



## Report of the Chief Planning Officer

### PLANS PANEL NORTH & EAST

Date: 20<sup>th</sup> February 2014

**Subject: Planning Application 13/02873/FU – APPEAL by Mr Hussain against the decision of Leeds City Council to refuse planning permission for an amendment to the length of the first floor and window positions and window materials of the approved annexe building under planning application 12/01597/FU at 11 Old Park Road, Roundhay.**

The appeal was dismissed.

#### Electoral Wards Affected:

Roundhay

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

Members are asked to note the following appeal decision.

### 1.0 BACKGROUND

1.1 This application sought Planning Permission for amendments to an existing annexe building as agreed under a previous planning application (Council reference 12/01597/FU) by increasing the length of the first floor by approximately 1.25m, re-positioning of the proposed windows in the north-west elevation, use of brown uPVC windows and a change to the window design. Permission was originally granted in February 2007 for a detached two storey building with a double garage and games room to the ground floor with a one bedroom 'granny flat' above, to replace a detached single storey garage which formerly stood to the rear of the dwelling. The approved building included the retention of a small single storey garden store which stood to the rear of the former garage. The annexe has not been constructed in accordance with the 12/01597/FU approval and generally reflects the development subject to this appeal. Therefore this appeal relates to an unauthorised annexe building which stands in the rear garden of an existing dwelling at 11 Old Park Road in Roundhay.

## **2.0 ISSUES IDENTIFIED BY THE INSPECTOR**

2.1 The Inspector identified the main issue to be: *The effect of the proposed development on the character and appearance of the Roundhay Conservation Area.*

## **3.0 SUMMARY OF COMMENTS BY THE INSPECTOR**

### **Character of the Conservation Area**

3.1 The Inspector noted that the context of the surrounding area is predominantly residential, comprising similar houses and that No.11 Old Park Road sits adjacent to the playing fields of Roundhay School and opposite to Roundhay Park and that it is also located within the Roundhay Conservation Area. The Inspector noted the contents of the Roundhay Conservation Area Appraisal (RCAA) identifying Roundhay Park as one of Leeds' most important historic landscapes, and the relationship between the park and residential development along its fringes as being unusual and worthy of protection. In describing the general characteristics of the Conservation Area the RCAA states that "Long front gardens and a strict building line create a continuous wide strip of open space between the houses and the roads. Glimpsed views between the houses of deep rear gardens are also important to the spatial character of the area". The Inspector acknowledged this and considered the open space and the sense of spaciousness contribute to the overall significance of the Roundhay Conservation Area.

### **Additional scale and massing**

3.2 The appellant pointed out that a similar, albeit smaller, building could be erected on the basis of this extant planning permission (12/01597/FU). The Inspector notes that he was satisfied that as the development has already take place, there is every likelihood that such a building would be built if this appeal was to fail, and it is therefore accepted as a valid fallback position. The Inspectors view was that the "heart" of the dispute focused around the differences between what was previously granted planning permission and what is now proposed. The Inspectors view was that the height, width and the first floor set back to the south western elevation of the proposal are the same as what was previously approved, the length of its first floor would be increased by 1.2m. It was the Inspectors view that this addition would increase the size, scale and massing of the north eastern end of the building and bring it closer to the rear elevation of № 11 Old Park Road.

3.3 This would then result in reduction of the gap and spaciousness between these two buildings. Moreover, this close relationship would be clearly visible from the neighbouring school playing fields and to some degree from Old Park Road and Roundhay Park. The appellant is of the opinion that a first floor set back would appear alien in the street scene. However the Inspector took the view that if it was to be built flush it would have the appearance of a large detached dwelling house rather than be seen as a subservient ancillary structure. As a result its size, scale and appearance would challenge the dominance of the main house on the site.

## **Windows**

- 3.4 The Inspectors notes that a number of dwellings in the surrounding area including № 11 Old Park Road have uPVC window frames however the styles of the majority of the frames that he saw in the near vicinity are of a traditional appearance and white in colour. The Inspector also noted that the style of the proposed windows appear to broadly reflect those found on neighbouring properties, he did not consider the slight repositioning of these openings to be crucial, however, the contrasting brown uPVC wood effect would appear conspicuous in comparison.
- 3.5 The Inspector accepted that the ground floor and first floor windows within the south west elevation of the proposal would not be clearly visible from a number of directions. However, the majority of the other proposed windows would be seen from neighbouring properties windows and garden areas, the Roundhay School playing fields, Old Park Road and Roundhay Park.

## **Conclusions**

- 3.6 The additional scale and massing and the windows as described above would in the Inspectors view, when considered together, would not have a neutral effect on the Conservation Area. By further reducing the gap between the two buildings, and increasing the size, scale and design of the proposal it would conflict with the open spacious character that is of significance to the Roundhay Conservation Area. Whilst the existence of a valid fallback position would result in the harm to the significance of the Conservation Area being less than substantial; the harm would still be material.
- 3.7 Where any harm to the significance of a designated asset would be less than substantial, paragraph 134 of the National Planning Policy Framework (NPPF) states that this harm should be weighed against any public benefits of the proposal. However, no public benefits associated with the proposal have been put forward to be weighed against this harm. As a result the Inspector found that the proposal would fail to preserve the character and appearance of the Roundhay Conservation Area. As such for the reasons set out above the Inspector concluded the proposed development would have a detrimental effect on the character and appearance of the Roundhay Park Conservation Area.
- 3.8 As part of their statement the appellant questioned the compliance of Leeds' UDP policies with the NPPF. The Inspector was not provided with any substantive evidence that would lead him to conclude that the Leeds UDP policies (referred to above) are inconsistent with the NPPF. And he advised that he could find nothing contained within the NPPF that that would lead him to conclude otherwise.
- 3.9 The Inspector also took regard to the previous appeal decisions for 11 Old Park Road for a two storey residential annex (Ref: APP/N4720/C/09/2112514 and APP/N4720/A/09/2114845) and the previous Inspector's findings in regard to the impact on the Conservation Area. He concluded that the design of the development subject to previous appeals significantly differs from the scheme subject to this appeal. The Inspector also found that the 2012 extant planning permission (12/01597/FU) was granted after the previous appeal decision and its circumstances are therefore not directly comparable to those which apply in this case.

## **Decision**

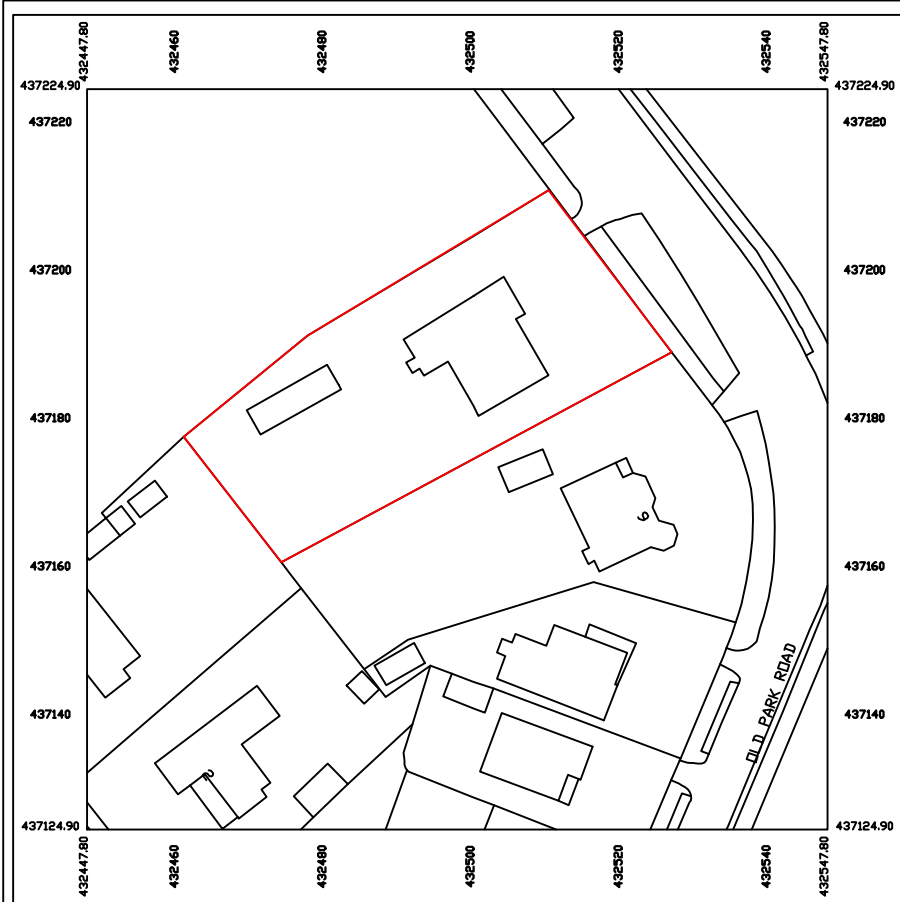
- 3.10 The appeal was dismissed 22<sup>nd</sup> January 2014 for the reasons set out above.

#### **4.0 IMPLICATIONS**

- 4.1 This now means that the appellant must either demolish the building as built as it does not accord with the extant planning permission or the building must be amended and built it in accordance with the extant scheme approved by Members in 2012.
- 4.2 Members will recall that as part of the 2012 approval a Unilateral Undertaking was signed by Mr Abid Hussain stating that *inter alia* “The owner shall make a formal application for the approval in writing of the Local Planning Authority of the details required by conditions 3, 4 and 7 on the Decision Notice.....” and that “The works to bring the Annexe into compliance with the Approved Plans shall be carried out and completed by no later than the date 8 months after the date of approval in writing of the last of these conditions by the local planning authority”.
- 4.3 Conditions 3, 4 and 7 have now been agreed and the 8 month period has been triggered from the date the conditions was agreed (18 December 2013). Therefore the development must be amended to comply with the approved scheme on or before the 18 August 2014.

#### **Background Papers**

Planning Application File  
Inspector’s Decision Letter



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11 Old Park Road  
 Site Location Plan  
 1:1250 @ A3

11 Old Park Road  
 Site Plan  
 1:500 @ A3



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REVISION	DATE	DESCRIPTION	AMD BY	CHK BY
AMENDMENTS				

STATUS:

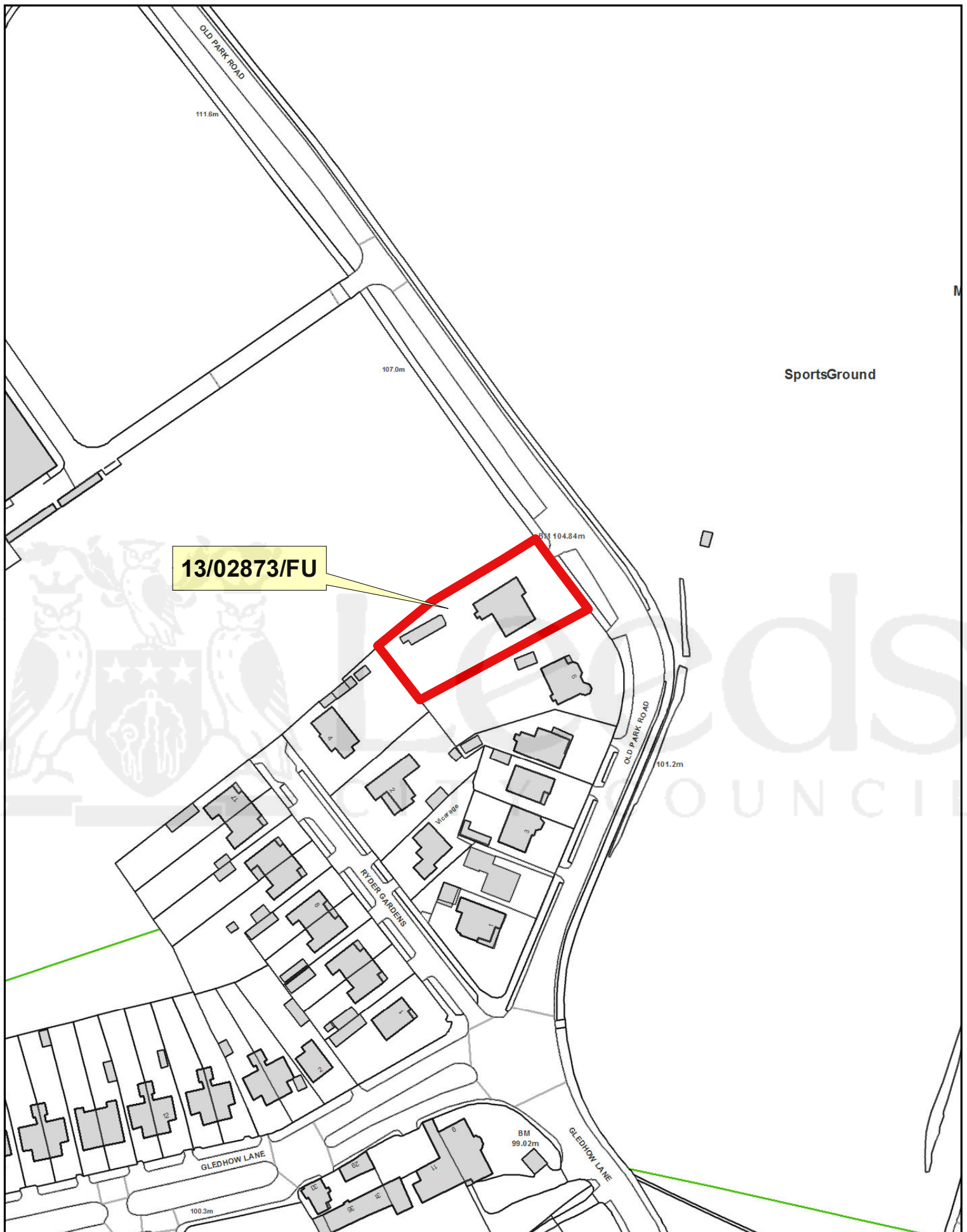
CLIENT:  
**WAJID HUSSAIN**

PROJECT:  
**ANNEXE**

PROJECT NO:  
 11 OLD PARK ROAD, ROUNDHAY, LEEDS LS8 1JT

TITLE:  
**SITE LOCATION PLAN**

DRAWN BY:	CHECKED BY:	APPROVED BY:
-	-	-
DATE:	SCALE:	SHEET SIZE:
<b>JUN 13</b>	<b>VARIOUS</b>	<b>A3</b>
PROJECT NO:	DRAWING NO:	REVISION:
-	<b>02</b>	-



# NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

