



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 3rd April, 2014

Subject: APPLICATION 13/05700/FU – First floor side extension at 56 Eden Crescent, Kirkstall, Leeds. LS4 2TW

APPLICANT

Mr M Zaffer

DATE VALID

11 December 2013

TARGET DATE

05 February 2014

Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Approve subject to the following conditions:

- 1) Standard three year time limit.
- 2) Development to be carried out in accordance with the approved plans.
- 3) Materials to match the existing.
- 4) Rear facing bedroom window to be obscurely glazed.
- 5) No new side windows.
- 6) Car parking area to have permeable surface and to be laid out prior to the first occupation of the first floor extension.
- 7) Front boundary wall to be retained and maintained thereafter.
- 8) PD Rights removed for extensions and outbuildings

1.0 INTRODUCTION:

- 1.1 This application is brought back to Plans Panel after being deferred by Members of the Plans Panel in March 2014.

- 1.2 The application was deferred to agree a Site Visit and to ensure that a more detailed history of the site is provided in relation to the timing of construction of extensions to the property.

2.0 BACKGROUND:

- 2.1 The application property was originally erected as a three-bedroomed semi-detached house in the early part of the 20th Century.
- 2.2 A single storey kitchen extension was added to the side of the property in 1984.
- 2.3 Planning permission was granted in 2012 for a first floor extension, which resulted in the addition of a further bedroom.
- 2.4 The owner of the property extended the roof of the property in 2012 using Permitted Development Rights as granted by Class "B" of the GPDO, to change the hipped roof into a gable and add a new rear dormer.
- 2.5 Planning permission was granted in 2013 for a part two storey, part single storey side extension. This resulted in a total of five bedrooms within the property, taking into account the additional roof extensions.
- 2.6 Enforcement action was taken in 2013 following the above approval, as the first floor side extension and rear dormer were not built in accordance with the approved plans. The first floor side extension has subsequently been demolished.
- 2.7 The property has since been extended at ground floor to form a full-length single storey side extension, using Permitted Development Rights as granted by Class "A" of the GPDO.
- 2.8 It should be noted that the approval from 2013 is still extant for a part two, part single storey side extension, but that in order to comply with the extant permission it would be necessary to remove that part of the ground floor side extension which projects towards the front elevation so as to restore the property to its former state.

3.0 SUMMARY AND RECOMMENDATION:

- 3.1 Officers have reviewed the history of the site following detailed representations from the owner or the adjacent property. Although a number of additions and enlargements have been made to the property, all of these are compliant with the requirements of the GPDO. The applicant has previously been granted planning permission for a first floor side extension of the same size and appearance as shown on the current submission, with that approval remaining extant until 2016.
- 3.2 The proposed first floor extension complies with the recommendations of the Adopted Householder Design Guide SPS, as the extension is set back by at least 2 metres from the front elevation and incorporates obscure glazing so as to overcome any potential loss of privacy.
- 3.3 Officers consider, therefore, that the overall increase in size at ground floor is such as to not significantly impact on amenity and that the application should therefore be supported in line with the previously submitted report.
- 3.4 A copy of the original Panel report is appended for the information of Members.



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 6th March, 2014

Subject: APPLICATION 13/05700/FU – First floor side extension at 56 Eden Crescent, Kirkstall, Leeds. LS4 2TW

APPLICANT

Mr M Zaffer

DATE VALID

11 December 2013

TARGET DATE

05 February 2014

Electoral Wards Affected:

Kirkstall

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Approve subject to the following conditions:

- 9) Standard three year time limit.
- 10) Development to be carried out in accordance with the approved plans.
- 11) Materials to match the existing.
- 12) Rear facing bedroom window to be obscurely glazed.
- 13) No new side windows.
- 14) Car parking area to have permeable surface and to be laid out prior to the first occupation of the first floor extension.
- 15) Front boundary wall to be retained and maintained thereafter.
- 16) PD Rights removed for extensions and outbuildings

3.0 INTRODUCTION:

- 3.1 This application is presented to Plans Panel at the request of Councillors Illingworth and Atha with regard to the potential impact on the streetscene.

3.2 Members may recall that a similar application was approved by Plans Panel in 2013 for a part single storey, part two storey side extension at this address, reference 13/01654/FU. That application was subject to Enforcement Action as the extension was not built in accordance with the approved plans, resulting in the first floor extension being demolished.

4.0 PROPOSAL:

4.1 This application is for a first floor extension to the side of a semi-detached house. The extension will be erected above an existing single storey side extension, resulting in a part two-storey, part single storey addition. The first floor element will measure approximately 5.7m in length and be set back 2.0m from the front corner of the dwelling. The proposed set-back produces a staggered appearance to the front elevation. The first floor will have a matching eaves line and subordinate roof form set below the apex of the main roof.

4.2 The first floor element of this application is identical in form to the previous consent granted in 2013, but the application differs in that the ground floor of the property has subsequently been extended forward under current Permitted Development guidelines. Although, therefore, the plans differ in layout, the end result is that the first floor is therefore the same as that which was approved in 2013 by the Plans Panel. Consent for a larger two storey side extension was previously refused by Officers under delegated powers in early 2013.

4.3 The proposal includes two car parking spaces to the side and front of the dwelling, each measuring 5.0m x 2.5m.

3.0 SITE AND SURROUNDINGS:

3.1 The site comprises a semi-detached dwelling dating from the mid-twentieth century. It occupies a corner plot position which narrows to the rear. The dwelling is orientated at an approximate angle of 90 degrees to the adjacent neighbouring dwelling.

3.2 The property is elevated relative to the highway with conifers providing some screening above the existing front boundary wall. The rear garden is quite small and fairly well-screened by boundary treatments. The side garden is also relatively private with screening provided by hedges.

3.3 There is an existing flat roofed single storey extension to the side of the dwelling.

4.0 RELEVANT PLANNING HISTORY

4.1 ENQ/13/00550: Single storey side extension. (Permitted Development).

4.2 13/01654/FU: Part two storey, part single storey side extension. (Approved).

4.3 13/00524/FU: Part two storey, part single storey side extension (Refused on the grounds of design and lack of off-street parking).

4.4 12/04972/FU: First floor side extension (Approved).

4.5 ENQ/12/00779: Side and rear dormer, single storey rear extension (Permitted Development).

5.0 HISTORY OF NEGOTIATIONS:

5.1 This application follows a 2013 proposal which was approved subject to conditions but which was subsequently erected so as to fail to comply with the approved plans,

as the two storey extension was not set down from the original roof line and was therefore not subservient. The applicant also erected a large rear dormer attached to the side extension, which was unauthorised.

5.2 Compliance Officers subsequently took Enforcement Action which required the demolition of the first floor extension and rear dormer. The demolition of the unauthorised works has now been completed.

5.3 Following the demolition of the unauthorised extensions, the applicant has completed a single storey side extension under current Permitted Development guidelines. This has resulted in a full length extension with a flat roof to the side of the dwelling.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of Neighbour Notification letters to 8 local properties. Eight letters of representation have been received, of which two are objections from Ward Councillors Illingworth and Atha, five are objections from neighbouring properties and one is a letter of comment from Rachel Reeves MP. Councillors Illingworth and Atha have objected to the proposal on the grounds of design and overdevelopment. The letters from local residents are objections which refer to design, parking and overdevelopment of the site, state that certain elements should not have been allowed under "Permitted Development" and also express concern regarding the precedent that would be set. The letter from Rachel Reeves MP requests that she be appraised of the outcome on behalf of one of her constituents.

7.0 CONSULTATION RESPONSES:

7.1 Highways – No objection to car parking layout

8.0 PLANNING POLICIES:

8.1 The development plan for the whole of the Leeds District is the Leeds Unitary Development Plan Review (2006). 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.
- H15 relates to the Area of Housing Mix and seeks to redress the existing imbalance between family and student housing.

- 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 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 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. In February 2014 the Inspector set out a series of modifications required by the Council in order to ensure the soundness of the Core Strategy. 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.

- 8.7 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".

9.0 **MAIN ISSUES:**

- Design
- Residential amenity
- Area of Housing Mix
- Highway Safety
- Permitted Development
- Representations

10.0 **APPRAISAL:**

Design

- 10.1 This extension is set down from the ridge and subordinate to the main dwelling. This is achieved through its compliance with the standard guidance for this type of extension contained within the Householder Design Guide. It is inset by the

required 2.0m from the front corner of the dwelling and retains a 1.0m gap to the shared side boundary save for the very rear corner which is 0.5m from the boundary but in mitigation, for the most part the distance to the side boundary is well in excess of 1m due to the splayed nature of the boundary.

10.2 The first floor extension is less than two-thirds the width of the host dwelling and is set back. It will therefore retain an adequate visual break to the adjacent dwelling and will not significantly impinge on the visual gaps between dwellings which form part of the character of the Crescent. It has a gabled roof form reflecting the existing form of the host property where the roof has been altered through works that did not require the express consent of the Local Planning Authority as the gable was created under Permitted Development legislation. The setback of 2.0m thus ensures a subordinate roof form with the apex of the extension roof being approximately 0.8m below that of the main roof. The materials as proposed will be conditioned to match the existing and the window detailing is considered appropriate to the design of the original dwelling. The extension will be erected above an existing single storey extension of flat-roofed design and result in a larger extension of better design quality and matching roof form. As it occupies a wider than usual corner plot the extension will not set a significant precedent. The 2.0m setback from the front elevation has addressed an issue which resulted in an earlier design-based reason for refusal on a previous application.

10.3 In design terms the extension is therefore considered to comply with Policies GP5 and BD6 of the UDP, Policy HDG:1 of the Householder Design Guide and the guidance on 'good' design appropriate to the local context contained within the NPPF.

Residential Amenity

10.4 In terms of potential overshadowing, the extension is set well back from the properties on the other side of the highway and for the most part maintains good separation to the boundary and dwelling adjacent to it. Although the splayed boundary does create a pinch-point towards the rear corner, the orientation of the host dwelling relative to the adjacent neighbour and the general orientation of the site means that any potential for overshadowing is very limited and falls only in areas with limited amenity value for a small proportion of the day. The effects in this respect are further mitigated by the subordinate nature of the design meaning that much of the extension will sit within the shadow cast by the host dwelling.

10.5 In terms of dominance, such effects are considered to have been addressed through the relatively subordinate design and generally good separation to the side boundary combined with the orientation of the dwelling opposite, such that the extension is therefore not considered overbearing in its relationship to neighbouring properties.

10.6 In terms of loss of privacy, the front windows overlook the public highway and are well separated from the dwellings opposite which have limited privacy as they face the public highway. No windows are proposed to the side elevation, with future window insertion to be controlled by condition. A condition requiring that the rear bedroom window be obscurely glazed and non-opening has been recommended to prevent harmful overlooking of the adjacent dwelling due to the extension being only 5m from the adjoining boundary. It should be noted that such a condition is considered acceptable as the new bedroom has a front window and thus provides a reasonable outlook for future occupants. The application is therefore considered to comply with Policy GP5 of the RUDP and Policy HDG2 of the Householder Design Guide.

Area of Housing Mix

10.7 The property is occupied as a single family dwelling, with the layout of the submitted plans being in accordance with the existing occupancy. As such Policy H15 does not apply as the house will not be occupied as a student property.

Highway Safety

10.8 The parking area as laid out and shown on the submitted block plan will provide capacity to park at least two standard sized domestic vehicles off the street. On balance, this is considered to represent adequate provision for the size of dwelling proposed given the suburban location which is well served by public transport. It also compares favourably with other off-street parking provision within the locality. No significant on-street parking issues were observed when the site was visited. The application is therefore considered to comply with Policy T2 of the RUDP and guidance within the Street Design Guide SPD.

10.9 Permitted Development

The applicant has carried out a number of alterations and extensions to the property, including a new gabled roof, a rear dormer, a single storey extension to the side and a single storey extension to the rear. Although these extensions have significantly altered the appearance and form of the dwelling, these extensions have been carefully assessed against the criteria of the GPDO and have been determined as not requiring formal approval. This is on the basis that a semi-detached house may erect single storey extensions not exceeding 3.0m deep to the side and the rear provided that the two extensions do not adjoin each other, and may also add dormer and roof extensions up to a maximum of 50 cubic metres.

It is, however, considered appropriate to remove future PD rights in respect of extensions and outbuildings due to the restricted nature of the plot, so that the Local Planning Authority may subsequently monitor and control future development within the site.

Representations

10.10 Councillors Illingworth and Atha have objected to the proposal on the grounds of design and overdevelopment. Five letters of objection have been received from local residents, which refer to design, parking and overdevelopment of the site, and also state that certain elements should not have been allowed under "Permitted Development". The letters also express concern regarding the precedent that would be set. These issues are addressed in the preceding sections. One further letter has been received from Rachel Reeves MP, requesting that she be appraised of the outcome on behalf of one of her constituents.

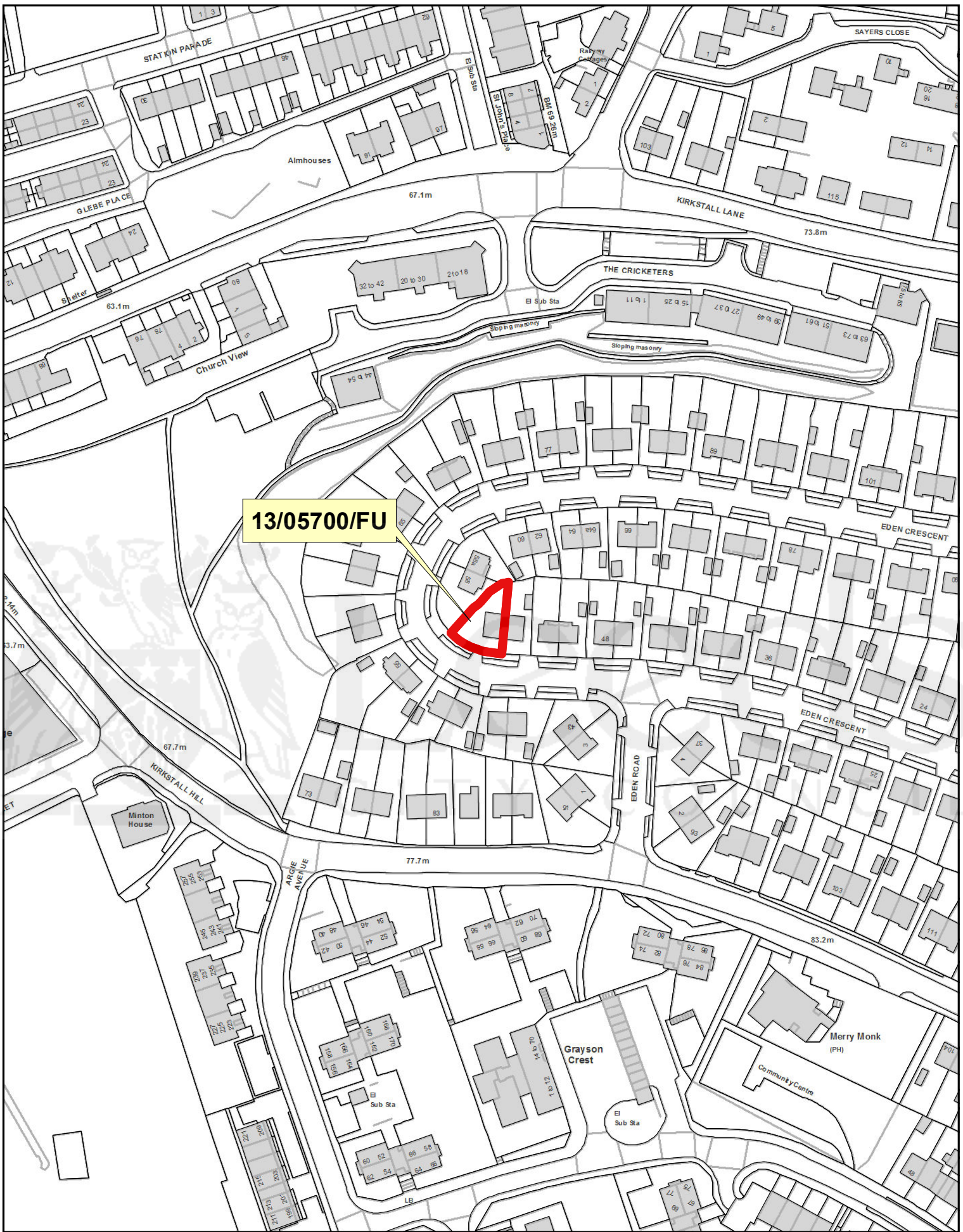
11.0 CONCLUSION

The proposal is considered to comply with adopted Design Policies and to accord with the relevant national Planning Policies and guidance. It is further considered that there are no other material considerations that would outweigh the above. The Officer recommendation is that the application should be approved

Background Papers:

Application file;

Certificate of Ownership.



13/05700/FU

SOUTH AND WEST PLANS PANEL

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