Strategy

- 8.3 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 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination commenced in October 2013. As the Council has submitted the Publication Draft Core Strategy for 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.

National Planning Policy Framework

- 8.4 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.

9.0 MAIN ISSUES

1. Design and Character
2. Residential Amenity
3. Representations

10.0 APPRAISAL

Design and Character

Front dormers

- 10.1. The applicant seeks to amend the overall size and glazing arrangements of the front dormers. The approved application sought to break up two heavy box type dormers which dominated with entire roof space with three smaller dormer windows. The property now features three smaller dormers. However, the work that has been undertaken is not in complete accordance with planning permission. The two dormers to the left side (west) of the gable are in slightly altered positions and all three dormers are higher by 350mm than the approval. It is proposed to retain the dormers as built but insert larger windows in them to reduce the amount of tile hanging to the front.
- 10.2 The changes which have been made to date have significantly reduced the scale and mass of the front dormers. Unfortunately rather than remove the previous dormers and begin afresh it appears that the builder has sought to work with and adapt the previous dormers. The eastern most dormer has been reduced from 4.2m in length to just 2.4m, with the bulk of this reduction to its eastern side, thus pulling the dormer away from the side gable of the dwelling, giving a 1.6m distance to the edge of the roof, allowing the dormer to sit appropriately within the roof plane. The dormer has also been moved a little further away from the front gable, giving just under a metre of space between the two structures. This has resulted in a more comfortable relationship with the existing dwelling where the roof is clearly identifiable.
- 10.3 To the western side of the dwelling the dormer has been changed from one long, single structure into two smaller dormers. As with the eastern dormer these have also been moved away from the gable and there is now more space between the two elements. The distance from the front gable is increased. The change from one single structure into two smaller dormers has significantly reduced the massing and allows much more of the roofscape of the dwelling to be visible, and thus the basic shape and form of the property to be more legible.
- 10.4 The dormers have also been reduced in height, and are now set down 0.8m from the ridge of the property and thus comply with the usual request to set such structures at least 0.5m from the ridge line. The dormers are proposed to be altered further so that their front face is almost wholly glazed. Whilst this will increase their vertical emphasis this is not considered visually significant in the wider context. The removal of the tile hanging to the fronts of the dormers significantly lessens their visual massing and also helps to reduce the degree of visual clutter. The glazed frontages mean that the dormers will be less obtrusive and will blend in better with the roofscape of the dwelling.
- 10.5 Given the changes that have taken place and the further alteration proposed to alter the glazing of the windows as built it is considered that the dormer windows sit appropriately within the streetscene. Glazed, box dormers are a reasonably common feature along High Ash Avenue and are prevalent enough that this is now part of the character of the street. As noted in the Site and Surroundings other dwellings do have a number of dormers to their front roof plane, with number 17 having four, peaked roof structures. This then means that the dwelling will not stand out within the locality, and will appear as a dormer bungalow set alongside other extended and altered dormer bungalows.
- 10.6 The front dormers are therefore considered to be appropriate additions. They have been altered and are significantly less visually obtrusive and resemble the type of structure which the council regularly approves and is characteristic of a number of properties within the streetscene.

Front gable

- 10.7 The applicant seeks to amend the approved eaves height of the front gable . The alterations to the ridge height and front projection are the same as the approved planning application. The approved planning application had the minimum height possible for the staircase to the upper floor to meet Building Regulations requirements. In practical terms as the build has progressed this manifests itself as a tightly enclosed space to access the upper floors and whilst it is technically possible to accommodate the staircase it is not desirable internally. The applicant has therefore requested that if the eaves height were higher this would allow for a greater ceiling height internally to create a more pleasant environment to access the upper floor.
- 10.8 The reduction in ridge height and projection of the front gable has significantly reduced the visual impact on the host property. At present however, the eaves height is 1.0m higher than approved and the resulting pitch is at odds with the host. The proposed amendment seeks to reduce the eaves height by a further 600mm thus steepening the roof pitch to be more akin with the pitch of the roof as approved. (This would result in the eaves height being 400mm higher than approved in total)
- 10.9 The key issue is whether the scale and form of the altered gable is harmful to the appearance of the property and the character of the wider streetscene. The amendment proposed will result in the eaves height being 400mm higher than approved. The ridge height and front projection are proposed to remain the same as the planning approval. Front gables are present within the immediate streetscene. A large two storey front extension has been recently approved at 64 High Ash Avenue which has a projection of 2.0m, and which lies nearly opposite the application site. Other similar forward projecting gables are visible at numbers 66, 45, 51 and 55 (to note but a few), with all these properties having a gable which is both taller than that currently proposed, and which has a greater projection. These properties often have dormer windows to their front elevations. Given that there are other similar structures within the streetscene which are of a similar, if not larger scale, the gable , with increased eaves height , is considered to be an in keeping addition. It is therefore not considered to be harmful to the character and appearance of the property nor the wider locality.
- 10.10 As such it is considered that the amended front dormers and the gable are appropriate structures within the streetscene. They are not significantly different than the approved scheme to justify withholding approval, nor is their impact on the streetscene increased. They are similar to other extensions which have been built and will not look out of place. It is also noted that officers are of the opinion that no compromises have been proposed because the structures are already built. Were the application to be proposed in its current form as a fresh matter, with the property as it once was, approval would be recommended.

Residential Amenity

- 10.11 It is considered that the changes proposed for the non material amendment have no impact on the residential amenities of nearby occupiers.

Representations

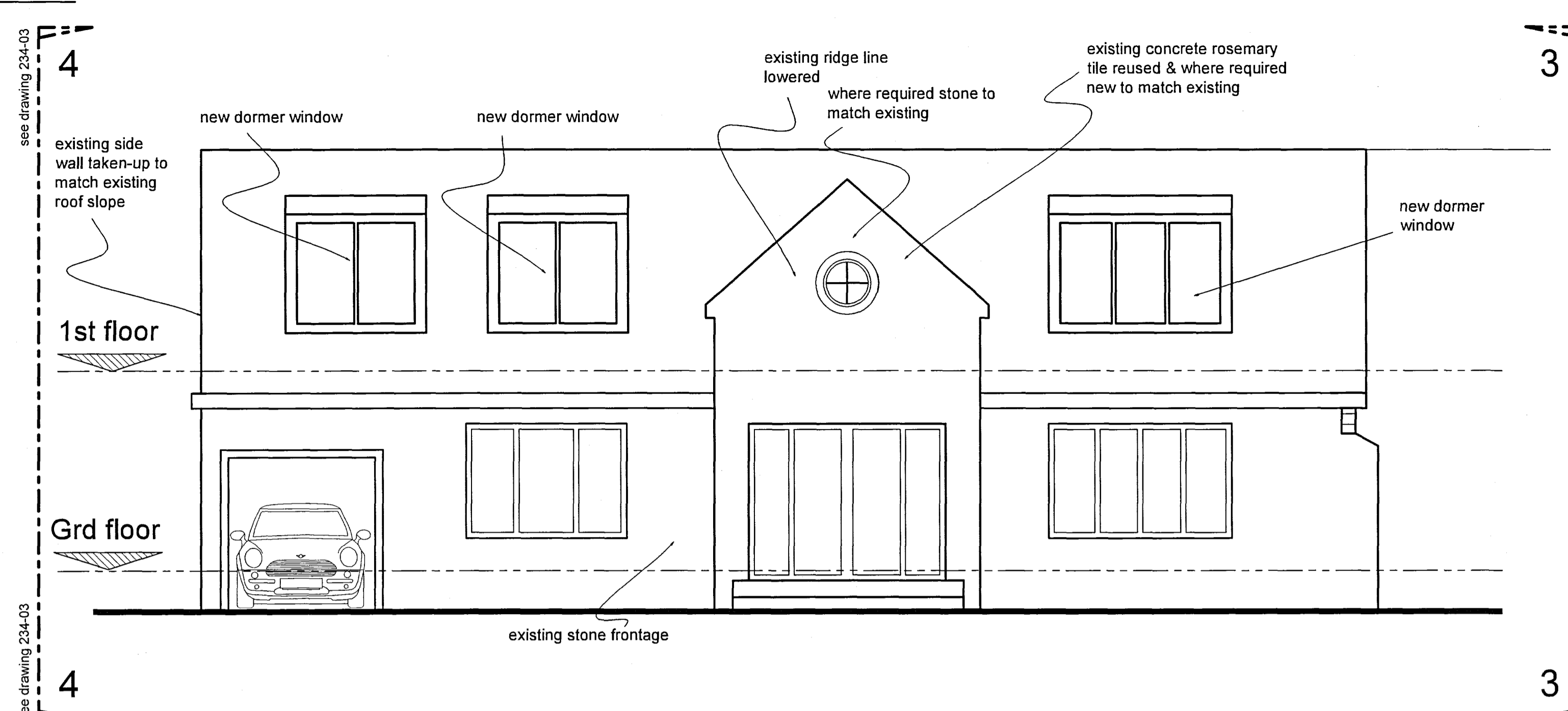
- 10.12 All material planning considerations raised through representations have been discussed above.

11.0 CONCLUSION

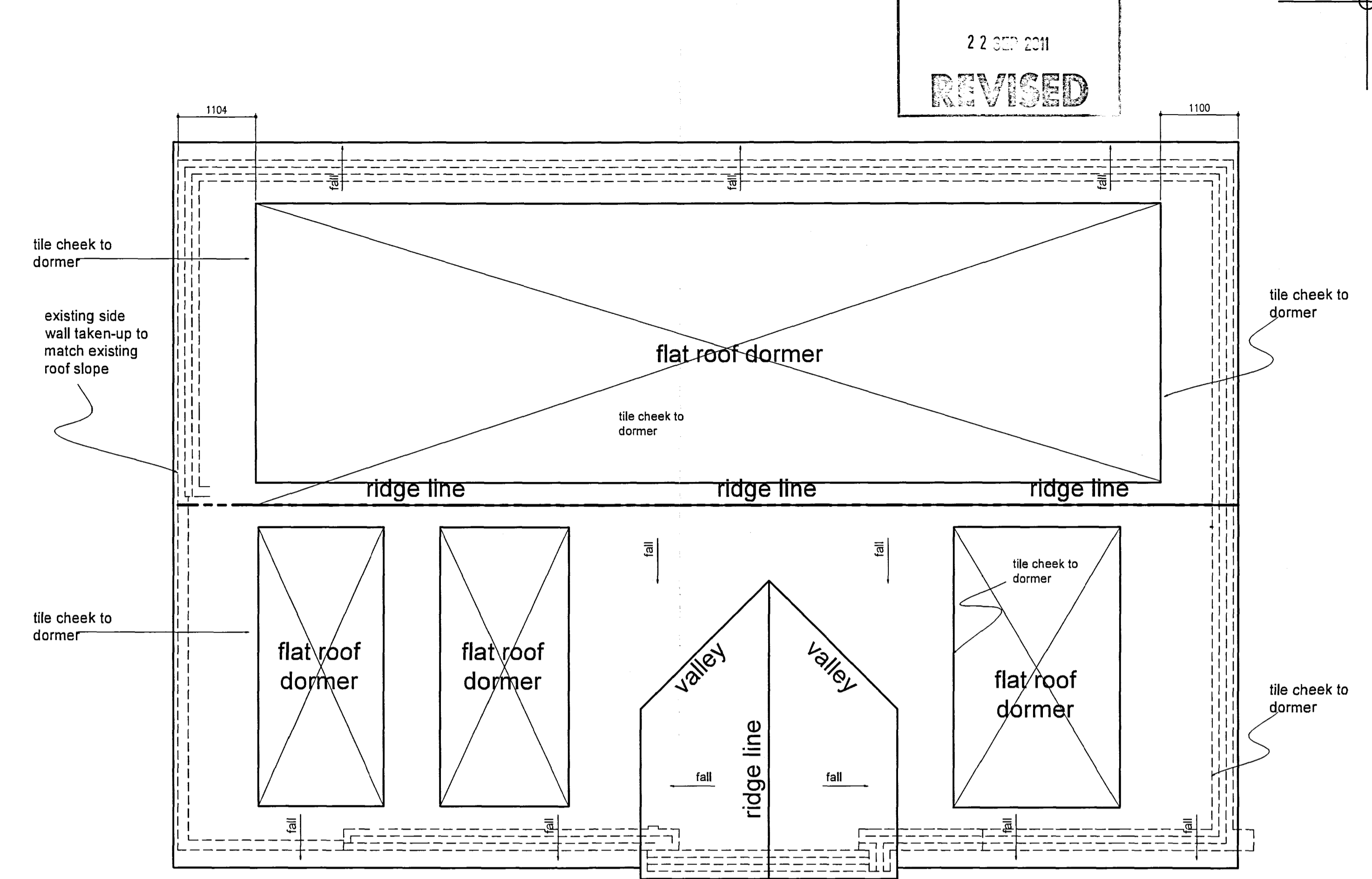
- 11.1 The proposed amendments are recommended for approval. The alterations to the front dormers and front gable are not considered to impact upon the streetscene sufficient to recommend refusal and are not considered significant in relation to the level of alteration that has been undertaken. The relatively minor amendments now proposed are considered a pragmatic solution to bring the long history of planning breaches at this site to a speedy conclusion.

Background Papers:

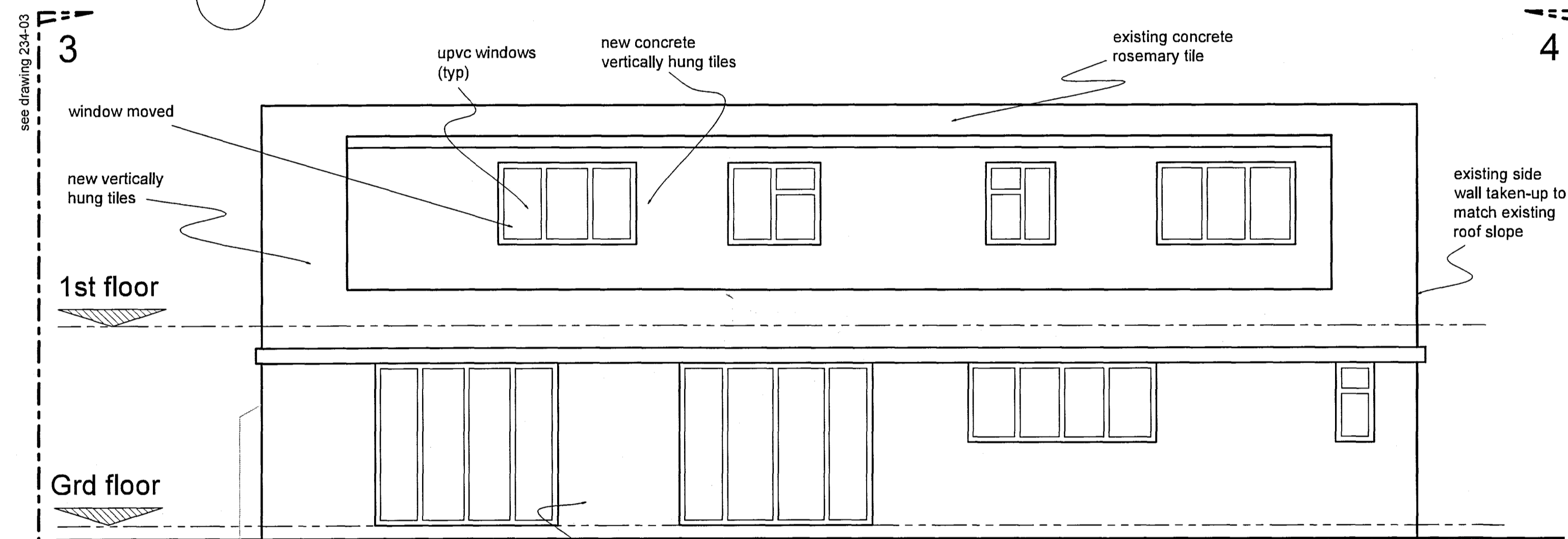
Application file: 11/01051/FU



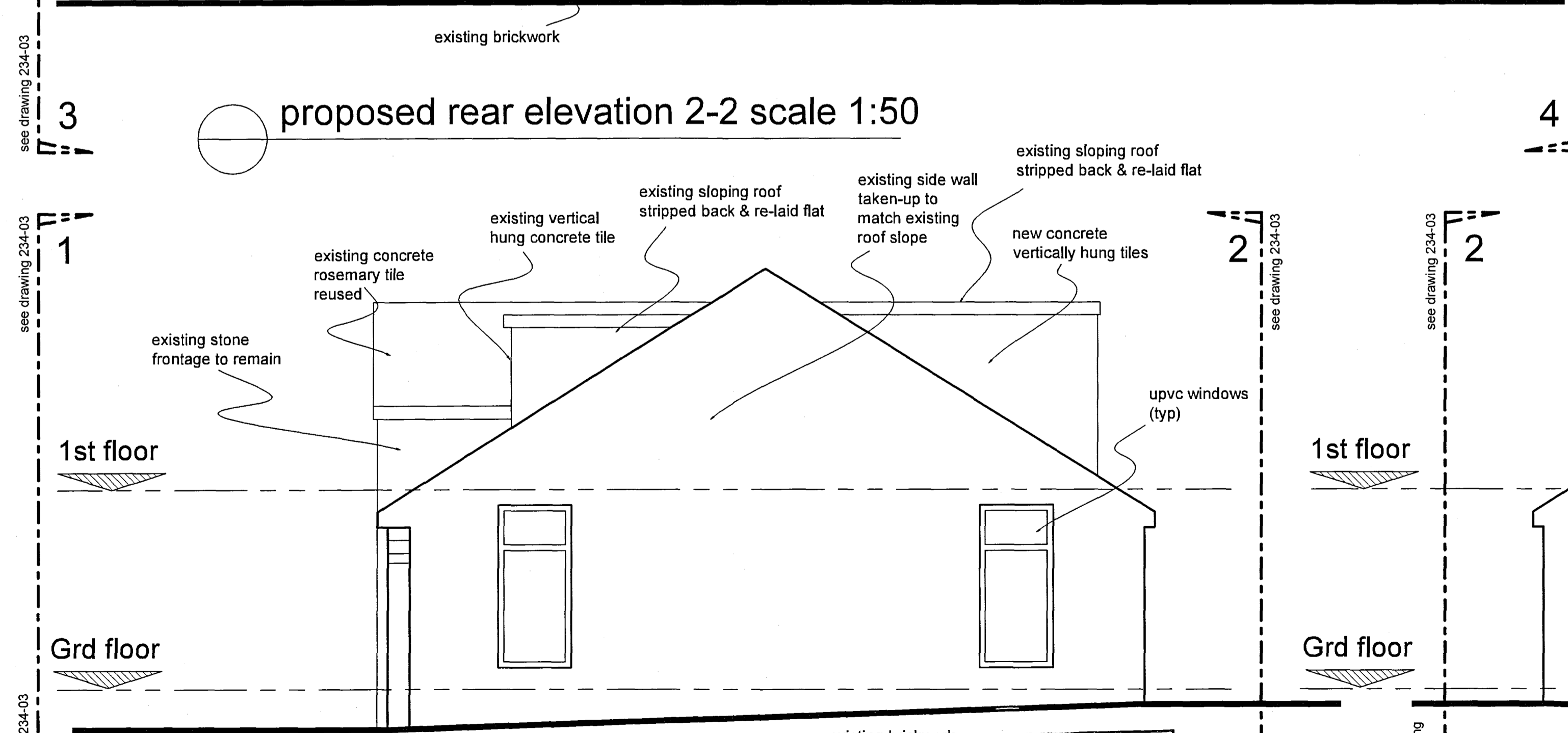
proposed front elevation 1-1 scale 1:50



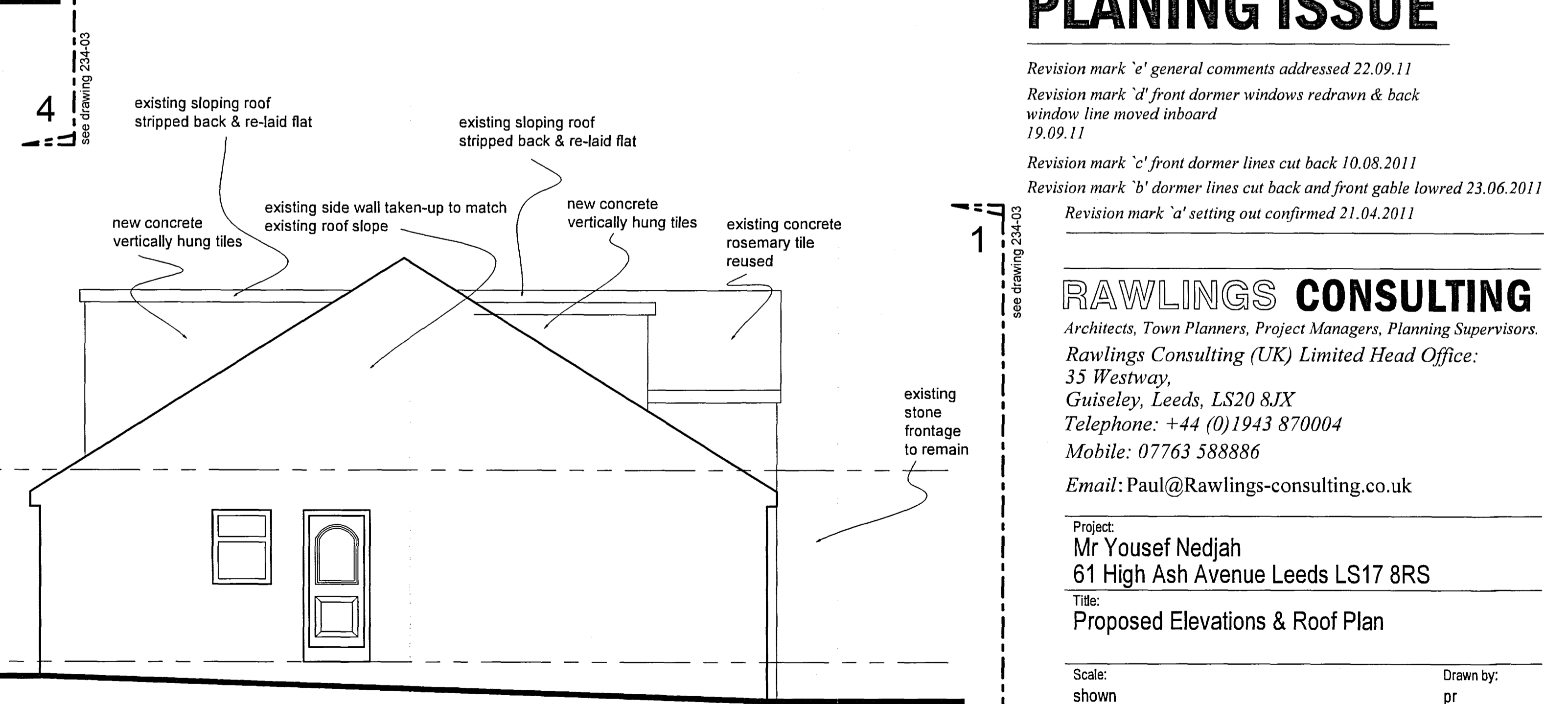
proposed roof plan scale 1:50



proposed rear elevation 2-2 scale 1:50



proposed side elevation 3-3 scale 1:50



proposed side elevation 4-4 scale 1:50

PLANNING ISSUE

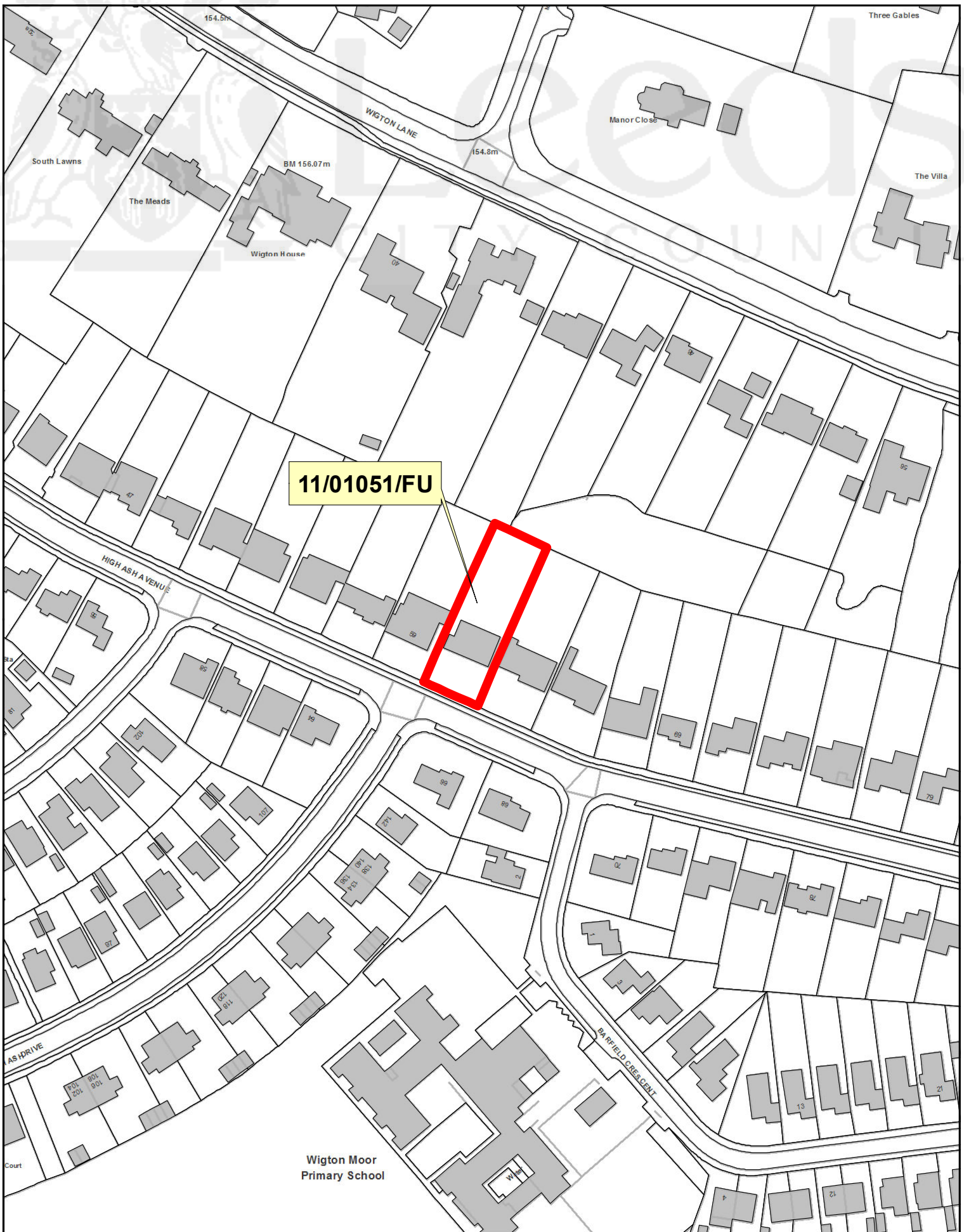
Revision mark 'e' general comments addressed 22.09.11
 Revision mark 'd' front dormer windows redrawn & back window line moved inboard 19.09.11
 Revision mark 'c' front dormer lines cut back 10.08.2011
 Revision mark 'b' dormer lines cut back and front gable lowred 23.06.2011
 Revision mark 'a' setting out confirmed 21.04.2011

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Project:
 Mr Yousef Nedjah
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 Title:
 Proposed Elevations & Roof Plan

Scale: shown	Drawn by: pr
Date:	Checked by:
Drawing No: 234-06	Rev: E



11/01051/FU

NORTH AND EAST PLANS PANEL

