



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 25th September 2014

Subject: 14/04228/FU – Removal of condition 7 of previous approval 13/04870/FU to allow conversion and alterations to garage to form habitable room and alterations to first floor side windows

14/04229/FU - Detached garage to rear at 6A Primley Park Avenue, Alwoodley

APPLICANT

MR D S Lali

DATE VALID

17nd July 2014

TARGET DATE

30th September 2014

Electoral Wards Affected:

Alwoodley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

14/04229/FU

1. Standard time limit on full permission;
2. Development carried out in accordance with approved plans
3. Materials to match existing house
4. No insertion of windows in the side elevation facing 8 Primley Park Avenue

14/04228/FU

1. Standard time limit on full permission
2. Development carried out in accordance with approved plans
3. Materials to match existing
4. No insertion of windows in the side elevation facing 6 Primley Park Avenue
5. Obscured glazed windows to the first floor side elevation facing 8 Primley Park Avenue

1.0 INTRODUCTION

- 1.1 These applications seek permission to remove condition 7 of previous approval 13/04870/FU to allow conversion and alterations to garage to form a habitable room. The second application is for the construction of a detached garage to rear.
- 1.2 The applications are brought to Plans Panel following the request by the Ward Councillor Harrand on the grounds that a number of local people originally objected to the application on this site because of its scale, massing and architectural detail and those concerns remain. It is also considered that converting the existing garage into a habitable room would be pushing the planning system too far and will result in an overdevelopment of the site. If the planning condition is not removed, then there is no need for an additional garage, which would be exceptionally large for the plot and again overdevelop the site.
- 1.3 The applicant has submitted separate applications in case one aspect of the development is acceptable and the other isn't. If the proposals were submitted as a single application, for instance if the removal of condition was acceptable but the garage proposal was not then any refusal would relate to the whole submission.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a gable roof, red brick built detached residential dwelling of a substantial form set back from the highway by approximately 8.0 meters behind a parking area. The property is still under construction and is into the internal works stage.
- 2.2 The property has a proposed hard surface to the side of the property that allows at least two cars to be parked clear of the highway. The main amenity space, a large garden, is located to the rear of the property.
- 2.3 Primley Park Avenue is a mixture of semi-detached and detached residential dwellings of similar size, scale, to the application property. The site is surrounded in all directions by other residential properties.

3.0 PROPOSAL

- 3.1 Condition 7 of application 13/04870/FU relates to the garage of the dwelling which it is proposed to convert to a habitable room by the replacement of the garage door with brick work and a single window and thereby creating a habitable room. This is application number 14/04228/FU.

The detached garage application 14/04229/FU is proposed to the rear of the property and effectively sits within the rear southern corner of the garden. The width of the proposal is 5.2 metres by 11.4 metres in length. The roof is proposed with dual pitched roof finish measuring 2.5 metres to eaves line and 4.0 meters to the ridge line.

- 3.2 The garage will sit approximately 0.4 metres from the common boundary with 8 Primley Park Avenue. The distance between the garage and the common boundary with 2 Primley Park Mount is also 0.4 metres.

4.0 RELEVANT PLANNING HISTORY:

Reference: 13/04870/FU

Proposal: New first and second floors to bungalow to form house with Juliet balconies to rear; two storey front extension and single storey side extension
Status: Approved – Subject to various conditions but in particular condition number 7 which prevents the conversion of the garage to a habitable room under Permitted Development rights.

Decision Date 13-DEC-13

HISTORY OF NEGOTIATIONS:

- 5.1 No pre-application discussions have been held with officers prior to the submission of these applications.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applications have been advertised by neighbour notification letters sent on 21st July 2014.

- 6.1 The publicity period for the applications expired on the 15th August 2014. There were two objections received as a result of this publicity.

- 6.2 Objection received by 2 Primley Park Mount in regard to increasing the number of occupants for the dwelling and the proposed garage would encroach on private garden space and the boundaries of the site (0.5 m from two property boundaries). If condition 7 is retained, this further over-development of this site can be avoided.

- 6.3 Objection received by Councillor Harrand. A number of local people originally objected to the application on this site because of its scale, massing and architectural detail. Those concerns remain. It is also felt that turning the existing garage into a habitable room is pushing the planning system too far and will overdevelop the site.

If the planning condition is not removed, then there is no need for an additional garage, which would be exceptionally large for the plot and again overdevelop the site

- 6.4 **Parish Town Council** 21.07.2014 (14/04229/FU)

"We recognised from the time of the original application that the building envisaged was unacceptable in planning terms because of its scale, massing and architectural detail. We are therefore exceptionally concerned to see what we objected to as a garage six months ago is now proposed to be additional living accommodation. We would have objected even more strongly had this application been presented as a habitable room. We therefore object strongly to the application for the removal of the condition. We feel it is pushing the planning system to the extreme. It therefore follows that if that area remains as a garage there is no need for an additional garage. As regards the application for garage we feel it is unacceptable for the reasons given above, we feel it is exceptionally large for the plot and that the site is overdeveloped.

We observe that the plan shows that the garage will be converted to a study and also an en-suite. We would Question why a study needs an en-suite, especially when there is already a w.c. on the ground floor”.

7.0 CONSULTATIONS RESPONSES:

7.1 None

7.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The Leeds Unitary Development Plan (Review 2006) is the development plan for the whole of the Leeds district. Relevant planning policies in the Leeds Unitary Development Plan (Review 2006) are listed below:

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

BD6: Seeks to ensure extensions respect the scale and form of the existing dwelling.

T2 Development proposals should not create new, or exacerbate existing, highway problems.

Supplementary Planning Guidance/Documents

8.3 Leeds City Council Householder Design Guide was adopted on 1st April 2012 and carries significant weight. 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. 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.

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
- v) Materials.

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

Emerging Local Development Framework Core Strategy

- 8.4 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. The inspectors report has now being received and the next stage will be to move the core strategy to adoption. Therefore significant weight can be given to any applicable policies within this document.

National Planning Policy

- 8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

9.0 MAIN ISSUES

- Townscape/design and character
- Neighbour Amenity
- Highways matters
- Representations

10.0 APPRAISAL

Townscape/design and character

- 10.1 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 expanded and elucidated within the Householder Design Guide.

- 10.2 The proposed detached garage does not raise significant concerns in respect of the impact upon the existing dwelling or neighbouring dwellings. The basic shape and form of the proposal reflects the architectural character of the existing property.
- 10.3 In respect of the character of the wider area, the main issue is the impact upon the street scene. Views from the public realm will be minimal as the front part of the garage is set 14.2 metres back from the front boundary of the original house. Therefore it is considered that it will have no impact on the character of the area.
- 10.4 The removal of condition 7 and replacing the garage door with brickwork and a window is considered to have a neutral impact upon the approved property and the street scene. In response to the objections received and the letter of objection from Councillor Harrand in regard to the scale, massing and architectural detail of the garage. The garage as considered as an acceptable addition and is of a scale and design which is seen to have a neutral impact upon the dwelling. The removal of the garage door and replacement
- 10.5 As such the proposal is, on balance, considered acceptable in this regard.

Neighbour Amenity

- 10.6 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance of overlooking will be strongly resisted”.
- 10.7 The proposal raises no significant concerns in respect of overlooking. The new detached garage will not create overlooking as along the side elevation facing 8 Primley Park Avenue and the rear elevation facing 2 Primley Park Mount there are no windows proposed. A condition is recommended to prevent the applicant inserting any windows to these elevations without the submission of approval of an additional application for planning permission. The proposed window to the side elevation facing 4 Primley Park Avenue is not considered to cause significant harm in regard to overlooking due to the existing boundary treatments between the proposal and number 4 Primley Park Avenue being a 1.8 metre high hedge and therefore overlooking, if any, will be minimal. As such the proposal is considered to be acceptable in this regard.
- 10.8 There are no concerns in respect of overshadowing. The proposal is on the southern corner of the amenity space and will cast shadows into the applicant's garden during the morning and will be in shadows itself for much of the evening. During the afternoon limited shadow will be cast over the common boundary with number 8 Primley Park Avenue but this is minimised by the height of the extension and the 1.8 metre high hedge that already exists. It is also considered that any shadows cast onto that property will be on the less “usable” part of the garden which is located to the rear of that properties existing garage. There will be minimal harm to number 2 Primley Park Mount in regard to overshadowing, however this is not seen to cause significant harm due to the boundary treatments that exist and the area that would be affected being a small part of a large area of amenity space.
- 10.9 The proposal raises no concerns in respect of over dominance to neighbouring dwellings, although the proposal does add a degree of additional bulk to the site of the dwelling. The proposed single storey rear garage is a relatively small scale

addition compared to the existing dwelling and the boundary treatments that exist to the rear of the site and therefore will not harm the amenities of the neighbouring properties. As such the proposal is, acceptable in this regard.

- 10.10 Following the approval of 13/04870/FU there have been alterations made that were not demonstrated on the original plans. These revisions that have been made are to the 1st floor side windows facing 8 Primley Park Avenue these have been the changing of the sizes of those windows. A revised plan has been submitted in respect of application 14/04228/FU showing these alterations and also specifying that these two windows shall be obscured glazed. A condition will be placed stating that the two windows to the first floor elevation shall be obscured glazed. This is in order to protect the residential amenity of number 8 Primley Park Avenue.

Highways matters

- 10.11 In order to be considered acceptable in respect of parking provision and highway safety development proposals must not prevent two cars parking within the curtilage of the site and must also not impede the free and safe flow of traffic on the highway.
- 10.12 The removal of condition 7 to allow the conversion of the garage to a habitable room is considered not to restrict the amount of vehicles that can be parked on site an additional plan has been submitted showing two off street parking spaces. There will be sufficient space in the proposed garage and also parking to the side.
- 10.13 As such the proposal is, on balance, considered acceptable in this regard.

Private amenity space

- 10.14 The proposal allows for the retention of $\frac{2}{3}$ the private amenity space originally proposed. The proposal is not seen as overdevelopment of the site due to the scale of the proposed being a small addition compared to the existing dwelling this allows retention of around $\frac{2}{3}$ of the original private amenity space for the applicant.
- 10.15 The accessibility to the proposed garage would be by the side of the approved dwelling which is a sufficient width of 3.6 meters to allow a vehicle access to the proposed garage.
- 10.16 Objections have been raised by Councillor Harrand and the occupiers of number 2 Primley Park Mount in regard to the garage encroaching on the private amenity space leading to overdevelopment of the site. As discussed above there will be the retention of around 138m² to the rear which is considered acceptable and comparable with other gardens in the area
- 10.17 As such the proposal is, on balance, considered acceptable in this regard.

Representations

- 10.18 Other matters which have been raised by the neighbouring property which are not discussed in the above points are not considered to be material to the consideration of this planning application or of such significance to outweigh the conclusions reached.

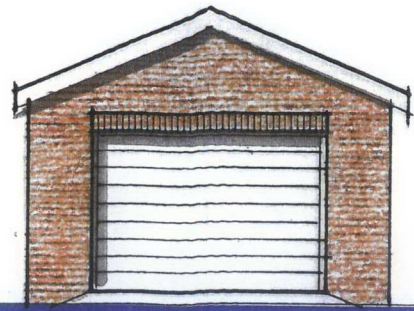
11.0 CONCLUSION

11.1 It is concluded that the proposed garage and conversion of the existing internal garage to a habitable accommodation would not harm design and character, or neighbour amenity and would provide sufficient parking and garden provision for the dwelling. As such the applications are compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

Application files 14/04228/FU & 14/04229/FU

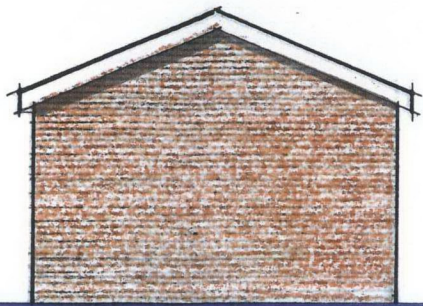
Certificate of ownership: Signed by applicant Mr DS Lali



FRONT



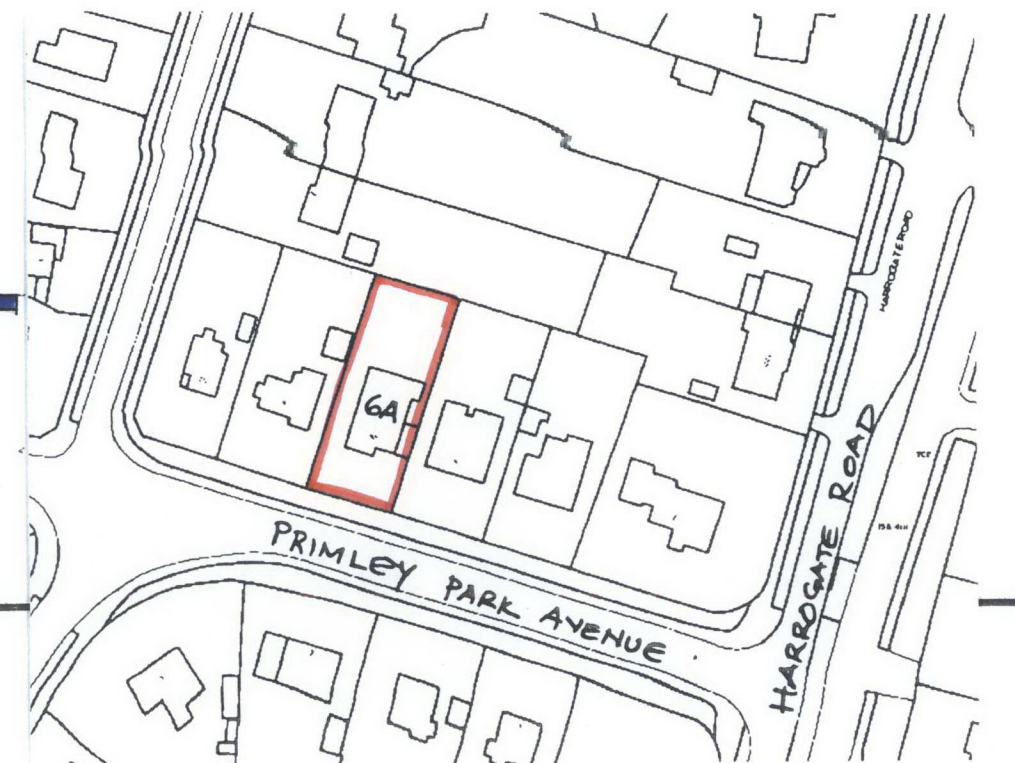
SIDE ELEVATION



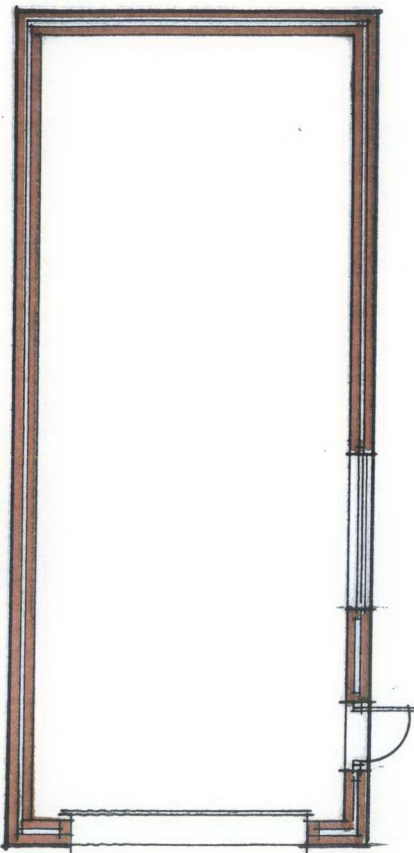
REAR



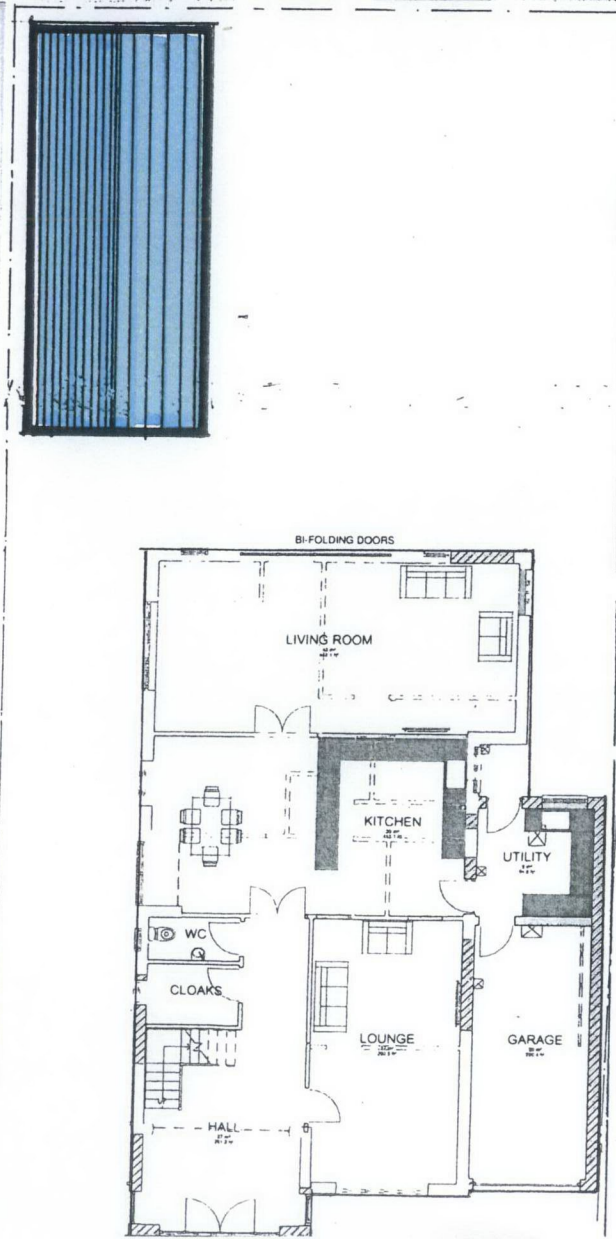
SIDE ELEVATION



SITE PLAN 1:200



FLOOR PLAN



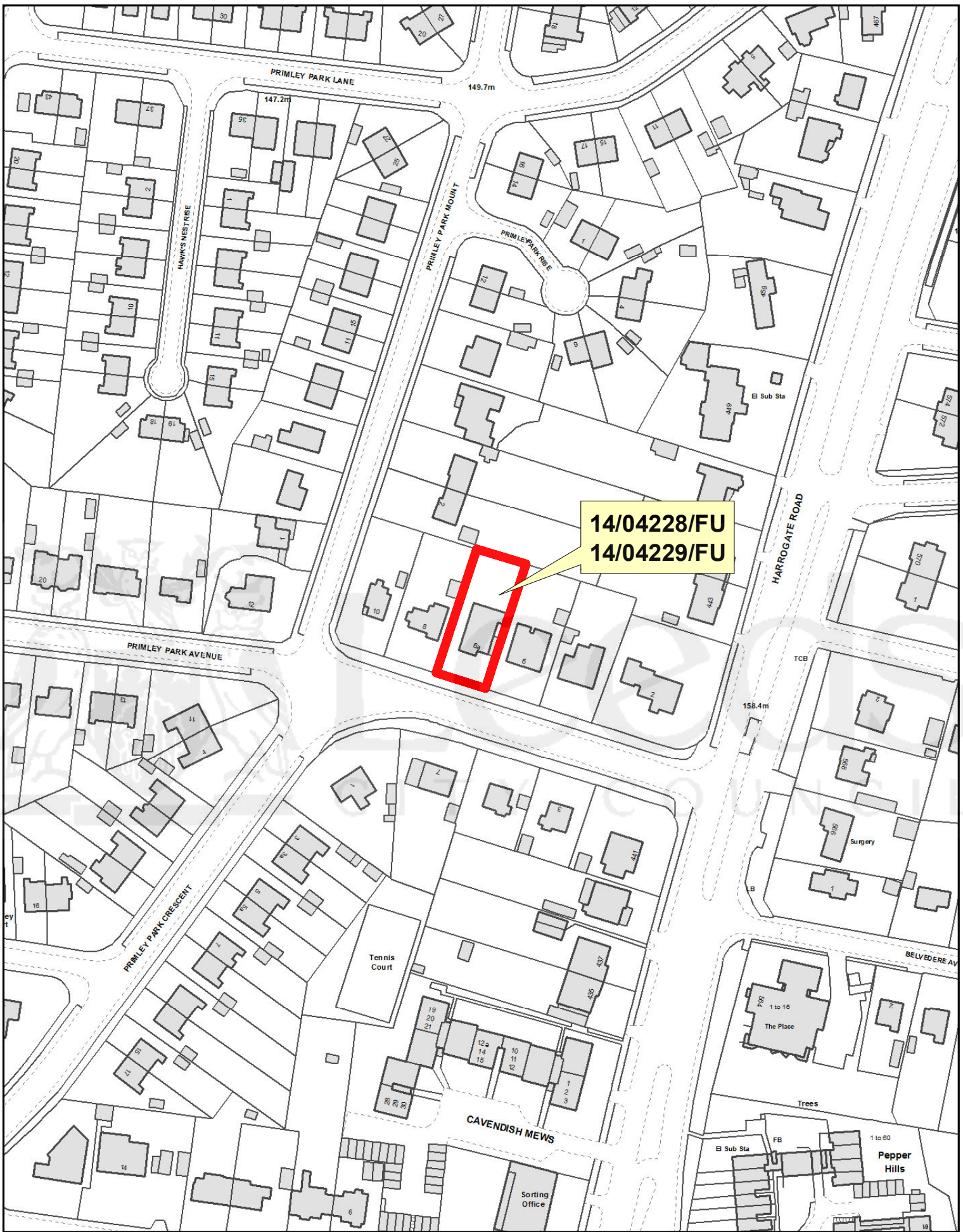
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Client:
MR & MRS D S LALI

Project:
**PROPOSED DETACHED GARAGE AT
6A PRIMLEY PARK AVENUE LEEDS LS17**

Drawing:
**PROPOSED FLOOR PLAN, ELEVATIONS
AND SECTION**

Scale: 1:100 & 1:50	Drawing No: 2065/20
Date: JUNE 2014	



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

