
Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 29th May, 2014

Subject: APPLICATION 14/01347/FU

Retrospective application for alterations including raising roof height and new dormer window to rear of both houses, with alterations to existing dormer frontage to erect matching hung tiles.

48 and 50 Walmsley Road, Hyde Park, Leeds. LS6 1NG

APPLICANT

Mr and Mrs M Bostan

DATE VALID

24 March 2014

TARGET DATE

19 May 2014

Electoral Wards Affected:

Headingley

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

REFUSE PERMISSION for the following reasons.

- 1) The Local Planning Authority considers that the rear dormer window, by reason of its unsympathetic scale, form and massing, results in an overly dominant visual feature which unduly dominates the roofline of the property, to the detriment of the character and appearance of the original dwelling, visual amenity and the wider streetscene. As such, the proposal therefore fails to comply with Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006), is contrary to supplementary planning guidance set out in Policy HDG1 of the Householder Design Guide SPD and also fails to comply with guidance set out in the National Planning Policy Framework.
- 2) The Local Planning Authority considers that the rear dormer window results in an unacceptable loss of neighbouring amenity due to overdominance and overlooking.

As such, the proposal fails to comply with Policy GP5 of the Leeds Unitary Development Plan (Review) 2006 and supplementary planning advice as set out in Policy HDG2 of the Adopted Householder Design Guide SPD, and is also contrary to guidance within the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Councillor Walshaw.

2.0 PROPOSAL:

- 2.1 This application is retrospective and proposes to retain an increase in the roof height of the property and a single large dormer which extends across the whole roof at the rear of a pair of semi-detached houses.
- 2.2 Although the properties are still two separate houses, the dormer is a single structure which spans both dwellings
- 2.3 The dormer window has already been erected, and extends to within 0.2m of the ridge of the property with a 0.2m inset from the sides and is inset by 0.3m from the eaves.
- 2.4 The application proposes to retain the existing dormer window and to change the existing exterior cladding from white UPVC to concrete hung tiles.
- 2.5 The dormer is shown on the submitted plans as being for bedrooms.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises a pair of semi-detached houses which are fully rendered with a pitched tiled roof, positioned at the junction with Walmsley Road and Mayville Road.
- 3.2 The houses are occupied as separate dwellings with the party walls remaining intact.
- 3.3 Number 48 has previously been extended at ground floor and first floor level to the side facing Mayville Road.
- 3.4 Each of the houses each has compact gardens to the front and rear. The garden to Number 48 Walmsley Road has an area of 34 square metres, with the garden of 50 Walmsley Road being 73 square metres in size.
- 3.5 To the rear corner of the site is Number 19 Mayville Road, the rear garden of which is directly overlooked by the application site.
- 3.6 The site is in a wholly residential area, with nearby properties being of similar scale and appearance, which are typically semi-detached rendered houses.

4.0 RELEVANT PLANNING HISTORY:

26/715/04/FU Part two storey, part single storey side extension. Approved, 19/01/05
08/04413/FU Amendment to existing approval for part two storey side extension. Approved, 07/11/08.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 This application was submitted following Enforcement investigations into a complaint from a local resident relating to an unauthorised rear dormer window.

- 5.2 There have been no negotiations with Development Control Officers prior to the submission of this application.
- 5.3 Officers have written to the applicant setting out what changes will be required to the planning application to address the harm identified.
- 5.4 The recommended changes include:
- a. The existing dormer shall be removed and replaced with two smaller dormers within an agreed timescale;
 - b. Each of the replacement dormers must be set down by at least one metre from the ridge, be set up by at least one metre from the eaves and be at least one metre from the inner common boundary with the adjoining house (i.e. a 2 metre gap between the dormers must be retained);
 - c. Each of the replacement dormers must have obscurely glazed, non-opening windows facing the rear so as to prevent overlooking;
 - d. The dormers shall be tile-hung to match the existing roof;
 - e. New skylight windows may be fitted to the front elevation, subject to the size and scale of the new skylights being agreed in plan form.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by letter to 8 adjacent properties.
- 6.2 No representations have been received.

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). 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 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 occurred 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.

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

10.0 **APPRAISAL:**

Neighbouring residential amenity

- 10.1 The rear dormer is positioned only 3.5m from the boundary with the neighbouring property at 19 Mayville Road and incorporates large opening windows which directly overlook the private amenity areas of that property.

- 10.2 The Householder Design Guide SPD states that development proposals should protect the amenity of neighbours, and sets out a range of minimum distances so as to prevent loss of privacy caused by overlooking.
- 10.3 This policy states that the minimum distance between bedroom windows and the boundary should be at least 7.5m. This figure is, however, based on the site being level, so this figure should be significantly greater where the bedroom windows are at first or second floor level as the subsequent potential for overlooking is then considerably greater.
- 10.4 On this basis, the windows of the rear dormer are considered to result in an unacceptable loss of privacy caused by overlooking, to the significant detriment of neighbouring residential amenity.
- 10.5 Furthermore, the scale and height of the dormer is considered to result in an unacceptable increase in levels of overbearing and overdominance to the occupants of the adjoining property at 19 Mayville Road due to the proximity and size of the dormer to the rear amenity space of that dwelling.

Design and character

- 10.6 The original roof of the property has been increased in height to accommodate the rear dormer such that the dwelling is now 0.3m higher than originally built. The rear dormer extends to within 0.1m of the new ridge point of the roof and extends across the whole of the roof of the pair of semi-detached houses.
- 10.7 The Householder Design Guide SPD states in Policy HDG1 that all extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. It goes on to state that dormer windows should be as small as possible with a substantial area of the original roof retained, being set down from the ridge, up from the eaves and set in from the sides.
- 10.8 The proposed dormer fails to meet the above criteria, as not only does it have only a minimal inset on all sides, but is in fact set higher than the original ridge of the roof. Furthermore, although the submitted plans indicate that the external materials will be changed from UPVC to hung tiles, such a change will not reduce the overall scale or massing.
- 10.9 As such, it is considered that the scale and massing of the dormer is therefore such that the development results in a disproportionate and overly prominent addition to the original property which is considered harmful to the wider townscape.

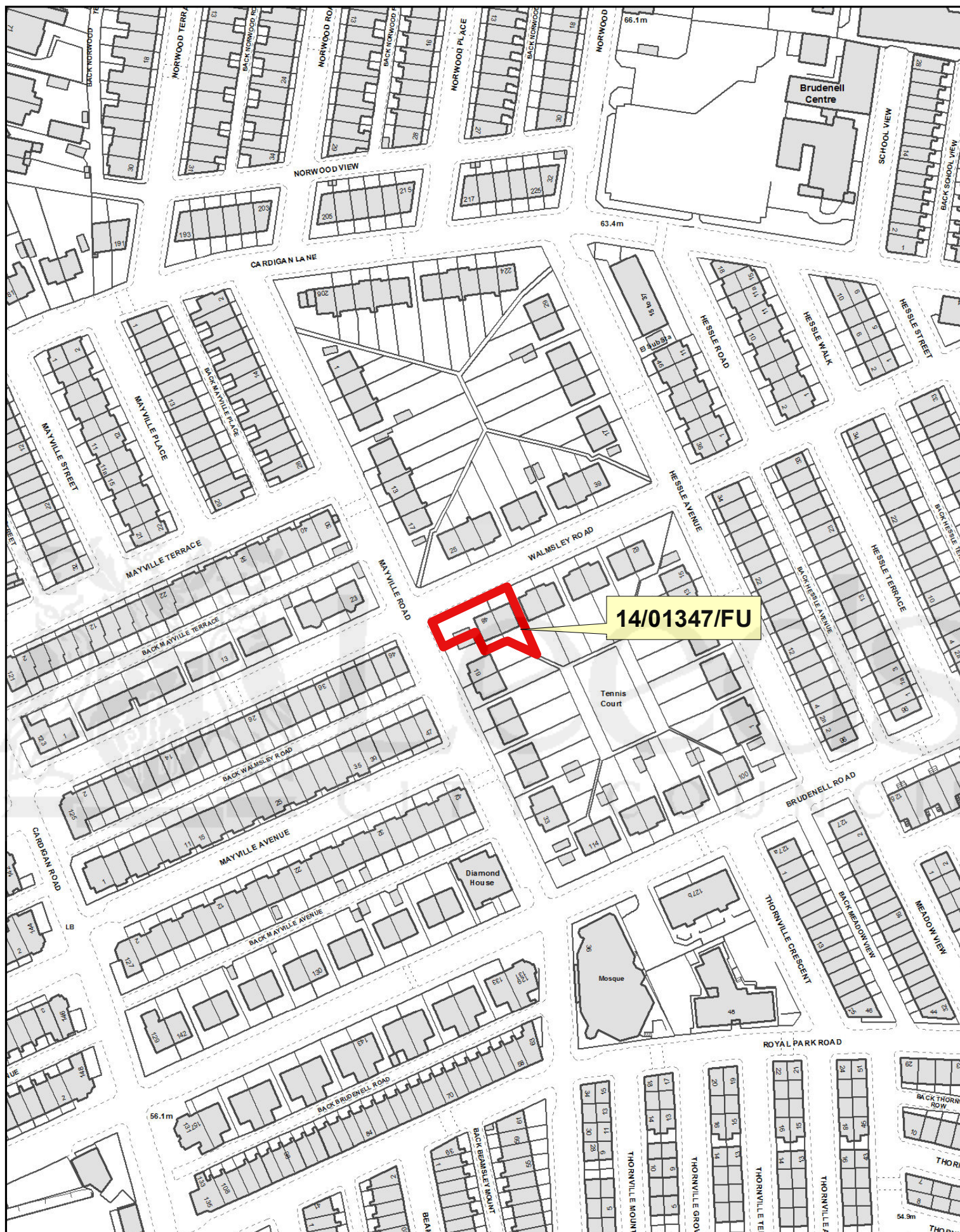
11.0 CONCLUSION:

- 11.1 It is concluded that the development is harmful to the residential amenities of the occupiers of the adjacent property and also results in an unacceptable impact on the wider townscape and would therefore not accord with the provisions of the Unitary Development plan Review 2006, Policy GP5, or the provisions of the Householder Design Guide SPD, and refusal is therefore recommended.
- 11.2 It is further recommended that this application be referred to the Compliance Team to seek appropriate measures for the removal of the existing unauthorised dormer.

Background Papers:

Application file;

Certificate of Ownership.



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

