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**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 15<sup>th</sup> May 2014**

**Subject: APPLICATION14/00944/FU retrospective application for outbuildings and pigeon lofts to side/ rear of dwelling house at Iris House, Scott Wood Lane Leeds 7.**

**APPLICANT**

Mr A Harding

**DATE VALID**

25<sup>th</sup> February 2014

**TARGET DATE**

22<sup>nd</sup> April 2014

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**Electoral Wards Affected:**

**Chapel Allerton**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION: GRANT PERMISSION subject to the following condition:**

1. The outbuilding and pigeon lofts to be retained shall be for the sole enjoyment of the occupiers and shall be used incidentally to the occupation of Iris House, Scott Wood Lane and for no other purpose.

**1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel following a request by the Ward Member, Councillor Dowson, who wishes to ensure that neighbours within the locality are given the opportunity to speak to Members of the Plans Panel about their concerns regarding the application site, its redevelopment and non-compliances with planning conditions.
- 1.2 Retrospective approval is recommended as the new outbuilding and lofts are considered to be acceptable in planning terms. The local concerns relate mainly to the use of the long and narrow private access road and some planning conditions imposed on the approval for a dwelling which has not been complied with fully. A condition ensuring the domestic ancillary use of these structures to be retained is

thought to be prudent given the history of intensive pigeon keeping on this site for some years prior to its redevelopment as a domestic property. Councillor Dowson has also requested that the Panel Members visit the site to fully understand all the issues including the access problems.

- 1.3 One of the concerns that exist is that the turning head approved as part of the 2011 planning permission for the house at the site has not be laid out in accordance with the approved details. At the time of drafting this report this matter was subject to investigation and Members will be updated with the findings at Plans Panel.

## **2.0 PROPOSAL:**

- 2.1 This application involves the retention of a newly constructed low ( 2.5m high) flat roof outbuilding adjoining the rear of the recently built detached slate pitched roof and red brick double garage (and of similar size in terms of footprint). In addition, to be retained are 2 long and narrow pigeon lofts which have been recently constructed and small outbuilding located on the north west corner of the site. All structures are located to the rear of the large west side garden (and in close proximity to the party boundaries) of the relatively modest sized red brick and slate roofed dormer bungalow which has been recently built on this very large site (measuring in total approx. 35m X 37m).The applicant has provided the following information in relation to his pigeon keeping hobby:

*"The pigeons at Iris House are let out once in the morning for 1 hour and once in the evening for one hour this occurs daily.*

*We currently have reduced the amount of huts from 13 huts shared between four fanciers down to just 3 huts which are used solely by occupier of Iris house Mr Harding.*

*The pigeons have been on the property over 30 years and have never been seen as a problem prior to the house being built.*

*There is also another pigeon fancier currently living on Scott Wood Lane at Whyngate House who has 3 times as many birds and releases them daily this could be why they appears to be more than just ours in the area.*

*The amount of birds we keep is currently 40 pairs this amount fluctuates over the racing season as some birds are lost while racing.*

*We currently have three lofts on site at the moment in time and that is adequate for us."*

- 2.2 The outbuilding is to be used as a games room and the pigeon lofts will be for non-commercial use in connection with the hobby of the residents of the dwelling known as Iris House who are pigeon enthusiasts. The wedge shaped outbuilding is built from white painted brickwork and felt roofing. The 2 rectangular pigeon lofts are long (9.2m), 3.2m wide at the widest point across the eaves and 3.1m tall at the ridge including plinth and built from white painted timber boarding with green coloured asymmetrical felt roofs. The other building to be retained is a garden shed.
- 2.3 The whole large front half of the site , the relatively narrow east strip to the side of the house and the approx. 13m X 13m area to the rear of the house (i.e. to the north east) of the site remain landscaped garden and driveway. There is also a lawned area in front of the lofts and to the west side of the garage. In addition, there is an original relatively small and low timber outbuilding (approx.. 4 X 5 m footprint) sited in the north west corner of the site and it is intended that this should remain contrary to the planning condition imposed on the 2011 planning permission for the new dwelling and garage, which requires all original outbuildings/ structures on the site to

be removed. The whole site is fully enclosed with high brick walling, timber fencing, tall timber gates and mature hedge to the eastern field boundary. The site is served by a private access road which is approx. 175m long, narrow and angled towards the end before Iris House. There is a field gate onto Scott Wood Lane track for emergency vehicular use at the end of the road nearby. The condition of the road is poor at the moment following the construction work which has been undertaken at the site. The vehicular access gates are set approx. 5m back from the edge of the private access road to enable vehicles to turn around and proceed in a forward gear, also using the 14m turning head at the end of the private access road in front of the emergency field gates.

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

- 3.1 A new dwelling house and a detached garage has been erected on this large fully enclosed site (formerly part of a large garden/ paddock area) and all but one of the original outbuildings have been removed. In addition, there are 3 newly built outbuildings including a games room and 2 pigeon lofts and the remainder is garden and driveway.
- 3.2 To the rear at Astura Court is a sheltered elderly persons' home with communal gardens. To the east is a large open space area and playing field which has a gated track (called Scott Wood lane) running alongside the boundary hedge with Iris House. There are further detached dwellings of individual designs sited in good sized plots to the front / south and west sides. The private access track is long and serves 8 dwellings and a commercial property conversion i.e. the listed Round House. There is a field gate at the end next to Iris House which can be used as an access for emergency vehicles serving the occupants of this private road.

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

- 4.1 11/03639/FU approval of a single dwelling house with detached double garage was granted by Plans Panel East in 2011, subject to conditions including the removal of the existing outbuildings and pigeon lofts on the site. This permission has now been implemented and the enforcement officer has been involved in various non-compliances of some of the planning conditions which were imposed. The current application has been submitted in order to regularize the planning situation, avoid the service of a breach of condition notice, and effectively complies with the particular planning condition which removed householder permitted development rights in respect of the erection of new outbuildings to the rear and sides of the dwelling house.

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

- 5.1 Pre-application discussions were not undertaken by the applicant prior to construction of the outbuildings. The enforcement officer had requested that the applicant submit this retrospective full planning application to regularise the planning situation on this site.
- 5.2 The agent has recently also provided confirmation of the filling in of some pot holes on the private access road. The applicant was in dispute with his house builder and this led to delay in the repair of the access road which was scheduled for the end of the building project when heavy plant and vehicles would no longer be in use and the potential for associated significant wear and tear to the road was no longer a

possibility. The provision of the 14m vehicular turning head (i.e. at the end of the private access road in front of Iris House - the application site) which is to be unobstructed for general use and was also a condition of the 2011 planning approval remains a further outstanding issue.

## **6.0 CONSULTATION RESPONSES:**

### Statutory Consultations:

6.1 None.

### Non Statutory Consultations:

6.2 None.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 A site notice was posted on 7<sup>th</sup> March 2014 at the entrance of the private access road onto the public highway i.e. Potternewton Mount. Neighbour notification letters were also posted on 28/2/14.

7.2 Two letters of objection (including supporting photos and documents), one letter of support and one letter of comment have been received. The objections are on the following grounds:

- If Panel is minded to approve this retrospective application, enforcement action should be taken and suitable penalties imposed to ensure that within one month, proper resurfacing of the private access road including the leveling of holes and the rut in front of the emergency access field gate is undertaken. Also there should be no parking which would block the emergency field gate and the turning head area. In addition, there should be no dumping of building materials on site which then leads to excessive burning of rubbish on the site even though the local area is within a smoke free zone. The rodents which are attracted to the rubbish and the smoke/fumes from the fires are detrimental to living conditions and a nuisance.
- The new buildings, plus the original building which has been retained, relate directly or indirectly to the keeping and racing of pigeons. The new games room can be accessed from the 3 lofts which suggest that it may be used for meetings of the visiting pigeon fanciers whilst they await their birds return from flying competitions. These activities are intrusive and detrimental to the residential amenity of the area. The area is no longer peaceful, secure and semi-rural.
- The applicant has a track record of non-compliance with planning requirements and also does not keep promises made to neighbours when they have to complain and does not comply with civil law ( i.e. relating to the right of occupiers to unrestricted access at all times).For example: he has constructed new outbuildings without the necessary consent ; he has not repaired the damaged road as required ;he does not restrict the number and speed of vehicles which visit his property or how and where they park especially within the turning head and field gate area; wheeled bins are also left out too long on the access road and also become obstructions to vehicles.
- One of the new lofts is constructed close onto the boundary with Rose Cottage and sited only approximately 11m away from the house itself. When this is combined with the existing multiple pigeon lofts which are located close by (across the access road) at another property i.e. Wyngate there is considerable detrimental effect on the occupants of Rose Cottage in particular.

- Panel approved the house and garage in order to improve the site and its surroundings but the opposite has happened to the detriment of neighbouring residents e.g. most of the original buildings on the site have been removed but 3 more have been built and the traffic situation is worse as is the condition of the private access road.
- The private access road has been obstructed and damaged by the vehicles of the many daily visitors especially during the racing season; the utility companies which have laid services to the site and also the heavy construction traffic to Iris House. It is difficult to use the road in bad weather especially for any emergency vehicles or usual delivery vehicle to the other properties which are served by the private access road.
- The fence of Rose Cottage has been damaged 3 times by the vehicles of the visitors to Iris House who collide with the fence when they reverse up the road because they are unable to turn using the turning head as they are supposed to. There have also been 2 apparently near accidents involving other resident's vehicles and pedestrians. When confronted the drivers have become somewhat threatening and to date the damaged fence has not been repaired as promised. At night and where there are children walking the risks of accident /collision are even greater.

7.3 The letter of support from the only non-residential property at the Round House Works, which is located at the beginning of the long access road, states that there is no problem with the buildings which have been erected on the site.

7.4 The letter of comment states that there seem to be a lot of birds already circling in the vicinity of a neighbours' property at all times of the day. This does cause problems when trying to dry washing outdoors. Another lot of pigeons in the area as proposed by this current application will be too much.

7.5 The Ward Councillor, Jane Dowson, has requested that the application be determined by Members in order to give neighbours in the locality, who have been affected by the redevelopment of this site, the opportunity to speak to Members about their concerns. A member site visit has also been requested to fully understand all the issues, including the access problems.

## **8.0 PLANNING POLICIES:**

### National

8.1 The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012 and replaces previous Planning Policy Guidance and Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the NPPF is a presumption in favour of Sustainable Development.

### Local

8.2 The Planning Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.3 The Development Plan for the area consists of the adopted Unitary Development Plan (Review) 2006 (UDPR) and the Natural Resources and Waste DPD. Appropriate weight should be attached to relevant supplementary planning guidance and documents. The following UDPR policies are relevant:

- Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

- Policy BD6: All extensions and alterations should respect the scale, form and detailing of the original building.
- Policy T2: Development proposals should not create new or exacerbate existing highway problems.

8.4 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. This examination took place at the end of October / beginning of November and the Inspector's report is awaited. 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 pending the Inspector's report.

#### Supplementary Guidance

8.5 The Leeds City Council Householder Design 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. The document is adopted as a Supplementary Planning Document within the Leeds Local Development Framework by the City Council.

**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 and
- v) Materials;

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

## **9.0 MAIN ISSUES:**

- Impact of the retrospective development on the character of the surrounding area and living conditions of neighbouring properties.
- Private access road.
- Other considerations raised by representees.

## **10.0 APPRAISAL:**

### Impact on the Character and Amenity of the Area

10.1 The 3 new outbuildings including the 2 new pigeon lofts which have already been constructed on this site are considered to be acceptable in terms of their impact on the living conditions of neighbouring properties and the general character of the area.

- 10.2 The fully enclosed plot is very large and contains a single modest dormer bungalow and a double garage over towards the east side of the site. The applicant has stated that the pigeon keeping is a hobby and not for commercial purposes and as such this is an incidental use. Due to the size of the plot, there is capacity for relatively large outbuildings. These are well constructed and designed and only the top roof sections can be seen above the boundary fencing when viewed from the adjoining sites to the north and west. The games room addition to the rear of the garage is flat roofed and appears low and unobtrusive when viewed from Astura Court's rear gardens. The buildings are 2.6m high to the eaves which again is relatively low. There is a 1.5m gap to the northern boundary and a 0.6m gap to the western boundary respectively. The asymmetrical green felt roofs of the 2 long pigeon lofts are not obtrusive and seem appropriate in this area that is semi-rural in character. Overall it is considered that the haphazard arrangement of the outbuildings (including the original smaller outbuilding in the north west corner to be retained i.e. sited approx. 1.5m away from the rear and side boundaries) seem to fit the informal nature of the area.
- 10.3 A small section of Rose Cottage's rear elevation is located 11m away to the west and it is considered that this is adequate separation to prevent dominance problems arising. A long section of the garden of Rose Cottage will not be affected by the just visible section of the pigeon loft above the tall fence. In terms of the impact of the outbuildings on the host property, their concentration to the north west of the site keeps the large frontage part of the plot clear and the dwelling still has the benefit of an adequate sized open garden to the rear and east side.
- 10.4 The impact of the keeping of pigeons and the associated activity can be a material planning consideration. The main consideration will be through the activity and noise /disturbance associated with the keeping and flying of pigeons. The applicant has provided extra information in relation to his pigeon keeping hobby. Members should also have regard to the historic situation when many more pigeons were kept on the unoccupied site in numerous old lofts which were not of the high quality of the present arrangement.
- 10.5 Members will be aware that the applicant has set out that 40 pigeons are kept at the premises, although this number may fluctuate due to losses during racing. The applicant has also stated that the birds are released from the lofts for one hour in the morning and in the evening. It has also been confirmed that it is only the applicant's pigeons that are kept at the site and that this is his hobby. In light of this it is considered that a use of this level of intensity, whilst it will be apparent to neighbouring residents, will not be so harmful to justify the refusal of planning permission. It is suggested that a condition be imposed on any permission granted that restricts and links the use to the occupation of the dwelling.
- 10.6 The erection of any further outbuildings within the garden of the new dwelling are subject to control exercised by planning condition attached to the 2011 planning permission and the impact of any further pigeons on the site can therefore be controlled through this mechanism.

#### Private Access Road

- 10.7 It is alleged that the pigeon fancying hobby related to the newly constructed pigeon lofts attracts a number of visitors and their vehicles to this large site which is located at the end of a long private access road. However, in the past for many years, this was also the case and possibly more so as the site was occupied with a number of pigeon lofts which were in a more ramshackle condition and an old portable building and enthusiasts would congregate to share their interest. The combination of a single modest sized dwelling and 2 modern pigeon lofts with full enclosure to boundaries,

some of which has been upgraded, is considered to be overall an improvement and a lower intensity of use for the site and the associated access track. It is understood from the agent that an unfortunate dispute with the house builder which has just been resolved has prevented the applicant from undertaking the necessary repairs to the access track before now. Enforcement colleagues are currently involved in monitoring the conditions appertaining to the new dwelling permission including the satisfactory repair of the road surface and provision of a 14m turning head which is unobstructed. The pigeon lofts and games room are not considered to be unacceptable in terms of their associated impact on the usage of the private access road.

Other matters

- 10.4 Other matters raised by representees such as reference to the civil deeds (i.e. which are applicable to the properties which gain access from the private access road) which are not discussed in the above points is not considered to be material to the consideration of the planning application.

**11.0 CONCLUSION:**

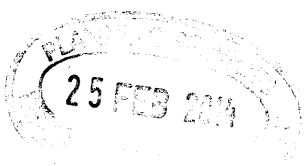
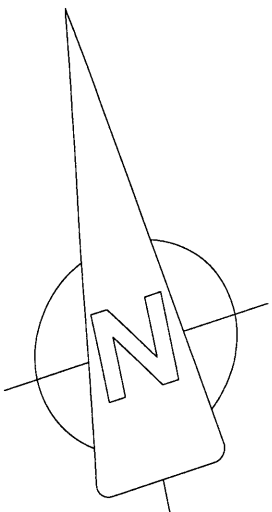
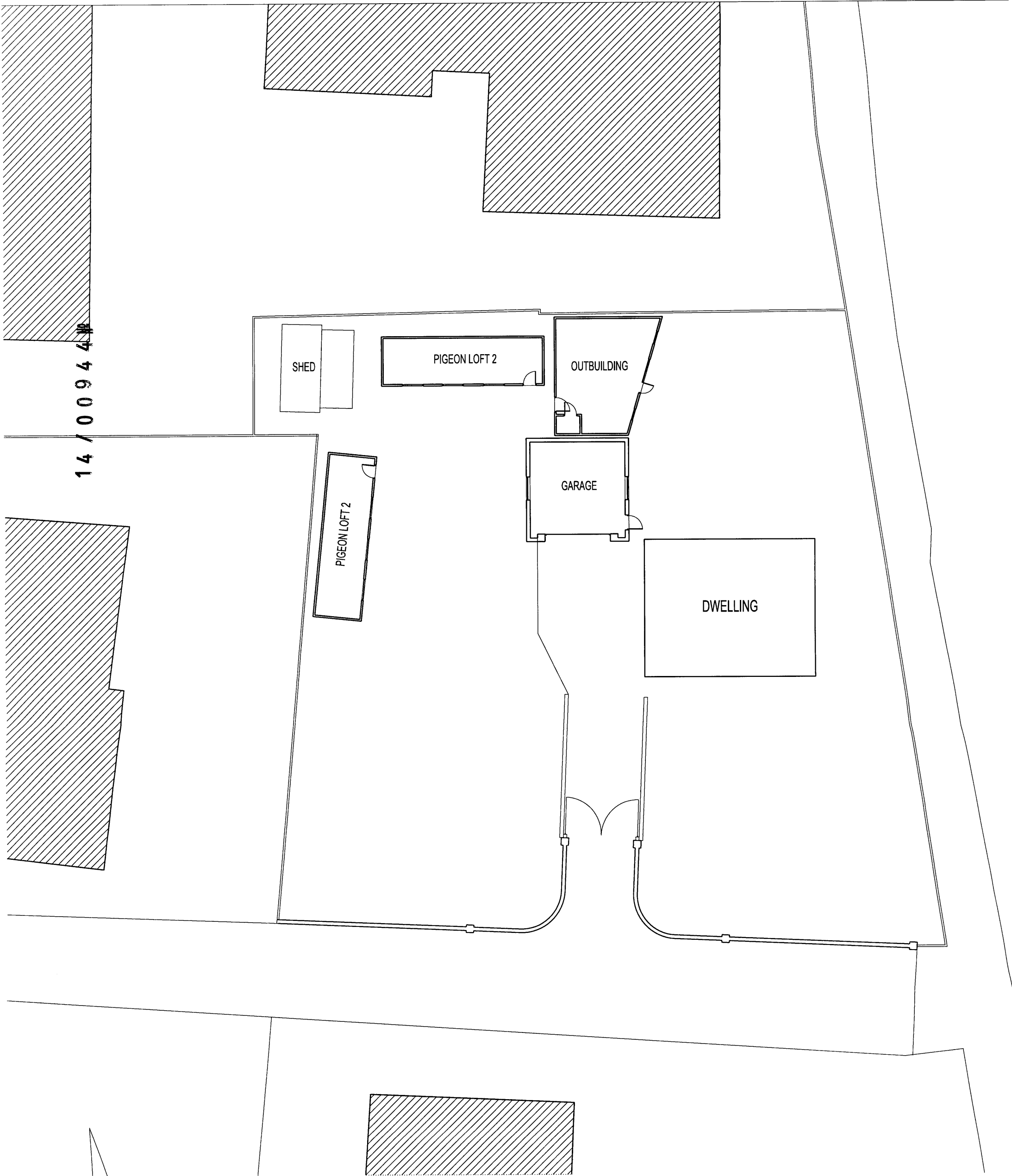
- 11.1 On balance, it is considered that, subject to the condition as discussed above, the proposal is acceptable. It is therefore recommended that the application be approved as it is considered that the application complies with all relevant policies.

**Background Papers:**

Application File 14/00944/FU

Certificate of ownership: As applicant.

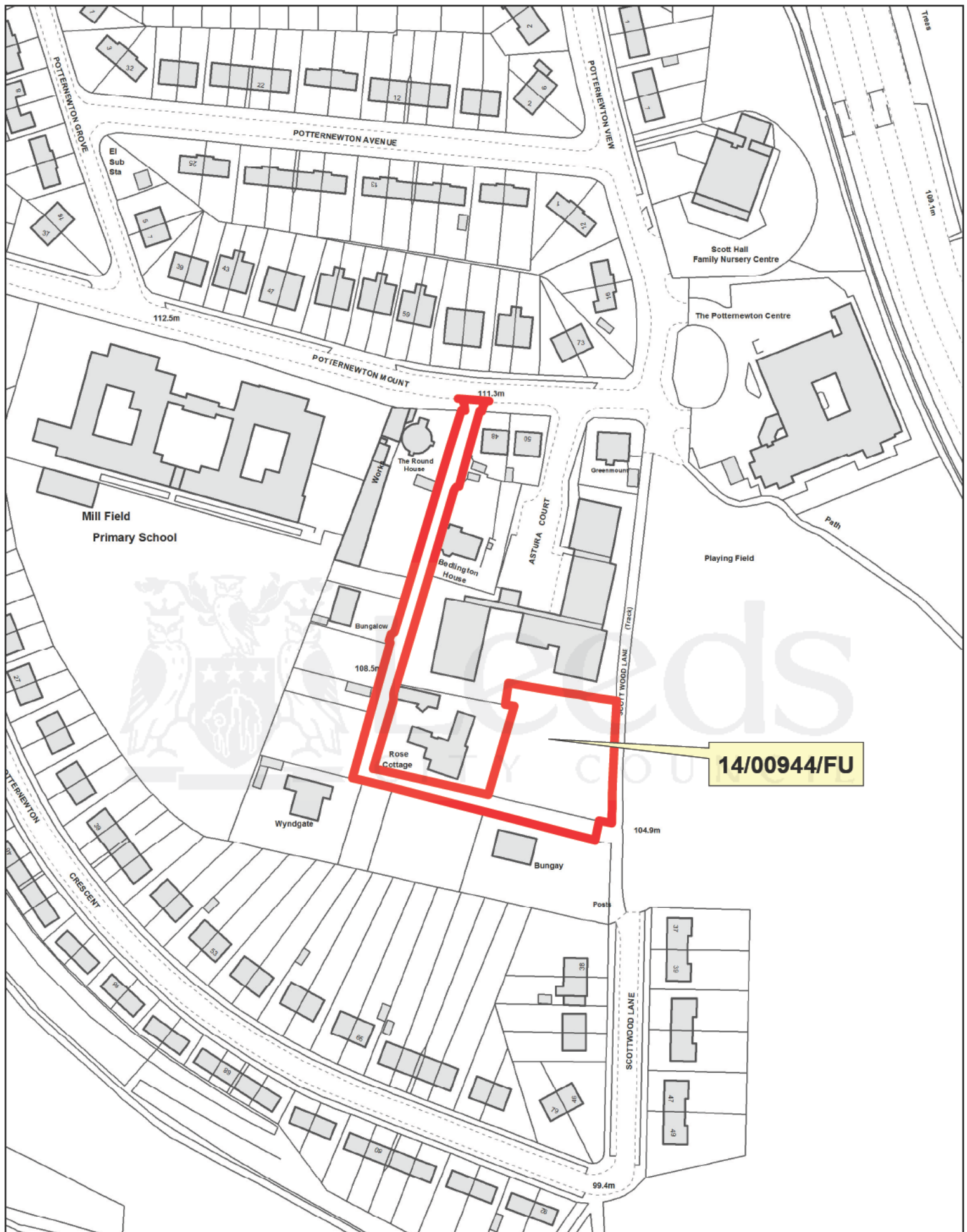




# SITE LAYOUT AS BUILT

SCALE 1:100 @ A1

OR 1:200 @ A3



# NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

