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**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 30<sup>h</sup> January 2014**

**Subject: APPLICATION 13/05787/FU – Part Two Storey, Part Single Storey Extension to rear of detached House at 9 Lawns Green, New Farnley, Leeds.**

**APPLICANT**

Mrs A Andrews

**DATE VALID**

17 December 2013

**TARGET DATE**

11 February 2014

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**Electoral Wards Affected:**

**Farnley & Wortley**

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**REFUSE PERMISSION for the following reasons.**

- 1) The Local Planning Authority considers that the proposed rear extension would, due to its position on the boundary with Number 11 Lawns Green and its depth and height, have an overbearing and over-dominant impact on the occupants of that property, to the detriment of residential amenity, contrary to Policy GP5 of the Leeds Unitary Development Plan Review (2006), supplementary planning guidance within Policy HDG2 of the Householder Design Guide SPD, and the aims of the National Planning Policy Framework.

**1.0 INTRODUCTION:**

- 1.1 This application is presented to Plans Panel at the request of Councillor Hardy with regard to the potential impact on neighbours.

**2.0 PROPOSAL:**

2.1 This application is for a part two storey, part single storey extension to the rear of a detached house.

### **3.0 SITE AND SURROUNDINGS:**

3.1 The site comprises a modern detached house of principally brick construction with a pitched roof. The house has a narrow driveway to the Northern side and directly abuts the boundary of the neighbouring property on the Southern side.

3.2 The house has a flat roofed single storey extension to the rear extending across part of the rear of the property. The house has a detached garage to the rear and a relatively spacious rear garden which extends by an average of 13 metres from the outermost rear elevation.

3.3 The house adjoins similar properties to either side. The house to the south, 11 Lawns Green, has a single storey extension across the full width of the rear of the house and the house to the north, 7 Lawns Green, has a small single storey flat roofed extension. . The house is typical in form and design of others within the street and is in a wholly residential area.

### **4.0 RELEVANT PLANNING HISTORY:**

13/04534/FU – Part two storey, part single storey rear extension. Refused on 2 December 2013, Reason: Adverse impact on neighbouring property due to over dominance.

### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 This application follows a 2013 proposal which was refused consent for the following reason:

The Local Planning Authority considers that the proposed two storey rear extension would, due to its position on the boundary with Number 11 Lawns Green and its depth and height, have an overbearing and over-dominant impact on the occupants of that property, to the detriment of residential amenity, being thereby contrary to Policy GP5 of the Leeds Unitary Development Plan Review (2006), supplementary planning guidance within Policy HDG2 of the Householder Design Guide SPD, and the aims of the National Planning Policy Framework.

5.2 During the application process for the previously refused application, a second site visit was carried out so as to allow a more detailed appraisal of the neighbouring properties and the potential impact on amenity of a rear first floor extension. Following this meeting, the agent for the application was advised that an application to extend the property at first floor would only be likely to receive Officer support if such an extension were inset from the site boundaries by at least 2 metres, in line with the recommendations of the Householder Design Guide SPD.

### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been publicised by means of Neighbour Notification letters to 8 local properties. Two letters of representation have been received, which are

objections from the neighbouring properties at Number 7 and 11, on the grounds of over dominance, design and potential impact on property values.

## **7.0 CONSULTATION RESPONSES:**

None

## **8.0 PLANNING POLICIES:**

8.1 The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan Review (2006). Relevant policies in the Local Development Framework must also be taken into account. Section 38(6) of the Planning Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### 8.2 Local Policy

8.2 Relevant Leeds Unitary Development Plan (Review) 2006 Policies:

- GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD6 requires all alterations and extensions to respect the scale, form, detailing and materials of the original building.
- Householder Design Guide SPD:
  - 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. It helps to put into practice the policies from the Leeds Unitary Development Plan in order to protect and enhance the residential environment throughout the city.
  - Policy HDG1 of this document relates to design and appearance and states that alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
  - Policy HDG2 of this document states that development proposals should protect the amenity of neighbours.
  - This document was approved by LCC Planning Board in April 2012.

### 8.5 Draft Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 and the consultation period closed on 12<sup>th</sup> 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 26<sup>th</sup> 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 examination.

### 8.6 National Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and contains policies on a range of issues.

10.1 In respect of design it states that permission “should be refused for development of poor design that fails to take the opportunities available for the improving the character and quality of an area and the way it functions.” 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 GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity”. Leeds Unitary Development Plan Policy BD6 states that “all alterations and extensions should respect the form and detailing of the original building”. This advice is elucidated and expanded within the Householder Design Guide.

## **9.0 MAIN ISSUES:**

- Neighbouring residential amenity
- Design and character
- Comments submitted by the applicant
- Representations

## **10.0 APPRAISAL:**

10.1 This application is a resubmission of an application which was refused under delegated powers in December last year. The applicant has amended the proposal to reduce the depth of the two-storey element of the extension by 0.85m on the side which abuts 11 Lawns Green, thus seeking to lessen the impact on the neighbour and overcome the previous reason for refusal.

10.2 What is now proposed is an extension which would be partly over the existing ground floor extension, partly two storey and partly single storey. The first floor element of the proposed extension projects by 2.75m on the side nearest number 7 and by 1.9m on the side nearest Number 11. There is a 2m gap between the side of the house and Number 7 but the house directly abuts the boundary with Number 11. On the boundary with number 11 there would therefore be a further rearwards projection of 1.9m for the first floor element and 2.75m for the single storey element. The impact on the neighbour is mitigated to an extent by the presence of a single storey extension to the rear of number 11, and the proposed 2 storey element of the proposed extension would project out no further than that existing extension. This means that there would be no impact of significance on the rear windows to that property. There would nonetheless be a significant area of 2 storey walling which would be directly on the neighbour’s boundary which it is considered would appear overbearing to those occupiers. The Council’s Householder Design Guide states (p29) (with regard to 2 storey extensions) that “If the site is level and the rear elevations are flush a 3.0m depth may be possible if the extension is set a minimum of 2.0m away from neighbouring boundaries. Two storey extensions must always be a minimum of 2.0m away from boundaries to qualify as Permitted Development – i.e. classes of development which can be carried out without planning permission.

10.3 With regard to potential overshadowing, the proposed extension faces due East, with a maximum 2.75 metre projection at first floor level. An assessment of shadows has been carried out which indicates that the extension would not cause

overshadowing to Number 11. The proposed extension would result in some limited increase in shading to the garden of Number 7 during the early afternoon. This would, however, be mitigated by the position of a single storey rear extension at Number 11 and further mitigated by the position and height of the garage at the host property which would already cast a shadow at that time. It is concluded that the additional shadowing would be fairly minimal and would not in itself amount to grounds for refusal of the application.

- 10.4 With regard to privacy, no windows are proposed which would result in direct overlooking of adjacent properties.
- 10.5 The proposed extension is at the rear, with matching materials proposed. As such, its design is not considered to raise any concerns with regard to design and appearance in the street scene.
- 10.6 The applicant has submitted additional supporting documentation which refers in depth to the Householder Design Guide SPD. The applicant states that the proposal complies with matters pertaining to the 45 degree rule, that its design is acceptable due to the extension being at the rear and further states that the extension is so positioned as to be more than 2 metres from the neighbouring property at Number 11 and thus will not be unduly harmful, and also states that similar developments have been approved in the locality.
- 10.7 It is agreed that the 45 degree rule (which is referred to in the Householder Design Guide as a means of assessing the impact of proposed extensions on neighbouring windows) is satisfied by this proposal but this is not the concern here. As described above, the concern is with regard to what is considered would be the overbearing impact on the neighbouring property of a two storey extension built on the party boundary.
- 10.8 Although other examples of large extensions exist in the locality, the examples quoted are of such an age as to pre-date the adopted Householder Design Guide SPD. The Householder Design Guide SPD has been formulated as a positive way forward, and to set a clear benchmark against which to assess new proposals, having been formally adopted as supplementary planning guidance in 2012. As such, it is considered that the requirements of the SPD carry significant weight and that current proposals which do not meet the criteria set out in that policy will not normally be acceptable notwithstanding that there may be historic extensions which would breach that policy.
- 10.9 Two letters of representation have been received. These are from the neighbouring properties at Numbers 7 and 11 Lawns Green. Both letters are objections on the grounds of over dominance, design and potential impact on property values. The issues of design and over dominance are discussed above. Issues relating to potential impact on property values are not a material planning consideration.

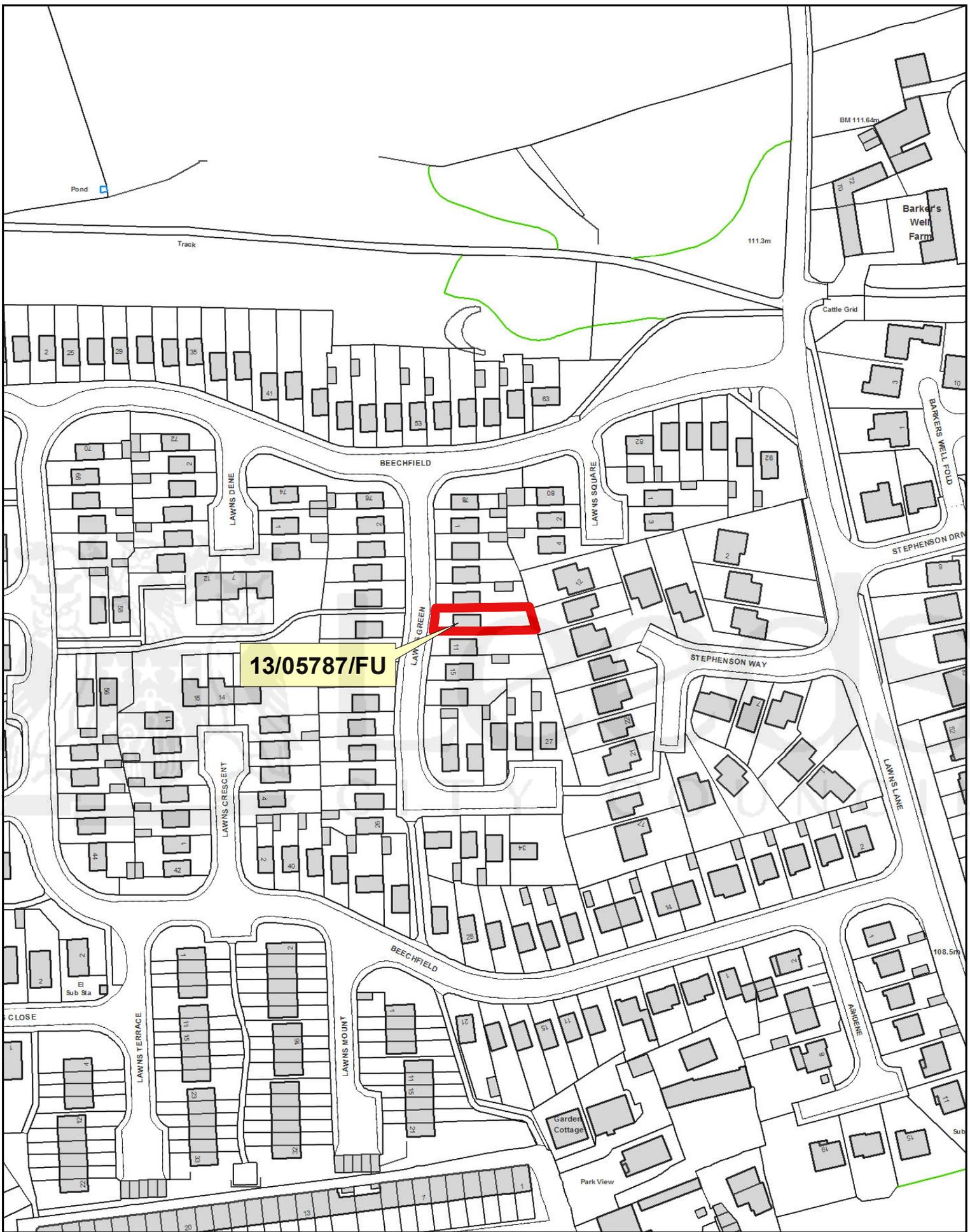
## **11.0 CONCLUSION:**

- 11.1 It is concluded that the development would be harmful to the residential amenities of the occupiers of the adjacent property and would not accord with the provisions of the Unitary Development plan Review 2006, policy GP5, or the provisions of the Householder Design Guide SDP, and refusal is therefore recommended.

**Background Papers:**

Application file;

Certificate of Ownership.



# SOUTH AND WEST PLANS PANEL

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