
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 23rd October 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, 6A, Primley Park Avenue, Alwoodley, Leeds, LS17 7JA

APPLICANT

MR D S Lali

DATE VALID

17nd July 2014

TARGET DATE

30th October 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:

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.
6. Driveway to be retained for parking as shown on drawing entitle "site plan indicating off street car parking".

1.0 INTRODUCTION

- 1.1 Members will recall that this application was reported to Plans Panel on 25th September 2014 along with application ref 14/0229/FU for a detached garage to the rear. Both of these planning applications were recommended for approval. Panel resolved not to accept those recommendations raising concerns that the loss of integral garage for parking with its conversion to a habitable room and the provision compensatory parking in the form of a large detached garage would result in

overdevelopment of the site out of keeping with the established residential character of the area.

- 1.2 Since the September Panel the applicant has withdrawn the application for the detached garage and therefore the situation has materially changed. To this end the only application before the council is for the removal of condition 7 of previous approval 13/04870/FU and for alterations to windows. The 2013 planning permission granted extensions to a bungalow to form a two storey house with an integral garage. Condition 7 of that permission states:

The garage shall be retained for use as a garage for vehicles associated with the domestic occupation of the application property.

- 1.3 The stated reason for the imposition of the condition was "In the interests of providing adequate onsite parking". With the submission of this application the applicant has demonstrated that adequate parking provision can be made within the curtilage of the new house and that this provision is not dependent upon the provision of the integral garage. If Members are minded to grant planning permission it is recommended that a condition be imposed that onsite parking be provided in accordance with the submitted plan.
- 1.4 In light of the withdrawal of the application for the detached garage the concerns previously raised by Members have been addressed. Accordingly the remaining application is reported back with a recommendation for approval.

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 The proposal seeks the removal of Condition 7 of application 13/04870/FU. This relates to the garage of the dwelling and seeks to control its use. This proposal if allowed will facilitate the conversion of the garage into a habitable room convert into a habitable room by the replacement of the garage door with brick work and a single window.

4.0 RELEVANT PLANNING HISTORY:

Reference: 14/04229/FU

Proposal: Detached garage to rear

Status: **Withdrawn**

Decision Date 26th September 2014

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 13th December 2013

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 No pre-application discussions have been held with officers prior to the submission of these applications.
- 5.2 However since Plans Panel and after having discussions with the applicant, they have decided to withdraw application 14/0229/FU for a detached garage to rear.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by neighbour notification letters sent on 21st July 2014.
- 6.2 The publicity period for the application expired on the 15th August 2014. There were two objections received as a result of this publicity.
- 6.3 Objection received by 2 Primley Park Mount in regard to increasing the number of occupants for the dwelling if condition 7 is removed.
- 6.4 Objection received by Councillor Harrand. Stating it is felt that turning the existing garage into a habitable room is pushing the planning system too far and will overdevelop the site.
- 6.5 **Parish Town Council** 21.07.2014

“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

8.0 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:

<u>GP5:</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
<u>BD6:</u>	Seeks to ensure extensions respect the scale and form of the existing dwelling.
<u>T2</u>	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 Inspector's Reports into the Core Strategy and the CIL examinations have been received and were considered by Executive Board on 17th September 2014 with a view to the Core Strategy being referred to full Council for formal adoption on 12th November 2014 and the CIL Charging Schedule referred for formal adoption on 6th April 2015. As the Inspector has considered the Draft Publication Core Strategy, subject to the inclusion of the agreed Modifications, to be legally

compliant and sound, the policies in the modified Core Strategy can now be afforded considerable weight. Once the Core Strategy has been adopted it will form part of the Development Plan and have full weight.

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 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.
- 10.3 As such the proposal is, on balance, considered acceptable in this regard.

Neighbour Amenity

- 10.4 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 this application showing these alterations and also specifying that these two windows shall be obscured glazed and remains so throughout the lifetime of the development. A condition is recommended to be imposed stating that the two windows to the first floor elevation shall be obscured glazed and remain so. This is in order to protect the residential amenity of number 8 Primley Park Avenue.

Highways matters

- 10.5 The previous application (13/04870/FU) to which the condition relates sought to change the dwelling from a relatively small bungalow to a substantial dwelling house. Because the change from a bungalow to a dwelling could intensify the use of the site officers were keen to ensure that adequate parking could be provided on the site. In the absence of a parking layout the proposed garage was conditioned to remain as a parking space to safeguard against on-street parking. The fact that the condition was imposed does not suggest that the loss of the garage would be harmful, merely that the authority must have the opportunity to assess the impact of the loss.
- 10.6 It is now clear that there is sufficient off-street parking without the garage. 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.
- 10.7 Although the removal of condition 7 to allow the conversion of the garage to a habitable room would remove one secure parking space the additional plan which has been submitted shows two off street parking spaces. As such there will be sufficient spaces provided on the site.
- 10.8 As such the proposal is, on balance, considered acceptable in this regard.

Representations

- 10.9 The Parish council have raised concerns in regard to why the garage will be converted to a study and also why this would need an en-suite. There concerns are in regard to why a study needs an en-suite, especially when there is already a W.C. on the ground floor.
- 10.10 Further to this discussions have been made the applicant who has specified the room would be for a bedroom of an elderly resident who needs access to bathroom facilities on a same level basis. A revised plan has been submitted showing the room change from a study to a bedroom. This is seen as acceptable and not thought to cause significant harm to the proposal.
- 10.11 Other matters which have been raised by occupiers of the neighbouring property which are not discussed in the above points, such as the increase in level of occupants to the dwelling. This is 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 conversion of the existing internal garage to a habitable accommodation would not harm design and character, or neighbour amenity and would provide sufficient parking. As such the application is compliant with the relevant policies and guidance and approval is recommended.

This is seen to cause no significant harm to the application dwelling and the surrounding area as such the application is to be recommended for approval.

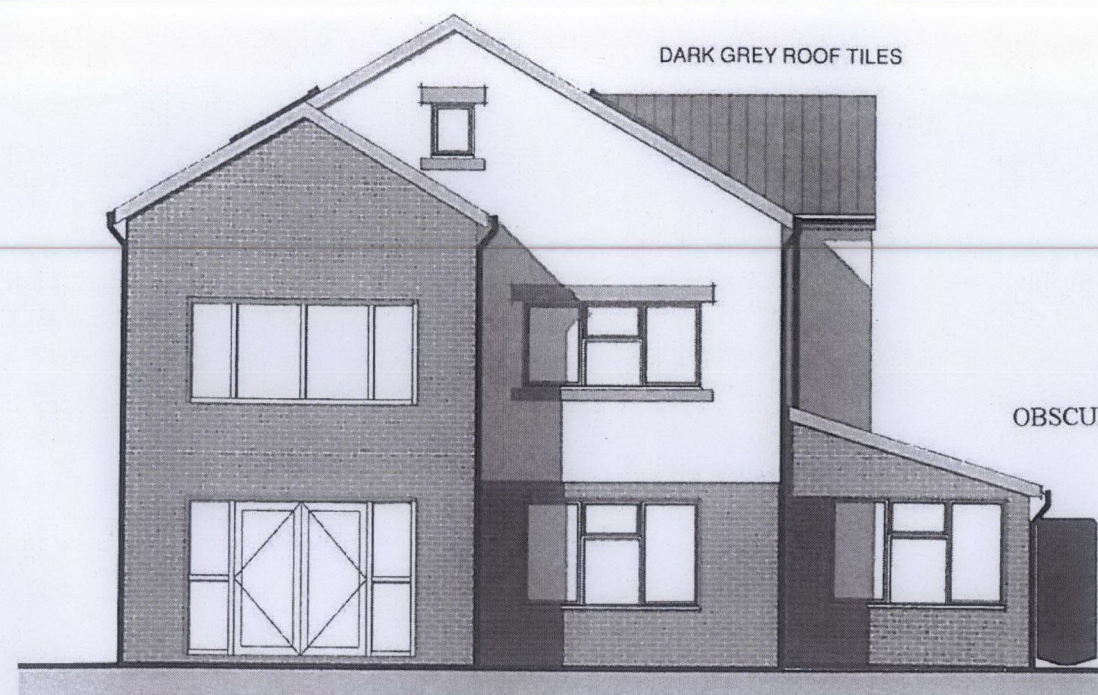
Background Papers:

Application files 14/04228/FU

Certificate of ownership: Signed by applicant Mr DS Lali

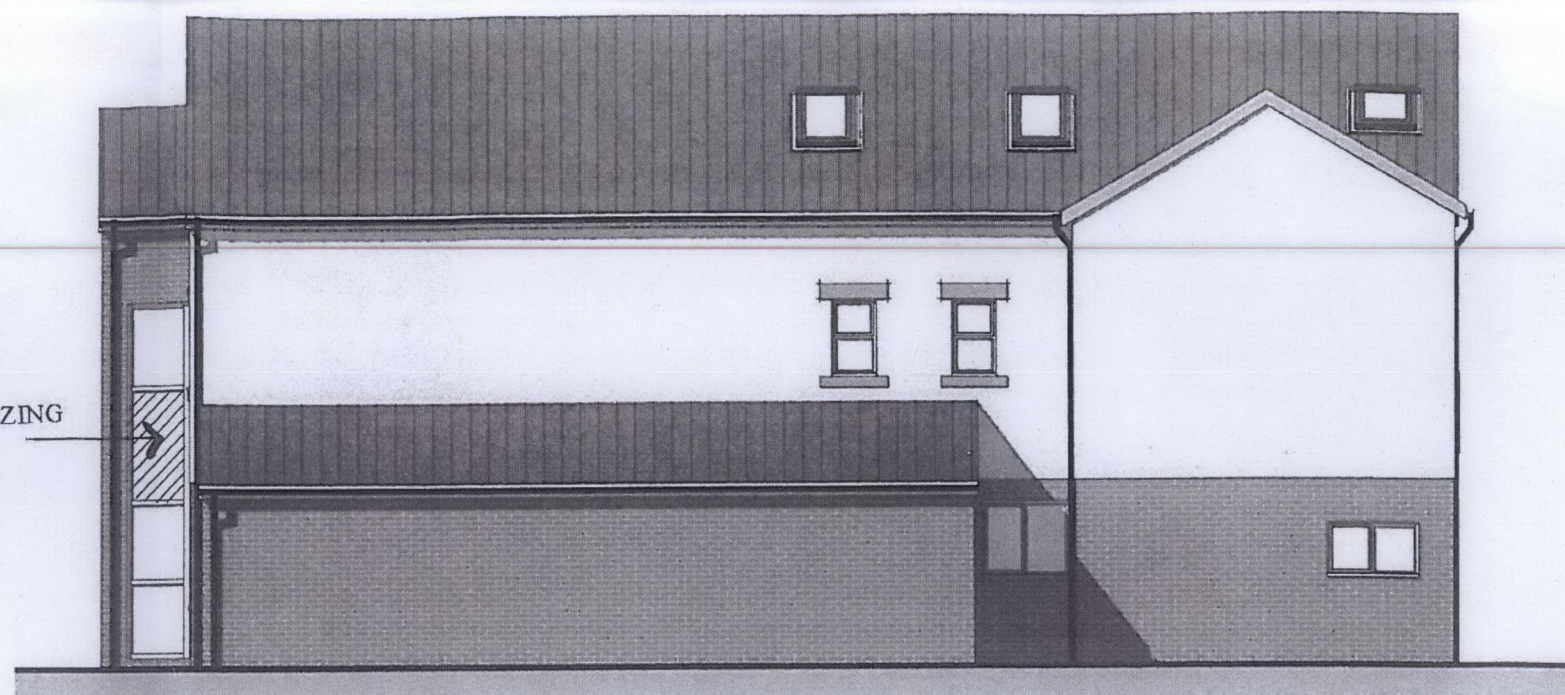
6A PRIMLEY PARK AVENUE, LEEDS - PROPOSED ELEVATIONS

14 / 04 228 No



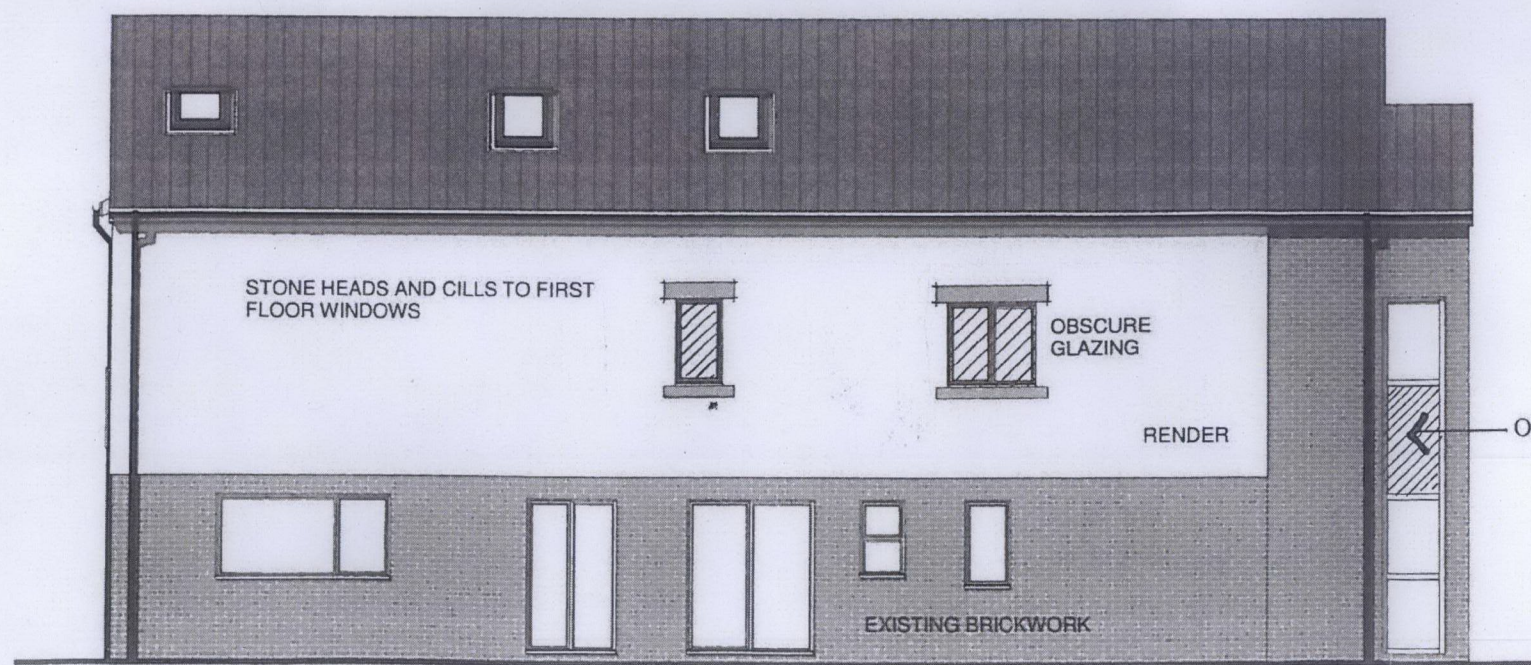
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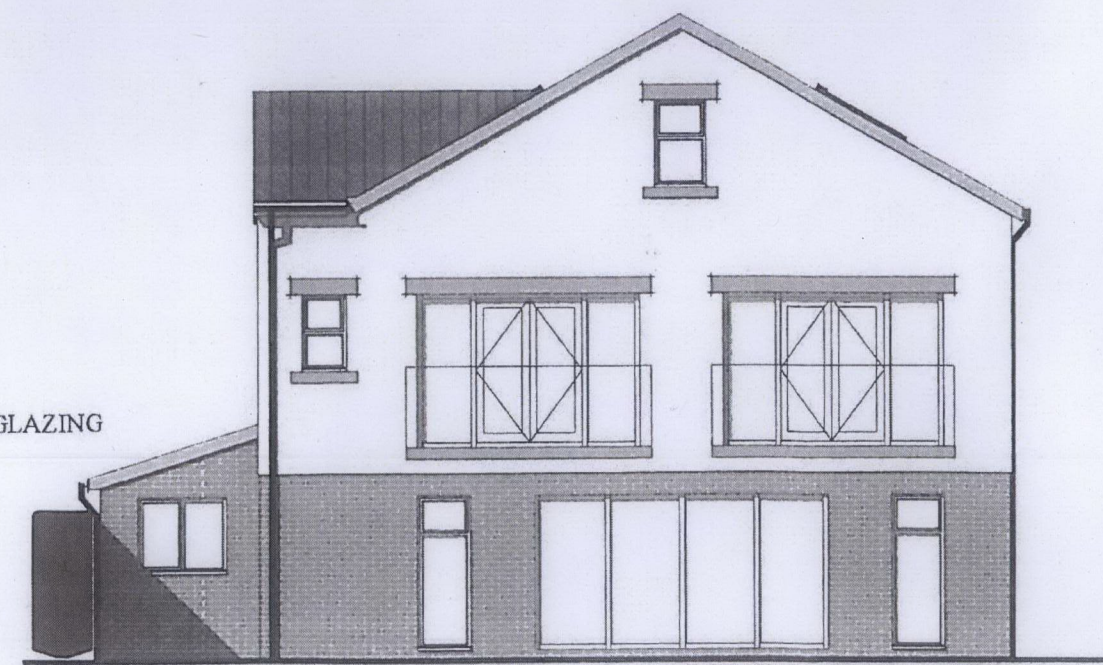
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SIDE ELEVATION

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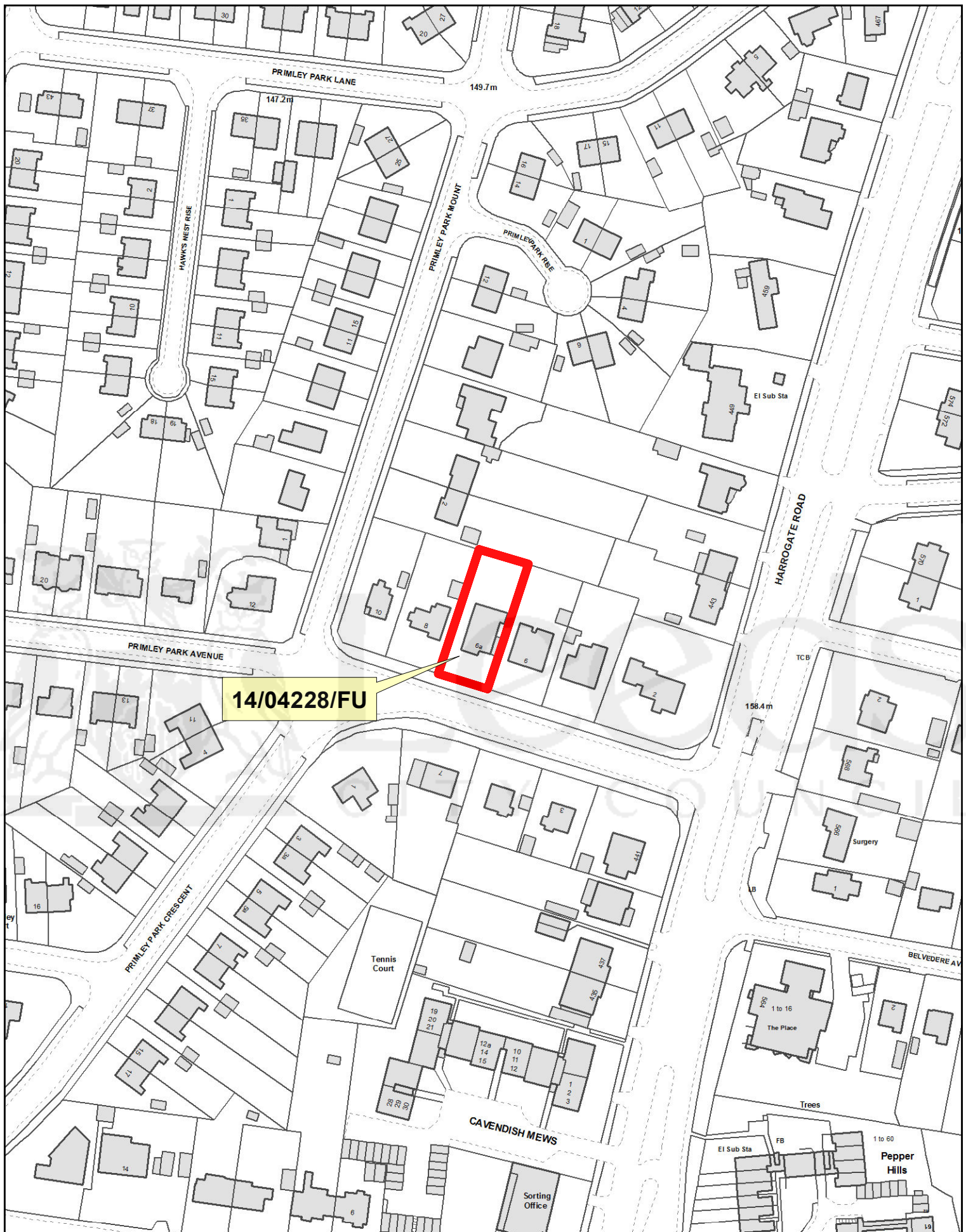
REAR ELEVATION

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LEEDS CITY COUNCIL

08 SEP 2014

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NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

